



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: March 25, 2009
To: Interested Person
From: Suzanne Savin, Land Use Services
503-823-5888 / Suzanne.Savin@ci.portland.or.us

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-108505 CU

GENERAL INFORMATION

Applicant: Terry Rusinow
2306 NE Everett St
Portland, OR 97232-3131

Site Address: 2306 NE EVERETT ST

Legal Description: TL 8300 BLOCK 4, BRONAUGHS ADD
Tax Account No.: R107000440
State ID No.: 1N1E35DA 08300
Quarter Section: 3032

Neighborhood: Kerns, contact Michael Whitmore at 503-233-0305.
Business District: East Burnside Business Association, contact Judy Craine at 503-234-2514.
District Coalition: Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.

Plan District: None

Zoning: R2.5 (Single-Dwelling Residential 2,500)

Case Type: CU (Conditional Use)
Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

In 2006, the property owner obtained an approval of a Conditional Use Review (LU 06-174040 CU), to rent 1 to 2 bedrooms of her 3-bedroom home as a Bed and Breakfast facility for short-term stays of approximately one to seven days.

Subsequently, the property owner obtained building permit approval to construct an accessory structure at the rear of the property, via Building Permit 07-173758 RS. The property owner now desires to convert the constructed accessory structure into a third bedroom for the Bed

and Breakfast facility. The request to enlarge the Bed and Breakfast facility to include a third bedroom within the accessory structure, requires approval via a Conditional Use Review.

Bed and Breakfast facilities are allowed in residential zones when the proposal meets the approval criteria and applicable standards. The regulations are intended to allow for a more efficient use of large, older houses in residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner that keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.815.105, Institutional and Other Uses in Residential Zones
- 33.212.040 and -.050, Mandatory Use-Related and Site-Related Standards

ANALYSIS

A Bed and Breakfast facility is defined by the Zoning Code as a facility where an individual or family resides in a home and rents bedrooms to guests. These facilities are allowed as accessory uses to a Household Living (residential) use in residential zones, subject to the regulations of PCC 33.212 (Bed and Breakfast Facilities). The regulations of PCC 33.212 limit the number of bedrooms that may be rented, the number of guests per night, the number of employees allowed, and the number and size of meetings and social gatherings allowed. Because the applicant proposes a new Bed and Breakfast Facility in a residential zone, a Type II Conditional Use review is required.

Site and Vicinity: The site is a 5,000 square-foot parcel, located on the south side of NE Everett Street between NE 24th Avenue and NE 22nd Avenue. The property is developed with a single-dwelling residence with attached garage, built in 1904, and a detached accessory structure to the south of the residence, built in 2008. The area immediately around the site is developed with a combination of single-dwelling residences and multi-dwelling residential structures. To the north, on the north side of NE Everett Street, are single-dwelling residences and a multi-dwelling residential structure. The two closest properties to the east each contain a multi-dwelling residential structure. The closest properties to the south (which have frontage on NE Davis) are developed with an apartment complex and single-dwelling residences. The closest properties to the west are developed with single-dwelling residences.

There are non-residential uses located within 1 to 4 blocks of the subject property. The closest non-residential use is the DaVinci School, which is located one block east of the site. Further east, commercial uses along NE 28th Avenue are located approximately 4 blocks east of the site. Commercial uses along E. Burnside Avenue are located 3 blocks south of the site. Commercial uses along NE Sandy Boulevard and NE Glisan Street are located approximately 2 blocks north of the site.

Zoning: The site is zoned R2.5 (Residential 2,500). This zone is intended to provide opportunities for single-dwelling development and allows both detached and attached residential structure types.

Land Use History: City records indicate that there is one prior land use review for this site. That review, LU 06-174040 CU, was a 2006 Conditional Use Review to allow 1 to 2 bedrooms of the 3-bedroom residence to be a Bed and Breakfast facility for short-term stays of approximately one to seven days. The Conditional Use Review was approved, with a condition of approval requiring the applicant to provide transit information to guests, to include bus

service information for Glisan (bus line #74), Burnside (bus lines #19 and #20), and information on the MAX service.

The applicant's written submittal for the current request states that she places the bus schedules for the above bus lines in the rooms that are rented, as well as at her front desk table.

The applicant also noted to Staff that her website for the Bed and Breakfast, <http://www.everettstreetguesthouse.com/>, includes information on public transit options from the airport to the Bed and Breakfast (MAX and Bus Line #12), and Staff has verified that this information is on the website.

Therefore, the condition of approval appears to be met.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 27, 2009**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services (BES) responded that BES has no objection to the Conditional Use review request. The Conditional Use review does not appear to conflict with sanitary connection requirements or stormwater management requirements. (Exhibit E-1)

The Bureau of Transportation Engineering (PBOT) response noted that the Bed and Breakfast operator currently employs a variety of Transportation Demand Management (TDM) strategies to encourage use of alternate modes of transportation. The TDM strategies include the following: advertising the availability of mass transit on the website, providing guests information on how to reach the site from the airport using mass transit, providing bus schedules/maps to guest in their rooms, and providing guests access to a computer at the B & B to utilize the Trimet trip planner. PBOT can conclude that the proposed bed and breakfast can satisfy all applicable transportation related approval criteria provided that the TDM strategies continue to be implemented. (Exhibit E-2)

The Police Bureau responded that it was determined that the Portland Police Bureau is capable of serving the proposed use at this time. (Exhibit E-3)

The Site Development Section of BDS responded that Site Development has no objection to approval of the proposed Conditional Use to add a third room to the existing Bed and Breakfast. The stormwater approval criterion can be met using on-site stormwater infiltration via the new drywell that was installed under Permit 07-173758 RS. (Exhibit E-4)

The Life/Safety Plans Examiner Section of BDS responded that a separate building permit may be required for the work proposed. (Exhibit E-5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 27, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.010 Conditional Uses - Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the

environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: For purposes of evaluating the proposal against this criterion, the residential area comprises 500 feet in all directions from the subject site. This area is roughly bounded by NE Glisan Street to the north, the center of the block bounded by NE 24th Avenue and NE 26th Avenue to the east, NE Couch Street to the south, and the center of the block bounded by NE 20th Avenue and NE 22nd Avenue to the west. In all directions, the area is primarily residential in use and development, with a significant mix of housing types ranging from older single-dwelling structures to multi-dwelling apartment buildings. The non-household living uses in the area described above are the DaVinci Arts Middle School, located approximately 314 feet east of the subject property, and commercially zoned properties on the south side of NE Glisan Street, located approximately 300 - 400 feet north of the subject property.

Beyond the residential area to the east, south, and north is commercial zoning with a variety of commercial uses and development along NE 28th Avenue, East Burnside Street, and NE Sandy Boulevard, respectively.

Given the absence of other non-household uses in the immediately surrounding residential area, the expansion of the existing Bed and Breakfast to include one additional bedroom within the constructed accessory structure on the site, will have no significant impact on the appearance and function of the residential area. The intensity and scale of the expanded Bed and Breakfast meets the development standards and use limits found at 33.212.040 and -050, as determined below in this report. The proposal is relatively small in scale as it will add one bedroom (within a constructed accessory structure) to the existing Bed and Breakfast facility, and no employees are proposed. No physical changes to the property are proposed. Given the proposal, the intensity and scale of the Bed and Breakfast will not result in any significant impacts on either the appearance or functioning of the residential area. This criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and
2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: The proposal is to add one bedroom within an existing accessory structure to the existing Bed and Breakfast facility within the residential structure, for a total of 3 bedrooms to be rented for short-term stays of approximately one to seven days. City-designated scenic resources are indicated on City zoning maps by a lowercase “s.” There are no scenic resources on the subject site, and the proposal does not include any exterior changes to the existing structures on the site. The site and development will remain compatible with adjacent residential developments in terms of site size, building scale and style, setbacks, and landscaping. There are no differences in appearance or scale requiring mitigation. This criterion is met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

Findings: The regulations of Chapter 33.212, Bed and Breakfast Facilities, limit the number of guests allowed per night and the number of social events and meetings allowed per year at the facility. As a result, impacts in terms of noise should be similar to any other residential use. There are no anticipated impacts in terms of glare from lights, late-night operations, odors, or litter. The proposal will not result in physical changes to the site. There are no anticipated impacts in terms of privacy or safety. Therefore, this criterion is met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: The site has frontage on NE Everett, which is designated as a local service street in all categories of the City’s Transportation System Plan. The applicant is currently renting out 2 bedrooms in her 3-bedroom home as a Bed and Breakfast, as approved by Casefile 06-174040 CU. The current request, if approved, would allow an additional bedroom within the constructed accessory structure to be rented out as a 3rd bedroom for the Bed and Breakfast. The applicant states that there has been adequate parking along NE Everett Street to accommodate her current operation, and she proposes to allow her driveway to be used as one on-site parking space for the proposed 3rd bedroom. The site plan indicates that the driveway is approximately 40 feet in length from the back of the

sidewalk to the garage door on the site. The NE Everett Street right-of-way includes the area that is 2 feet in back of the sidewalk, so the length of the driveway on the applicant's property is approximately 38 feet. This driveway length is adequate to allow the applicant to park her vehicle in front of the garage, and to allow a guest's vehicle to park in the driveway behind the applicant's vehicle, without overhanging into the right-of-way.

No impacts to pedestrians and bicycles are anticipated. There is good access to transit service on both Glisan (bus line #74) which is 2.5 blocks away, and Burnside (bus lines #19 and #20) which is 3.5 blocks away.

The Portland Bureau of Transportation (PBOT) has reviewed the submittal against the above transportation-related criteria and has provided a response (Exhibit E-2). The PBOT response notes that the Bed and Breakfast operator currently employs a variety of Transportation Demand Management (TDM) strategies to encourage use of alternate modes of transportation. The TDM strategies include: advertising the availability of mass transit on the website, providing guests information on how to reach the site from the airport using mass transit, providing bus schedules/maps to guest in their rooms, and providing guests access to a computer at the B & B to utilize the Trimet trip planner.

The PBOT response states that in consideration of the proximity of transit, the limited increase in traffic anticipated, and the availability of alternative routes for vehicles to access the subject site, PBOT concludes that the transportation system can support the proposed development and meet the stated performance measures. Furthermore, PBOT can conclude that the proposed bed and breakfast can satisfy all applicable transportation related approval criteria provided that the TDM strategies continue to be implemented.

This criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Police Bureau has reviewed the proposal and notes that services are adequate to serve the Bed and Breakfast, and there are no concerns or objections. The Site Development Review Section of BDS, the Bureau of Environmental Services, the Fire Bureau, and the Water Bureau note that services are adequate and have no concerns. The Urban Forester has no concerns. This criterion is met.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The site does not lie within a plan district, but is within the Kerns neighborhood boundary. Kerns has a Neighborhood Action Plan that was adopted by the City in 1987. The most pertinent policy within the adopted Neighborhood Action Plan is Policy 8, which states, "Maintain the developed residential area for residential use." Objective 8.1 of that Policy states, "Increase home-owner occupancy." The discussion of Policy 8 and its objectives states, "An increase in owner-occupancy of the single-family and duplex dwellings will have a direct relationship to neighborhood stability, longer tenancy and improved properties."

The proposal is for a conditional use that is allowed in residential zones, and the associated bed and breakfast regulations are intended to allow for a more efficient

use of large, older homes in residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting. The proposal is consistent with the Kerns adopted Neighborhood Action Plan. This criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

33.212.010 Bed and Breakfast Facilities - Purpose

This chapter provides standards for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of large, older houses in residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

33.212.030 Where These Regulations Apply

The regulations of Sections 33.212.040 through 33.212.080 apply to bed and breakfast facilities in the R zones. In the RX and RH zone, where a limited amount of commercial uses are allowed by right or by conditional use, a bed and breakfast facility may be regulated either as a Retail Sales And Service use, or as a bed and breakfast facility under the regulations of this chapter. The decision is up to the applicant.

33.212.040 Use-Related Regulations

- A. Accessory use.** A bed and breakfast facility must be accessory to a Household Living use on a site. This means that the individual or family who operate the facility must occupy the house as their primary residence. The house must be at least 5 years old before a bed and breakfast facility is allowed.

Findings: The applicant is the owner of the house and it is her primary residence. The house was built in 1904 and therefore is more than 5 years old.

- B. Maximum size.** Bed and breakfast facilities are limited to a maximum of 5 bedrooms for guests. In the single-dwelling zones, a bed and breakfast facility over this size limit is prohibited.

Findings: The applicant states that her home has 3 bedrooms. In 2006, the applicant obtained approval to rent 1 to 2 bedrooms of her home as a Bed and Breakfast facility, via LU 06-174040 CU. The current proposal is to expand the Bed and Breakfast facility by adding one bedroom within an existing accessory structure on the site, bringing the total number of bedrooms available to be rented to 3. Therefore, the maximum size standard will not be exceeded.

- C. Employees.** Bed and breakfast facilities may have nonresident employees for such activities as booking rooms and food preparation, if approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

Findings: The applicant notes that no non-resident employees will be utilized for the Bed and Breakfast.

- D. Services to guests and visitors.** Serving alcohol and food to guests and visitors is allowed. The proprietor may need Oregon Liquor Control Commission approval to serve alcohol at a bed and breakfast facility.

Findings: The applicant notes that she serves a continental breakfast to guests, but does not serve alcohol to guests.

E. Meetings and social gatherings.

1. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings in bed and breakfast facilities are regulated as follows:
 - a. In the single-dwelling zones, commercial meetings are prohibited at a bed and breakfast facility;
 - b. In the multi-dwelling zones, the residents of a bed and breakfast facility may request up to 24 commercial meetings per year as part of a Conditional Use Review. The maximum number of visitors or guests per event will be determined through the Conditional Use Review. Adjustments to the maximum number of meetings per year are prohibited.
2. Private social gatherings. The residents of a bed and breakfast facility are allowed to have only 12 private social gatherings, parties, or meetings per year, for more than 8 guests or visitors. The private social gatherings must be hosted by and for the enjoyment of the residents. Private social gatherings for 8 or fewer guests are allowed without limit as part of a normal Household Living use at the site.
3. Historical landmarks. A bed and breakfast facility which is located in a historical landmark and which receives special assessment from the State, may be open to the public for 4 hours one day each year. This does not count as either a commercial meeting or a private social gathering.
4. The bed and breakfast operator must log the dates that private social gatherings for more than 8 visitors or guests are held, and the number of visitors or guests at each event. The operator must also log the dates of all commercial meetings held, and the number of visitors or guests at each event.

Findings: The applicant notes that there will be no commercial meetings or social gatherings related to the proposed bed and breakfast.

33.212.050 Site-Related Standards

- A. Development standards.** Bed and breakfast facilities must comply with the development standards of the base zone, overlay zone, and plan district, if applicable.

B. Appearance. Residential structures may be remodeled for the development of a bed and breakfast facility. However, structural alterations may not be made which prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.

C. Signs. The sign standards are stated in Title 32, Signs and Related Regulations.

D. Accessory dwelling units. Accessory dwelling units must meet all requirements of Chapter 33.205, Accessory Dwelling Units.

Findings: No structural alterations are proposed, and no external or internal changes are proposed that would result in the dwelling appearing less residential in nature or function.

The Portland Sign Code, Table 32.32-1, allows up to one sign, with a maximum sign face area of 1 square foot (approximately 144 square inches), on a house located on a residentially zoned property. The house on this site has a wall sign identifying the structure as the Everett Street Guesthouse. According to the applicant, the size of the sign is approximately 10 inches tall by 24 inches in length (approximately 240 square inches). Because this sign exceeds the maximum sign face area, a condition of this land use review requires the applicant to reduce the sign size to a maximum of 1 square foot.

The accessory structure in which the proposed 3rd bedroom will be added, is not an Accessory Dwelling Unit, and therefore the requirements of Chapter 33.205 (Accessory Dwelling Units) are not applicable.

CONCLUSIONS


The applicant proposes to add a 3rd bedroom within the constructed accessory structure on the site, to the established Bed and Breakfast facility within the residence. No non-resident employees are proposed. The owner will host and operate the facility. No changes to the residential structure are proposed. The proposed addition to the Bed and Breakfast facility is small in scale and intensity. All associated public services are adequate. A condition of approval, requiring the size of the existing sign to be reduced to 1 square foot, is required to ensure that the Bed and Breakfast facility complies with the development standard for maximum allowed sign size.

ADMINISTRATIVE DECISION

Approval of a request to enlarge the existing Bed and Breakfast facility to include a third bedroom within the detached accessory structure, per the approved site plan, Exhibit C-1, signed and dated March 23, 2009, subject to the following conditions:

- A. The following condition of approval of LU 06-174040 CU must continue to be met:
“The applicant shall provide transit information to guests, to include bus service information for Glisan (bus line #74), Burnside (bus lines #19 and #20), and information on the MAX service.”
- B. The sign face area for the Bed and Breakfast sign must be reduced in size to be a maximum of one square foot.

Staff Planner: Suzanne Savin

Decision rendered by:  **on March 23, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 25, 2009

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 13, 2009, and was determined to be complete on February 25, 2009.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 13, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 8, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor.

An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the

required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 9, 2009 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

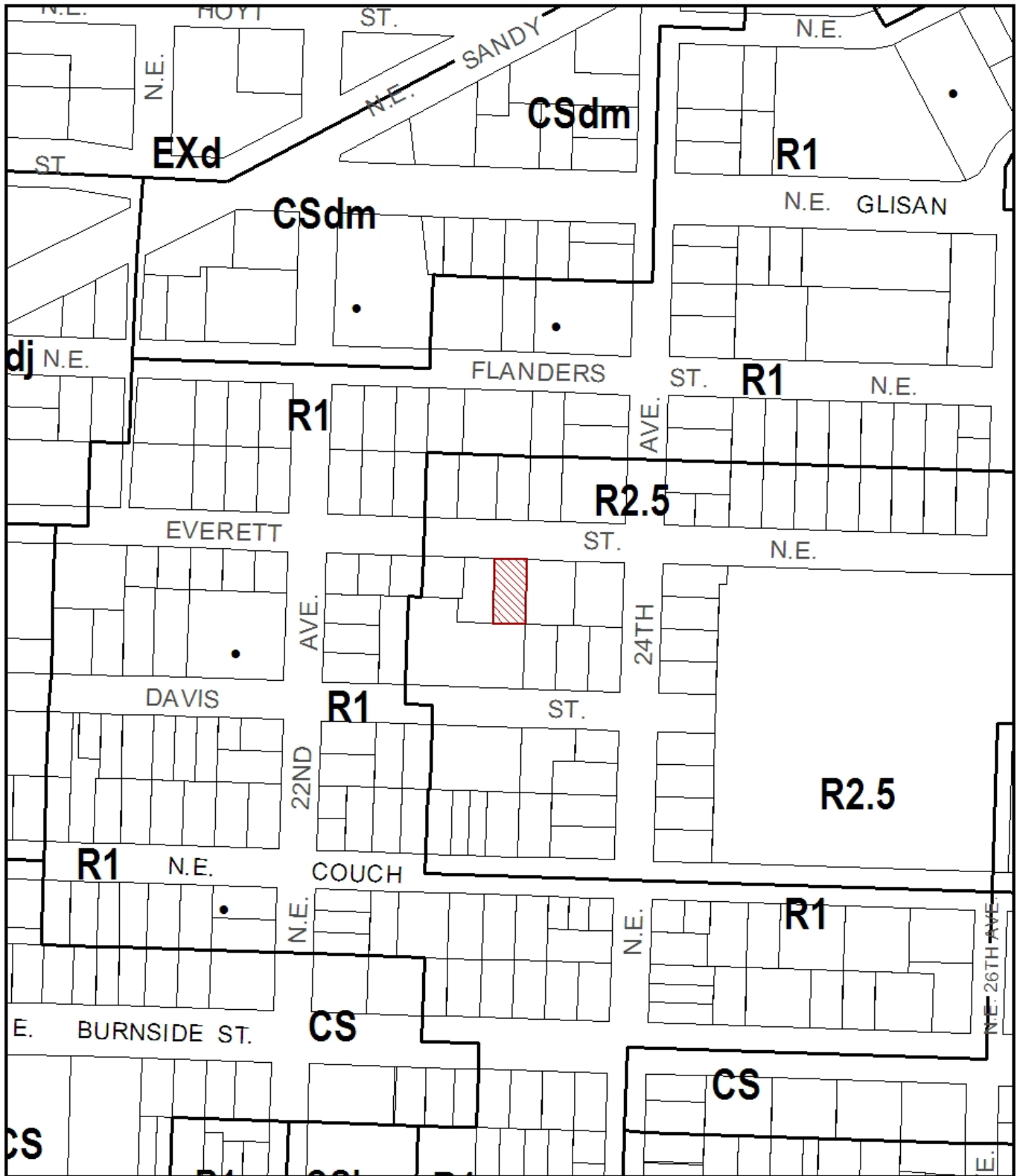
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Police Bureau
 - 4. Site Development Review Section of BDS
 - 5. Life/Safety Plan Review Section of BDS
 - 6. "No concerns" responses from Water Bureau, Fire Bureau, Bureau of Parks - Forestry Division
- F. Correspondence:
 - 1. No correspondence submitted.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

File No.	LU 09-108505 CU
1/4 Section	3032
Scale	1 inch = 200 feet
State_Id	1N1E35DA 8300
Exhibit	B (Feb 17, 2009)

K AREA

LOT COVERAGE

NOTES

50' x 6'
40' x 10'
10' x 10'

LOT AREA 5000 SQFT
BLDG AREA 1298.5 + 302 (EAVES) = 1600 SQFT
(INCLUDING OVERHANG)
(bldg area) ÷ (lot area) = %
LOT COVERAGE .32

Approved

City of Portland - Bureau of Development Services

Planner Suzanne Jarvin Date March 23, 2009

This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NE EVERETT ST

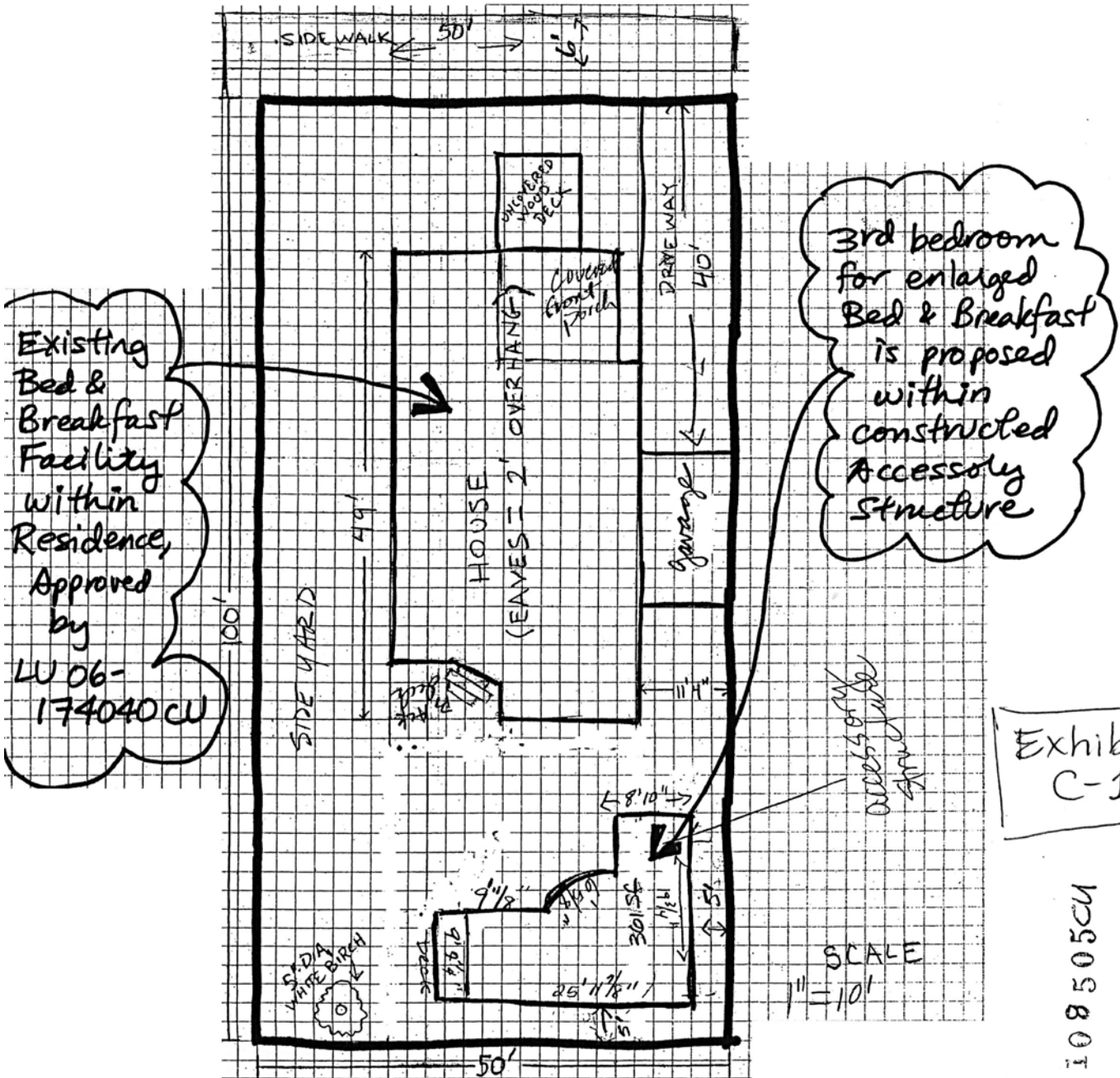
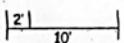


Exhibit C-1

LU 09-108505CU

SITE PLAN

SCALE: 1" = 10'



PROJECT LEGAL
BRONAUHGS ADD.
TL 8300 BLOCK 4

PROJECT ADDRESS
2306 NE EVERETT
PORTLAND OREGON
503-230-0211 PHONE NORTH

