

**IN THE CITY COUNCIL OF THE
CITY OF
PORTLAND OREGON**

**IN THE MATTER OF AN APPEAL OF THE HEARINGS
OFFICER'S DECISION TO REVOKE A TYPE B ACCESSORY SHORT-TERM RENTAL
CONDITIONAL USE APPROVAL AT 2946 NE 9TH AVENUE.**

LU 18-118937 CU

FINDINGS AND CONCLUSIONS

**ADOPTED BY THE CITY COUNCIL ON
SEPTEMBER 18, 2019**

**DENY THE APPEAL AND UPHOLD THE HEARING OFFICER'S DECISION TO REVOKE THE
TYPE B ACCESSORY SHORT-TERM RENTAL CONDITIONAL USE APPROVAL.**

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FINDINGS AND CONCLUSIONS

The findings and conclusions of the City Council in this matter are set forth below.

I. GENERAL INFORMATION

File Number: 18-118937 CU (Hearings Office 4190011)

Property Owners and ASTR Operators (Appellants):
Raymond M. Burse and Raymond M. Burse, Jr.
7010 New Bern Court
Prospect, KY 40059

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representatives:
Marguerite Feuersanger and Justin Lindley

Site Address: 2946 NE 9th Avenue

Legal Description: BLOCK 101, LOT 15, IRVINGTON

Tax Account No.: R420422790

State ID No.: 1N1E26BD 05800

Quarter Section: 2731

Zoning: R5, Single Dwelling Residential 5,000 Zone

Other Designations: Historic Resource Protection Overlay Zone, Contributing Structure
within Irvington Historic District

Original Case Type: CU, Conditional Use (Type II Procedure)

Procedure: Reconsideration of a Land Use Decision, per PCC 33.700.040. Modified
Type III procedure does not require a pre-application conference and
does not require submittal of a fee or an application.

Zoning: **R5** (Single-Dwelling Residential 5,000 base zone)

Other Designations: Historic Resource Protection Overlay Zone, Contributing Structure within the Irvington Historic District

Action Requested by Appellants: Overturn the revocation decision of the Hearings Officer and allow the prior Conditional Use approval for a Type B Accessory Short-Term Rental (ASTR) use (limited to 3 bedrooms and 6 guests).

City Council Decision

In a decision dated and mailed June 21, 2019, the Hearings Officer revoked Land Use Approval LU 18-118937 CU for a Type B ASTR at 2946 NE 9th Avenue.

The Hearings Officer found that the July 27, 2018 conditional use approval in LU 18-118937 CU was a final decision. As such, the ASTR Operators are legally obligated to follow conditions of the final decision. Based on review of all evidence in the record, the Hearings Officer found:

- Substantial violations of Conditions B.1, B.2, B.3, B.5, B.7, B.8, B.9, B.10 and B.13 had occurred during times relevant to this case;
- The ASTR Operators' violations of those conditions of approval constituted a failure to implement conditions such that the original approval criteria for the Conditional Use request would not be met; and
- The code requirements of PCC 33.700.040.E.1.c were satisfied, and revocation of the land use approval is factually and legally warranted.

The ASTR Operators appealed the Hearings Officer's decision to revoke the land use approval to the City Council.

The City Council held an on the record hearing on August 28, 2019, and voted to adopt a final decision and findings on September 18, 2019. The City Council denies the appeal and upholds the decision of the Hearings Officer to revoke the land use approval in LU 18-118937 CU pursuant to PCC 33.700.040.E.1.c. The record before the Hearings Officer and City Council contains substantial and adequate evidence to support the decision of the City Council to deny the appeal and revoke the land use approval. The City Council hereby adopts and incorporates the Hearings Officer's June 21, 2019 decision and findings, attached hereto, as its own decision and findings, and adopts the additional findings below.

However, the City Council corrects two typographical errors on page 23 of the Hearings Officer's June 21, 2019 decision and findings. The Hearings Officer found on page 20 that violation of condition B.14 is not a substantial violation under PCC 33.700.040.E.1.c. Consistent with that finding, Council deletes the two instances in which Condition B.14 is listed as a substantial violation in the Conclusion section on page 23.

Additional Findings:

I. Notice and Testimony

1. The City mailed notice of the Appeal Hearing before City Council on July 17, 2019. The notice described the date, time location and procedure for the hearing.
2. One of the appellants, Raymond M. Burse, testified in support of the appeal.
3. No persons testified in support of the appellant.
4. Thirteen persons testified in opposition to the appeal.

5. Several testifiers in opposition to the appeal raised new information regarding violations of conditions alleged to have taken place after the Hearings Officer's record closed on May 29, 2019. At the hearing, City Council identified this information as new evidence and reminded participants that it was an on the record hearing and new evidence would not be considered.
6. City Council did not consider new evidence in making its decision. Council rejects the new evidence and does not consider it to be part of the record.
7. On August 28, 2019, the City Council voted tentatively to deny the appeal and uphold the Hearings Officer's June 21, 2019 decision.
8. On September 18, 2019, based on persuasive evidence in the record regarding numerous, substantial violations, such that the original approval criteria for the use are not being met, the Council voted to deny the appeal, uphold the Hearings Officer's decision to revoke the land use approval and adopt a decision and findings.

II. Response to Appeal Issues

A. Notice of Violations

Appellants assert that because the November 30, 2018 and December 7, 2018 notices of violation referred to non-compliance with five conditions, B.1, B.2, B.3, B.5 and B.8, the Hearings Officer was limited to considering evidence of violations related to those conditions during the land use approval reconsideration process. The City Council finds that PCC 33.700.040 allows the Director of BDS to initiate the reconsideration process if there is evidence that one or more conditions of a land use approval have not been implemented or have been violated. As discussed on page 6 of the June 21, 2019 Hearings Officer's decision, there was evidence in the record regarding one or more violations to support initiation of the reconsideration process. Once the reconsideration process is initiated, the entire land use approval is reconsidered, not only the violations that were noticed pursuant to PCC 33.700.030. There is nothing in the text of PCC 33.700.040 that limits the scope of the review body's reconsideration to those conditions for which notice had previously been provided. To the contrary, PCC 33.700.040.E.1 contemplates that the review body will evaluate whether the use is or is not "complying with the conditions of the land use approval" or whether there are "substantial violations of conditions." (PCC 33.700.040.E.1.a and c.) Council interprets this language to mean that the review body may consider evidence and find violations of any conditions for the land use approval being reconsidered.

The Appellants specifically refer to Condition B-7, which requires guests to use the front entrance. The condition was added by Hearings Officer Joe Turner (July 27, 2018 Decision on Appeal of the Administrative Decision, Exhibit I-5). The Appellants proposed this condition during the public hearing to address noise impacts and the Hearings Officer found this to be appropriate mitigation (pp. 20-21 of Exhibit I-5).

BDS notified Mr. Burse under PCC 33.700.030 that his ASTR violated Conditions B.1, B.2, B.3, B.5 and B.8 of the land use approval (November 30, 2018 and December 7, 2018, Exhibits I-13 and I-14). BDS notified Mr. Burse that his ASTR violated Condition B.7 in the Notice of a Public Hearing Regarding the Reconsideration (April 15, 2019, Exhibit I-33). This Notice was mailed 30 days before the May 15, 2019 Hearings Officer hearing. It provided Mr. Burse 15 days to submit written comments that could be incorporated into the staff report (PCC 33.700.040.D.3) and provided information about how to obtain the staff report. The Staff Report and Recommendation to the Hearings Officer (Exhibit J-6) was published May 3, 2019, 12 days before the public hearing. The

staff report contained details about conditions that were violated, including B.1, B.2, B.3, B.5, B.7 and B.8.

Mr. Burse testified at the May 15, 2019 public hearing about the B.7 violations. The Hearings Officer concluded, based on the evidence in the record, that the violations of B.7 were substantial. The Hearings Officer also found substantial violations of additional conditions of approval based on evidence submitted during the hearing: B.9, B.10, and B.13.

As discussed above, nothing in the text of 33.700.040 limits the Hearings Officer's reconsideration of a land use approval to only those violations that were noticed pursuant to PCC 33.700.030. However, even assuming for the sake of argument that the City's reconsideration were limited to violations of conditions that were noticed pursuant to PCC 33.700.030, the City Council finds that the evidence in the record and findings contained in the Hearings Officer's June 21, 2019 decision, incorporated as the Council's findings, of substantial violations of conditions B.1, B.2, B.3, B.5 and B.8 by themselves satisfy the criteria in PCC 33.700.040.E.1.c and provide ample basis for revocation of the land use approval under PCC 33.700.040. In particular, as stated in the Hearings Officer's findings, even one violation of conditions B.1 or B.2 would be considered significant and therefore meet the "substantial violations" standard, and evidence of repeated violations of conditions B.3, B.5 and B.8 constituted substantial violations.

B. Correction of Violations

Appellants claim that the City failed to acknowledge corrective actions taken to address the violations and the Hearings Officer decision does not identify violations that occurred after the November and December 2018 notices of violations. This claim has no basis in the record. The charts on pages 8 -14 of the May 3, 2019 staff report (Exhibit J.6) identify multiple violations of conditions B.1, B.2 , B.3, B.5, B.7 and B.8 that occur after the notices of violation were sent, including multiple violations in March and April 2019, immediately before the staff report was mailed. The Hearings Officer's findings and decision incorporated into this decision refer to and rely on Exhibit J.6 to find substantial violations of conditions that occur after December 2018.

C. Findings regarding PCC 33.700.040.E.2.c.

PCC 33.700.040.E states that the City may take any of the actions listed in E.1, E.2 and E.3. In other words, if revocation is justified under E.1, the City is not required to find cause for revocation under E.2 or E.3. The City finds that the land use approval must be revoked under PCC 33.700.040.E.1.c. but finds that revocation under PCC 33.700.040.E.2.c is not appropriate. Findings are not necessary for PCC 33.700.040.E.2.b. because the land use approval is revoked under E.1.c.

Appellants take one sentence of the Hearings Officer's June 21, 2019 findings regarding PCC 33.700.040.E.2 out of context to make an argument that the entire decision is unreasonable and not supported by evidence. After finding that the land use approval should be revoked pursuant to PCC 33.700.040.E.1.c, the Hearings Officer considered the other basis proffered by BDS for revocation: PCC 33.700.040.E.2.c. Hearings Officer's June 21, 2019 findings and decision at page 22. In considering the three requirements set forth in PCC 33.700.040.E.2.c, the Hearings Officer found (1) the use was at a different intensity than was approved, and (2) the use of the property did not comply with the approval criteria. However, in considering the third requirement - that it could not be reasonably conditioned to come into compliance - the Hearings Officer

found that new or modified conditions could be imposed to force the Operators into compliance, and thus he would not revoke the approval based on PCC 33.700.040.E.2.c. It was in this context that the Hearings Officer stated another review body might find the property could not be reasonably conditioned to come into compliance, and could base revocation on PCC 33.700.040.E.2.c. Because the City revoked the land use approval based on PCC 33.700.040.E.1, not PCC 33.700.040.E.2, Council rejects Appellant's assertions.

D. Neighbors Documenting Complaints

In their written appeal and in testimony before Council, Appellants made assertions about the racial motivations of neighbors who documented complaints about violations of the conditions of approval. Appellants do not provide evidence for these assertions, nor do Appellants identify how these assertions relate to the criteria for the City's review under PCC 33.700.040. A number of neighbors testified before the Hearings Officers and Council about the City complaint process and stated that they were not motivated to complain about violations of conditions of approval based on race. Council finds the neighbors' testimony credible. Council further finds that Appellants' assertions are not supported by evidence in the record and are not relevant to the criteria for this review.

III. Conclusion

The City Council denies the appeal and upholds the decision of the Hearings Officer to revoke the land use approval in LU 18-118-937 CU pursuant to PCC 33.700.040.E.1.c.

APPEAL INFORMATION

Appeals to the Land Use Board of Appeals (LUBA)

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of the decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period of this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

EXHIBIT LIST

- A. Applicant's Statement
 - 1. Original Submittal, February 13, 2018
 - 2. Updated Submittal, February 27, 2018, narrative addressing approval criteria, lease agreement, and resident's statement
 - 3. Updated Submittal, March 20, 2018, updated narrative addressing the proposal description, house rules, approval criteria, development standards of Chapter 33.207, and roles and responsibilities of the proposed ASTR management
 - 4. Updated Transportation Analysis, April 25, 2018
- B. Zoning Map
- C. Plans/Drawings
 - 1. Site Plan
 - 2. Floor Plans

3. Elevations
- D. Notification information
 1. Mailing list
 2. Mailed notice
- E. Agency Responses
 1. Bureau of Environmental Services
 2. Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Police Bureau
 6. Site Development Review Section of BDS
 7. Life Safety Plan Review of BDS
 8. Urban Forestry Division of Parks and Recreation
- F. Correspondence

Writing in opposition to the proposal:

 1. Donna Wax and Jeff Jones, February 28, 2018 and April 17, 2018
 2. Karen Deora, March 2, 2018
 3. Cary Leach, March 2, 2018
 4. Randy Bloom, March 2, 2018 and April 17, 2018
 5. Barb Tillman, March 2, 2018
 6. Kay and David Reingold, March 3, 2018
 7. Virginia Green, March 4, 2018
 8. Ann Thomas, March 5, 2018
 9. Jennifer Klovee-Smith, March 6, 2018, mailing address not provided
 10. Carolyn Dasher, March 7, 2018 and April 18, 2018
 11. Peter Crabtree, March 7, 2018 and April 18, 2018
 12. David Kabat, March 8, 2018 and April 12, 2018
 13. Amy D. Valentine, March 13, 2018
 14. Dean P. Gisvold, Irvington Community Association, April 16, 2018 and April 23, 2018
 15. Tom Robbins, April 16, 2018 and April 17, 2018
 16. Tim Braun, April 18, 2018
 17. Barbara Nagle, April 19, 2018
 18. Christopher Crean, April 23, 2018
 19. Richard Plagge, April 23, 2018
 20. Jeffrey L. Kleinman, representing Barbara Nagle and Richard Plagge, April 23, 2018
- G. Other
 1. Original LU Application
 2. Applicant's signed extension of 120-day review period
 3. Map of Non-Residential Uses within the Residential Area
 4. 2017 Aerial Map of Site and Adjacent Properties
- H. Received by the Hearings Office
 1. Email Request to Schedule Hearing from BDS with Email Scheduling Reply from Hearings Office -Feuersanger, Marguerite
 2. Notice of Appeal Hearing (22 pages) - Feuersanger, Marguerite
 3. Notice of A Type II Decision On A Proposal In Your Neighborhood - Feuersanger, Marguerite
 4. Type II and llx Decision Appeal Form Gisvold - Feuersanger, Marguerite
 5. Type II and llx Decision Appeal Form Burse - Feuersanger, Marguerite
 6. Type II and llx Decision Appeal Form Nagle and Plagge - Feuersanger, Marguerite
 7. Email Correspondence from Feuersanger to Hearings Office dated 7/10/18 - Feuersanger, Marguerite
 8. Letter from Tony Greiner to Feuersanger dated 7/7 /18 - Feuersanger, Marguerite
 9. Email from Crabtree to Feuersanger dated 7/9/18 - Feuersanger, Marguerite
 10. 7/10/18 email from Barbara Tillman - Feuersanger, Marguerite

11. 7/11/18 letter (2 pages) - Snyder, Gregg
 12. 7/10/18 letter from Celine Gihring - Gisvold, Dean
 13. Written testimony (2 pages) with 4 additional copies - Gisvold, Dean
 14. Oversize photo - Plagge, Richard
 15. Oversize photo - Plagge, Richard
 16. Oversize photo - Plagge, Richard
 17. Oversize photo - Plagge, Richard
 18. Oversize photo - Plagge, Richard
 19. Oversize photo - Plagge, Richard
 20. Oversize photo - Nagle, Barbara E.
 21. Oversize photo - Nagle, Barbara E.
 22. Oversize photo - Nagle, Barbara E.
 23. Oversize photo - Nagle, Barbara E.
 24. Oversize calendar - Nagle, Barbara E.
 25. Written testimony (5 pages) - Nagle, Barbara E.
 26. Code compliance printout - Kleinman, Jeffrey L.
 27. 7/10/18 letter from Celine Gihring (2 pages) - Feuersanger, Marguerite
 28. 7/11/18 Email from Cary Leach - Feuersanger, Marguerite
 29. PowerPoint presentation printout (34 pages) - Feuersanger, Marguerite
 30. Record Closing Information Sheet - Hearings Office
 31. 7/18/18 Memo with attachment - Feuersanger, Marguerite
 - a. 7/17 /17 Memo from Steven Kass to Feuersanger - Feuersanger, Marguerite
 32. Record Closing Information Sheet - Burse, Raymond M.
 33. 7/18/18 final argument letter (4 pages) - Burse, Raymond M.
 34. Proposed ASTR Roles & Responsibilities - Burse, Raymond M.
 35. Narrative addressing the ASTR regulations (9 pages) - Burse , Raymond M.
 36. 6/20/18 Notice of Appeal Hearing sent to Applicant/Appellant Burse Raymond - Burse , Raymond M.
 37. 6/4/18 Notice of a Type II Decision - Burse, Raymond M.
 38. 6/4/18 Notice of a Type II Decision sent to Applicant Burse Raymond - Burse , Raymond
 39. 7/23/18 letter - Kleinman, Jeffrey L.
 - a. Exh. H-33 with highlighting (4 pages) - Kleinman, Jeffrey L.
 40. 7/23/18 letter - Kleinman, Jeffrey L.
 - a. Exh. H-33 with highlighting (4 pages) - Kleinman, Jeffrey L.
- I. Reconsideration Documents (through April 30, 2019)**
1. Initiation of Code Compliance Case File #17-204765 CC, July 17, 2017
 2. Initiation of Code Compliance Case File #17-250573 CC, October 3, 2017
 3. Type A ASTR (2-bedroom, Administrative Process) File #18-118947 HO, cancelled on February 7, 2018
 4. Initiation of Code Compliance Case File #18-186735 CC, June 13, 2018
 5. Decision of the Hearings Officer on Appeal of Administrative Decision, July 27, 2018
 6. Notes from Meeting with Raymond Burse, Jr., M. Feuersanger, BDS, August 16, 2019
 7. Airbnb Advertisement, Guest Reviews and Calendar, October 4, 2018
 8. Airbnb Advertisement and House Rules, October 5, 2018
 9. Citizen Complaint Log, October 26, 2018
 10. Airbnb Advertisement, House Rules, Guest Reviews and Calendar, October 29, 2018
 11. Citizen Complaint Log, November 6, 2018
 12. Airbnb Advertisement, House Rules, Guest Reviews and Calendar, November 29, 2018
 13. Notice of Zoning Violation, Enforcement Program of BDS, November 30, 2018
 14. Notice of Zoning Violation, Enforcement Program of BDS, December 7, 2018
 15. Letter from Raymond Burse, Jr. to Justin Lindley, BDS, December 30, 2018
 16. Airbnb Advertisement, House Rules, Guest Reviews and Calendar, January 8, 2019

17. Notes from Phone Conversation with Yasmine Barghouty, Justin Lindley, BDS, January 14, 2019
18. Notes from Phone Conversation with Raymond Burse, Jr., Justin Lindley, BDS, January 15, 2019
19. Notes from Meeting with Raymond Burse, Jr., Mike Liefeld, BDS, and Justin Lindley, BDS, January 18, 2019
20. Citizen Complaint Log, January 21, 2019
21. Citizen Complaint Log (1 of 2) January 23, 2019
22. Citizen Complaint Log (2 of 2), January 23, 2019
23. Airbnb Advertisement, House Rules, Guest Reviews and Calendar, January 23, 2019
24. Letter to Raymond Burse, Jr., Request for Administrative Review, January 24, 2019
25. Letter to Michael Liefeld, BDS – Burse, Raymond M. and Burse, Raymond M. Jr., February 7, 2019
 - a. Exhibit 1, Airbnb confirmation data/transactional history of guest stays August 1, 2018 through January 23, 2019
 - b. Exhibit 2, Copy of the ASTR Operator Guest Log Book
 - c. Exhibit 3, Driver's License and post office mailing address, for new resident, Raymond M. Burse, Jr., as of October 15, 2019
 - d. Exhibit 4, Email from Ray Burse, Jr., to Irvington Community Association president regarding residency change, January 15, 2019
26. Citizen Complaint Log, March 18, 2019
27. Airbnb Advertisement, House Rules, Guest Reviews and Calendar, March 21, 2019
28. Citizen Complaint Log, March 26, 2019
29. Citizen Complaint Log (1 of 2), March 29, 2019
30. Citizen Complaint Log (2 of 2), March 29, 2019
31. Citizen Complaint Log, March 30, 2019
32. Citizen Complaint Log, April 7, 2019
33. Mailed Notice of a Public Hearing Regarding the Reconsideration, April 15, 2019
34. Mailing List for Notice of a Public Hearing Regarding the Reconsideration, April 15, 2019
35. Airbnb Advertisement, House Rules, Guest Reviews and Calendar, April 17, 2019
36. ASTR Operator Written Comments, including Exhibit I-23 (letter and four exhibits) – Burse, Raymond M., April 30, 2019
37. Email to Hearings Officer from Robert Dobrich, Irvington Community Association, April 30, 2019

J. Received in the Hearings Office

1. Hearing Notice - Feuersanger, Marguerite
2. Letter - Deora, Karen
3. Letter - Nagle, Barbara
 - a. Calendars - Nagle, Barbara
 - b. Chronology 2019 to 4/17/19 - Nagle, Barbara
 - c. Photos - Nagle, Barbara
 - d. Violations of Hearings Officers Decision since 8/8/18 - Nagle, Barbara
4. 4/25/19 letter - Dasher, Carolyn
5. 4/29/19 letter - Dobrich, Robert
6. Staff Report - Feuersanger, Marguerite
7. 5/13/19 letter - Snyder, Gregg
8. 5/13/19 Email from Raymond M. Burse, Jr. - Feuersanger, Marguerite
9. 5/15/19 Memorandum - Feuersanger, Marguerite
10. Ad Information (24 pages) - Lindley, Justin
11. PowerPoint presentation printout - Feuersanger, Marguerite
12. 5/13/19 Email to Feuersanger from Burse, Jr. - Burse, Raymond, Sr.

13. 5/13/19 Email to Lindley from Burse, Jr. - Burse, Raymond, Sr.
 14. Historic Irvington Board Members (2 pages) - Burse, Raymond, Sr.
 15. 7/19/18 Email, Jeffrey L. Kleinman to Burse - Burse, Raymond, Sr.
 16. Emails (3 pages) - Burse, Raymond, Sr.
 17. Emails between Burse, Jr. and Kleinman (2 pages) - Burse, Raymond, Sr.
 18. 7/13/18 email, Burse, Jr. to Kleiman - Burse, Raymond, Sr.
 19. 7/11/18 Email, Burse, Jr. to Kleinman - Burse, Raymond, Sr.
 20. Photos (10 pages) - Burse, Raymond, Sr.
 21. Photo - Burse, Raymond, Sr.
 22. Airbnb listing (4 pages) - Burse, Raymond, Sr.
 23. Emails between Burse and White Spider - Burse, Raymond, Sr.
 24. Emails between Burse and White Spider - Burse, Raymond, Sr.
 25. Emails between Burse and White Spider - Burse, Raymond, Sr.
 26. Photos (2 pages) - Burse, Raymond, Jr.
 27. Emails - Burse, Raymond, Sr.
 28. Written testimony (3 pages) - Nagle, Barbara
 29. Citizen Complaint Logs - Nagle, Barbara
 30. 4/29/19 letter - Nagle, Barbara
 - a. Calendars - Nagle, Barbara
 - b. 2019 chronology to 4/17/19 - Nagle, Barbara
 - c. Photos - Nagle, Barbara
 - d. List of violations of Hearings Officers decision since 8/8/18 - Nagle, Barbara
 31. Record Closing Information - Hearings Office
 32. 5/22/19 Memo - Feuersanger, Marguerite
 33. 5/22/19 Written testimony - Gisvold, Dean
 34. Written testimony - Dobrich, Robert
 35. 5/22/19 ASTR Operators Additional Submittal - Burse, Raymond
 - a. Attachment 1 – Emails - Burse, Raymond
 - b. Attachment 2 - Airbnb listing - Burse, Raymond
 - c. Attachment 3 – photos - Burse, Raymond
 - d. Attachment 4 – photos - Burse, Raymond
 36. (a.-d. not used)
 - e. Attachment 5 - Rental information - Burse, Raymond
 - f. Attachment 6 – Emails - Burse, Raymond
 37. Written response - Plagge, Richard
 - a. Emails - Plagge, Richard
 38. Written response - Nagle, Barbara
 - a. Photos - Nagle, Barbara
 - b. Citizen Complaint Log - Nagle, Barbara
 39. 5/29/19 Memo - Feuersanger, Marguerite - **Submitted After Record Closed**
 40. 6/4/19 Request to Re-Open the Record - Feuersanger, Marguerite - **Submitted After Record Closed**
 - a. 5/29/19 Memo - Feuersanger, Marguerite - **Submitted After Record Closed**
 - b. Ad Information - Feuersanger, Marguerite - **Submitted After Record Closed**
 - c. Ad Information - Feuersanger, Marguerite - **Submitted After Record Closed**
 - d. Citizen Complaint Log - Feuersanger, Marguerite - **Submitted After Record Closed**
 - e. Citizen Complaint Log - Feuersanger, Marguerite - **Submitted After Record Closed**
 41. 6/5/19 ASTR Operators Rebuttal Submittal - Burse, Raymond – **Received**
- K.** Documents prior to and during the City Council Hearing
1. Mailing List for Type II Administrative Decision (June 4, 2018)
 2. Postmarked Notice of Administrative Decision

3. Original Type II Appeal Form, Dean Gisvold for Irvington Community Association
4. Original Type II Appeal Form, Raymond Burse, Jr.
5. Original Type II Appeal Form, Barbara Nagle and Richard Plagge c/o J. Kleinman
6. Mailing List for Public Notice of Appeal Hearing (June 20, 2018)
7. Original Recorded Decision of the Hearings Officer on Appeal of Administrative Decision
8. Hearings Office Mailing List for Decision of Hearings Officer on Appeal of Administrative Decision (July 27, 2018)
9. Interim Order of the Hearings Officer and Mailing List, June 6, 2019
10. Type III Appeal Form, Raymond M. Burse and Raymond M. Burse, Jr.
11. Decision of the Hearings Officer (revocation decision), June 21, 2019 **(attached)**
12. Hearings Officer Mailing List for Revocation Decision (June 20, 2019)
13. Mailing List for City Council Appeal Public Hearing
14. Postmarked Public Hearings Notice
15. BDS City Council PowerPoint Presentation
16. Written Testimony