

**Hearings Office****City of Portland**

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**RECOMMENDATION OF THE HEARINGS OFFICER IN UNCONTESTED CASE**

File Number: LU 20-204990 CP ZC (Hearings Office 4210001)

Applicant: Peter Finley Fry
303 NW Uptown Terrace #1b
Portland, OR 97210

Property Owner: Concordia University Foundation
c/o George Thurston
2811 NE Holman Street
Portland, OR 97211

Hearings Officer: Nancy Hochman

Bureau of Development Services (BDS) Staff Representative: Marguerite Feuersanger

Site Address: 2636 NE Dekum Street
6705 NE 27th Avenue
6623 NE 27th Avenue
6325 NE 27th Avenue
6305 NE 27th Avenue (vacant)

Legal Description: BLOCK 26 LOT 2&4, IRVINGTON PK; BLOCK 56 LOT 7, IRVINGTON PK;
BLOCK 72 LOT 12, IRVINGTON PK; BLOCK 72 LOT 15, IRVINGTON PK;
BLOCK 72 E 1/2 OF LOT 17 E 1/2 OF LOT 18 EXC PT IN ST, IRVINGTON
PK

Tax Account Number: R421308360, R421321380, R421323610, R421323640, R421323670

State ID Number: 1N1E13CB 05700, 1N1E13CB 05500, 1N1E13BC 13900, 1N1E13BC
14200, 1N1E13BC 14500

Quarter Section: 2333 & 2433

Neighborhood: Concordia

Business District: Soul District Business Association

District Neighborhood Coalition: Northeast Coalition of Neighborhoods

Current Zoning: CI1h, Campus Institutional 1 Zone, within the Aircraft Landing (h) Overlay Zone

Land Use Review: Type III, CP ZC, Comprehensive Plan Map Amendment and Zoning Map Amendment

BDS Staff Recommendation to Hearings Officer: Approval

Public Hearing: The hearing was opened at 2:34 p.m. on April 19, 2021 via the Zoom platform due to COVID-19 and was closed at 3:40 p.m. The Applicant waived Applicant's rights granted by Oregon Revised Statute (ORS) 197.763 (6)(e), if any, to an additional seven day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

The Hearings Officer requested that Applicant submit written confirmation of a correction Applicant stated on the record. The record was briefly reopened and closed before 5:00 p.m. on April 19, 2021 to accept that information.

Testified at the Hearing:

Marguerite Feuersanger
Peter Fry
George Thurston
John Washington
Carlisle Daniel
Fawn Aberson
Max Horten

Proposal: For the above-cited five properties the applicant is requesting a Comprehensive Plan Map Amendment from Institutional Campus to Single-Dwelling - 5,000, and a Zoning Map Amendment from Campus Institutional 1 (CI1) to Residential 5,000 (R5 zone). The Concordia University Foundation, the owner, seeks to return them to the former Single-Dwelling Residential zoning designations through the proposal. No development is proposed at this time. The Aircraft Landing "h" overlay zone, limiting the height of structures, vegetation, and construction equipment, would remain on all five properties.

Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Comprehensive Plan Map Amendment Approval Criteria of Section 33.810.050;
<https://www.portland.gov/code/33/800s/810>
- Zoning Map Amendment Approval Criteria of Section 33.855.050;
<https://www.portland.gov/code/33/800s/855>

- Comprehensive Plan Policies (per Criterion A.1 of 33.810.050); and
<https://portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents>;
- Statewide Land Use Planning Goals (per Criterion A.2 of 33.810.050).
<http://www.oregon.gov/LCD/pages/goals.aspx>

Analysis: The proposal and BDS Staff Report were uncontested. There was discussion regarding the use and sale of the property after the Comprehensive Plan Amendment and Zoning Map Amendment approval. These issues do not relate to the applicable approval criteria and are not relevant to the approval or denial of the proposal herein.

It is the recommendation of the Hearings Officer to adopt and incorporate into this recommendation the facts, findings, and conclusions of BDS in their Staff Report and Recommendation to the Hearings Officer dated April 9, 2021, including, as identified in Exhibit H-6a, the re-insertion of two words of quoted language which BDS, in error, omitted from the Staff Report and Recommendation, and to recommend the following approval:

Recommendation:

- **Approval of a Comprehensive Plan Map Amendment** from Institutional Campus to Single-Dwelling - 5,000; and
- **Approval of a Zoning Map Amendment** from Campus Institutional 1 (CI1) Zone to Residential 5,000 (R5) zone with the retention of the Aircraft Landing “h” overlay zone for the five properties identified below and shown on attachments Exhibits B-2 and C-1 to the Staff Report and Recommendation to the Hearings Officer (Exhibit H-1):

Addresses and State ID:

- | | |
|-------------------------|----------------|
| 1. 2636 NE Dekum Street | 1N1E13CB 14500 |
| 2. 6705 NE 27th Avenue | 1N1E13CB 14200 |
| 3. 6623 NE 27th Avenue | 1N1E13BC 13900 |
| 4. 6325 NE 27th Avenue | 1N1E13BC 5500 |
| 5. 6305 NE 27th Avenue | 1N1E13BC 5700 |

Basis for the Recommendation: Staff Report and Recommendation to The Hearings Officer in LU 20-204990 CP ZC, Exhibits A-1 through H-7a, and the hearing testimony from those listed above.

Nancy Hochman, Hearings Officer

May 3, 2021

Date

Application Determined Complete: December 1, 2020

Report to Hearings Officer: April 9, 2021

Recommendation Mailed: May 3, 2021

Conditions of Approval. 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.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer’s Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions, contact the Bureau of Development Services representative listed in this Recommendation (823-7700).

The decision of City Council, and any conditions of approval associated with it, is final.

The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and
- a notice of intent to appeal be filed with LUBA within 21 days after City Council’s decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

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

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation

Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

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
 - 1. Original Submittal, October 16, 2020
 - 2. Resubmittal, December 1, 2020
 - 3. Resubmittal, February 10, 2021
 - 4. Applicant response to the Concordia Neighborhood Plan, April 8, 2021
- B. Zoning Maps
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. 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 Plans Review of BDS
 - 8. Urban Forestry Division of the Bureau of Parks and Recreation
- F. Letters
 - None.
- G. Other
 - 1. Letter to Applicant indicating information needed to complete the application
 - 2. DLCD Notice of Proposed Amendment
- H. Received in the Hearings Office
 - 1. Staff Report - Feuersanger, Marguerite (**attached**)
 - 2. PowerPoint Presentation - Feuersanger, Marguerite
 - 3. 4/19/21 Email - Horten, Max
 - 4. 4/19/21 Email - Washington, John
 - 5. Record Closing Information - Hearings Office
 - 6. 4/19/21 Email with attachment - Fry, Peter Finley
 - a. 4/19/21 Letter - Fry, Peter Finley

7. 4/19/21 Email with attachment - Fry, Peter Finley
 - a. 4/19/21 Letter - Fry, Peter Finley



City of Portland, Oregon
Bureau of Development Services
Land Use Services
 FROM CONCEPT TO CONSTRUCTION

Dan Ryan, Commissioner
 Rebecca Esau, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portland.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 20-204990 CP ZC
 PC # 20-164289

REVIEW BY: Hearings Officer

WHEN: April 19, 2021, at 2:30 pm

Due to the City's emergency response to COVID19, this land use hearing will be limited to remote participation via Zoom. The instructions to observe and participate can be accessed online at [Event: LU 20-204990 CP ZC \(4210001\) | Calendar | The City of Portland, Oregon](#)

BUREAU OF DEVELOPMENT SERVICES STAFF: MARGUERITE FEUERSANGER /
MFEUERSANGER@PORTLANDOREGON.GOV

GENERAL INFORMATION

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 303 NW Uptown Terrace #1b
 Portland OR 97210

Owner/Agent: Concordia University Foundation
 c/o George Thurston
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Tax Account No.: R421308360, R421321380, R421323610, R421323640, R421323670
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 14200, 1N1E13BC 14500
Quarter Section: 2333 & 2433

Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873
Business District: Soul District Business Association, contact at Info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at
jessica@necoalition.org

RECEIVED
 APR 9 2021
 HEARINGS OFFICE

Current Zoning: CI1h, Campus Institutional 1 Zone, within the Aircraft Landing (h) Overlay Zone

Case Type: CP ZC, Comprehensive Plan Map Amendment and Zoning Map Amendment

Procedure: Type III, with a public hearing and recommendation by the Hearings Officer and a public hearing and decision by City Council. The decision can be appealed to the State Land Use Board of Appeals (LUBA).

Proposal: For the above-cited five properties, the applicant is requesting a Comprehensive Plan Map Amendment from Institutional Campus to Single-Dwelling - 5,000, and a Zoning Map Amendment from Campus Institutional 1 (CI1) to Residential 5,000 (R5 zone). The Aircraft Landing "h" overlay zone will remain on all five properties. No development is proposed at this time.

After Concordia University Foundation acquired the five properties, the zoning designations were changed from Residential to Institutional because Concordia University planned to incorporate the properties into the campus site. Since that time, however, no development or changes related to the University use were requested nor approved on these sites. Above all, Concordia University has ceased operations since the end of the Spring 2020 academic semester. Four of the five properties contain buildings with residential uses; the residential uses on these sites became nonconforming when the zone changed from the R5 zone to the CI1 zone, which prohibits residential use. The Concordia University Foundation owns the five properties and with this proposal, seeks to return them to the former Single-Dwelling Residential zoning designations through this proposal.

Following is a description of the proposed designations:

- Single-Dwelling – 5,000 Comprehensive Plan designation is the most common pattern of single-dwelling development, particularly in the City's inner neighborhoods. It is intended for areas where urban public services (such as a complete local street network, access to frequent transit, are available or planned. Single-dwelling residential is the primary use. The maximum density is generally 8.7 units per acre. The corresponding zone is R5.
- Residential 5,000 (R5) Base Zone is intended to preserve land for housing and to provide housing opportunities for individual households. Housing types are limited to maintain the overall image and character of the City's single-dwelling neighborhoods. However, the regulations allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing. For example, accessory dwelling units (ADUs) may be allowed on sites with houses, attached houses, or manufactured houses, if certain development standards are met.
- Aircraft Landing (h) overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment. The "h" overlay zone currently exists and will remain on all five properties.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Comprehensive Plan Map Amendment Approval Criteria of Section 33.810.050;
<https://www.portland.gov/code/33/800s/810>

- Zoning Map Amendment Approval Criteria of Section 33.855.050;
<https://www.portland.gov/code/33/800s/855>
- Comprehensive Plan Policies (per Criterion A.1 of 33.810.050); and
<https://portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents>
- Statewide Land Use Planning Goals (per Criterion A.2 of 33.810.050).
<http://www.oregon.gov/LCD/pages/goals.aspx>

ANALYSIS

Site and Vicinity: The subject five properties are located along the east side NE 27th Avenue. Each property is approximately 5,000 square feet in area. The applicant provides the following information about existing development of each property:

- 2636 NE Dekum Street contains a duplex (2 housing units in one building on one lot);
- 6705 NE 27th Avenue contains a single-dwelling house;
- 6623 NE 27th Avenue contains a single-dwelling house;
- 6325 NE 27th Avenue contains a single-dwelling house; and
- 6305 NE 27th Avenue is a vacant property.

The properties are not contiguous: the northern three properties are between NE Dekum and NE Liberty streets (a duplex on one and houses on the other two). The southern two properties are between Highland and NE Holman Streets (a house on one and the corner lot is vacant). A full block face bounded by NE Liberty and NE Highland separates these northern and southern properties. While development along the east side of NE 27th Avenue consists of the Concordia University campus, the west side is a mix of campus university buildings, one- to three-stories in height, and single dwelling houses or duplexes, one- to two-stories in height.

The Concordia University campus is a landmark institution within the Concordia neighborhood. At 24 acres in size, its boundaries generally extend from NE Dekum Street south to NE Holman Street, and from NE 27th to NE 30th Avenues. The core of the campus is focused on the southern portion where the main academic buildings are located. The northern portion of the campus is developed with parking areas, and athletic and recreational facilities. Campus buildings along the west side of NE 27th Avenue include recent student housing (between NE Highland and NE Liberty Streets), and the admissions office and another related campus building (south of NE Liberty Street). Saint Michael's Lutheran Church is located at the southeast corner of NE 29th Avenue and NE Dekum Street. Faubion School is located east of the church.

Northeast 27th Avenue is improved with a paved roadway with on-street parking along both sides, curbing, planting strips, and concrete public sidewalks. TriMet's bus line #17 is located along NE 27th to serve the campus and surrounding neighborhood. Planting strips on both sides of the street contain rows of mature deciduous trees.

The industrial area of NE Lombard Street and NE Columbia Boulevard is located 700 feet north of the site; Alberta Park is located along NE Ainsworth, nearly 1,500 feet southwest of the site.

Existing Zoning: The site has the following zoning designations:

- Campus Institutional 1 Zone (CI1) is intended for large colleges and medical centers located in or near low and medium density residential neighborhoods. Retail Sales and Service and other uses that serve or support the campus and neighborhood are allowed. Development is intended to be internally focused and compatible with the scale of the

surrounding neighborhood. Setback and open space requirements create a buffer between the institution and the surrounding community.

- Aircraft Landing overlay zone (h) provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

Land Use History: City records indicate the following prior related land use reviews:

- **LUR 97-00468 IM ZC:** A 1997 approval of an Impact Mitigation Plan (IMP), incorporating projects approved under the 1991 Master Plan and expanding a dormitory complex approved under the 1991 plan. Approval of a Zoning Map Amendment from R5h to IRdh for several properties owned by the University. Conditions of approval from the Master Plan were carried forward, deleted, or superseded by the updated 2002 IMP approval (LU 02-106366 IM).
- **LUR 97-00539 IM DZ:** Design Review for a dormitory project located at NE 30th Avenue and NE Holman Street, with a modification to increase the maximum building height from 30 feet to 40 feet. Approval per plans.
- **LU 02-106366 IM:** Amendment to the IMP to accommodate a maximum campus population of 1,690 students/faculty/staff through the year 2017, with conceptual approval of the development and projects identified by the University to support this growth. Approval with conditions.
- **LU 06-142498 DZ IM:** IMP Compliance Review and Design Review for the new Concordia University Library Building and Central Green. Approval with conditions regarding sidewalk and frontage dedications and improvements adjacent to the Library site.
- **LU 07-184826 IM DZM:** IMP Compliance Review and Design Review for the proposed athletic field project on the north edge of campus, an IMP Amendment to allow field lighting and a sound system, and various modifications through Design Review. Approval with conditions.
- **LU 07-184841 IM ZC:** IMP Compliance and Amendment Reviews related to the vacation of both NE Liberty and Junior Streets between NE 27th and 29th Avenues, related to the athletic field project. Approval with conditions.
- **LU 08-120374 IM DZM ZC:** IMP Compliance and Amendment Reviews, Design Review, and Zoning Map Amendment for a Student Housing project west of NE 27th Avenue, between Liberty and Junior Streets. Approval with conditions.
- **LU 08-153573 IM DZ ZC:** IMP Amendment and Compliance Reviews to replace Parking Lot #6 with the President's House and a two-story Maintenance Facility on and immediately west of the site in this application. The application also included a Type II Zoning Map Amendment for the site to go from R5ah to IRdh zoning, and Design Review for the specific improvements associated with the President's House and Maintenance Facility. Approval with conditions.
- **LU 09-103425 DZ:** Design Review for changes to the Student Housing project previously approved under LU 08-120374 IM DZM ZC. Approval per plans.

- **LU 09-129605 LC:** Lot Consolidation for the blocks involved in the athletic field project in the north central campus. Approved.
- **LU 14-161051 IM:** IMP Amendment to allow the site of the President's House to be removed from the Concordia IMP Boundary, and to allow the development of an entry plaza for the new Faubion Elementary School/Concordia College of Education Building. Approval with conditions.
- **LU 14-253336 CU AD:** Conditional Use Review and Adjustments for the new Faubion Elementary School and Concordia College of Education. Only the Faubion Entry Plaza site, where the Concordia President's House was located, was included in this review boundary. Approval with conditions.

LU 16-139558 IM DZM ZC: IMP Amendment and Zone Map Amendment from R5ah to IRdh, Design Review and IMP Compliance Review for the new CEO building, and for the Faubion entry plaza, with updated transportation-related conditions of approval. Approval with conditions.

Staff note: With the exception noted below, the above IMP-related land use decisions no longer apply to the site because Concordia University has ceased all activities and operations and requested that the existing IMP be sunsetted or terminated as of September 8, 2020. Because of these factors, the campus is no longer regulated under the former Institutional Residential (IRd) zone, which applied to the campus when the IMP was active. Furthermore, Zoning Code Section 33.700.110.B.5 states that conditions of approval placed on a site under a review that is no longer in effect no longer apply. Because the IMP no longer applies to the site, the conditions placed on the site as part of the IMP review no longer apply with the exception of outdoor sports facilities. Per Zoning Code Section 33.700.110.B.2.b(2), conditions of approval continue to apply to outdoor recreation facilities on sites with a College use.

With the sunset of the prior IMP, new activities and development proposed on land within the former IMP boundary are regulated under the existing Campus Institutional 1 (CI1) zone (Zoning Code Chapter 33.150). The CI1 zone regulations are specifically designed for institutions, such as colleges and universities, that are developed as campuses. Allowed uses and development standards promote the desired character of each zone and reflect the character and development intensity of surrounding neighborhoods. The current CI1 zone boundary follows the former campus boundary associated with the IMP and provides provide guidance to property owners, developers, and neighbors about the limits of what is allowed (see Existing Zoning Map, Exhibit B-1).

Summary of Applicant's Statement: With this application, the applicant described the purpose of and reasons for the proposal. Below is an excerpt from the applicant's statement (Exhibit A-3):

The Concordia Foundation requests a Type III quasi-judicial Comprehensive Plan amendment from Institutional Campus to Single Dwelling and zone change from C11 to R5 for a site located on the west side NE 27th Avenue between Dekum and Holman. There are five properties subject to this request. Each of the properties are owned by the Concordia Foundation and were included in the City's 2016 CI zoning project. The properties are the same size and in the identical situation. The purpose of the CI zoning project was to enhance the ability of institutions to grow in the City of Portland while mitigating unwanted impacts to neighborhood character. As part of the CI zoning project, these five properties were rezoned from R5 to C11 to accommodate the growth and operations of Concordia University. At that time, the residential use became prohibited. These properties are all located across NE 27th from the main campus and have for the been developed with residential structures that are consistent with the character of the R5 zoning designation.

Concordia University made the difficult decision to cease operations at the Concordia campus in the Spring of 2020 after over 100 years in this NE Portland location. These residential properties on the west side of NE 27th were never redeveloped for campus institutional uses. This zone change and comprehensive plan amendment would return the properties to the single dwelling 5,000 designation and the R5 zone consistent with the balance of the neighborhood.

One lot is vacant; three lots have established single-family dwellings; and one corner lot is developed with a duplex. An approval stabilizes the row of existing single-family houses and provides a clear boundary for the institutional uses to the east.

Agency Review: A "Request for Response" was mailed March 5, 2021. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (BES, Exhibit E-1);
- Bureau of Transportation (PBOT, Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Police Bureau (Exhibit E-5);
- Site Development Section of the Bureau of Development Services (BDS) (Exhibit E-6);
- Life Safety Plans Review of BDS (Exhibit E-7); and
- Urban Forestry Division of the Bureau of Parks and Recreation (Exhibit E-8).

Note that PBOT reviewed the applicant's Transportation Impact Study (Exhibit A-3) and BES reviewed the applicant's stormwater management system information (Exhibit A-3) for compliance with the service-related approval criteria for these reviews. PBOT and BES found these reports to be acceptable and have no objections to the proposal.

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on March 24, 2021. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.810.050 Comprehensive Plan Map Approval Criteria

- A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:**

- 1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;**

Finding: Generally, Comprehensive Plan Map Amendments are approved if the range of allowed uses and intensity of development allowed by the proposed base zone satisfy the approval criteria.

The proposal has been evaluated against the Comprehensive Plan goals and policies in this staff report. Based on the findings below, staff finds the proposal is, on balance, equally or more supportive of the Comprehensive Plan. The new Comprehensive Plan adopted by the City in May of 2018 is a substantial expansion on the previous Comprehensive Plan and requires evaluation of a significant number of goals and policies. The applicant addressed each individual goal and policy in their narrative (Exhibit A.1). They provided analysis of the relevant goals and policies and explained why those deemed not relevant were in fact not relevant.

Staff concurs with the applicant's analysis and addresses the relevant goals and policies below:

Chapter 1 of The Comprehensive Plan: The Plan

Policy 1.10 Compliance with the Comprehensive Plan. *Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation.*

Finding: This policy is implemented by the approval criterion for Comprehensive Plan Map Amendments in Zoning Code Section 33.810.050.A.1, and the findings in this staff report analyze compliance with 33.810.050.A.1. Since Zoning Code Section 33.810.050.A.1 is found to be met in this report, staff finds the proposal is also consistent with Policy 1.10.

Policy 1.11 Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary. *Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland metropolitan area.*

Findings: Each title of the *Urban Growth Management Functional Plan* that is relevant to the requested Comprehensive Plan Map Amendment is addressed below:

Title 1 - Requirements for Housing and Employment Accommodation

This section of the Functional Plan requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations. The proposal is to change five existing properties, individually 5,000 square feet in area, together accounting for 25,000 square feet of land, from the existing Institutional Campus/CI1 designation to the Single-Dwelling-5,000/R5 designation. The Institutional Campus Comprehensive Plan Map designation (and corresponding CI1 Zoning Map designation) allow Institutional uses, primarily colleges, and limit the size of Retail Sales and Service uses; other commercial uses such as Office uses are prohibited. Residential uses are prohibited. On the other hand, the Single-Dwelling-5,000 Comprehensive Plan Map designation (and corresponding R5 Zoning Map designation) allow Residential uses, mainly in the form of one house on each individual

property, with the potential for an accessory dwelling. The corresponding zone to the Single-Dwelling-5,000 Comprehensive Plan Map designation prohibits outright most commercial uses and limits most institutional uses. Therefore, housing capacity will be increased by the proposal, but employment capacity will be lowered. Because the separate 5,000 square foot lots are not physically adjacent to one another, they inherently have reduced capacity for employment due to the limited employment capacity of each individual property. That aspect together with the prescribed limits on commercial uses in the corresponding CI1 zone to the existing Institutional Campus Comprehensive Plan Map designation, the effects of the proposal on employment accommodation are not significant.

For these reasons, the proposed amendment is more supportive of Title 1.

Title 3 - Water Quality and Flood Management

The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways.

Compliance with Title 3 is achieved through the implementation of the City's Stormwater Management Manual and other development regulations at the time of building permit review. BES, which implements the Stormwater Management Manual, reviewed the proposal. BES expressed support for approval of this application (Exhibit E.1).

Erosion control is regulated through Title 10 of the City Code, which is implemented by the BDS Site Development Section at the time of building permit review. The BDS Site Development Section reviewed the application and expressed no concerns about the ability of development on the site to meet the Title 10 requirements (Exhibit E-1).

The site is not located within the 100-year floodplain and is not located in a designated landslide hazard area.

For these reasons, the proposed Comprehensive Plan Map designation is equally supportive of Title 3.

Title 7 - Housing Choice

The framework plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments.

Early in 2017, the City of Portland implemented inclusionary (affordable) housing requirements for buildings with 20 or more residential units. The proposal to change the Comprehensive Plan Map designation from Institutional Campus to Single-Dwelling-5,000 has no effect on affordable housing production as the corresponding CI1 zone to the existing Institutional Campus Comprehensive Plan Map designation prohibits housing and the corresponding R5 zone to the proposed Single-Dwelling-5,000 Comprehensive Plan Map designation (along with the noncontiguous location of the individual 5 properties that make up the site) is not likely to result in densities that would trigger the City's inclusionary housing requirements. Any future development or change of use on the site, however, will be subject to Portland Zoning Code Section 33.245, Affordable Housing, and as such, the proposal is consistent with Title 7 by increasing the potential for housing development on the site, which in turn increases the site's potential for affordable housing development in the future. For these reasons, the proposal is equally supportive of Title 7.

Title 8 - Compliance Procedures

This title outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.

The proposal equally meets this title because the public notice requirements for Type III land use reviews, as outlined in Zoning Code Section 33.730.030, are met. In addition to notifying City-recognized organizations within a 1,000-foot radius of the site and neighbors within a 400-foot radius of the site, notice of the proposal was posted at the subject site and sent to Metro and to the Oregon State Department of Land Conservation and Development.

Title 12 - Protection of Residential Neighborhoods

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

To the extent that the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment is met, the proposal is consistent with providing adequate levels of public services. As discussed later in this report, staff finds the approval criterion in Zoning Code Section 33.855.050.B can be met, including consideration of adequacy of police services. The proposal would not cause any significant changes in the impacts related to noise or pollution. Issues related to water pollution would be addressed through the requirements of the Stormwater Management Manual and other regulations that apply during building permit reviews of proposed development.

For these reasons, the proposal is equally supportive of Title 12.

Title 13 - Nature in Neighborhoods

The purposes of this program are to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and to control and prevent water pollution for the protection of the public health and safety and to maintain and improve water quality throughout the region.

The site is not designated with an Environmental Conservation, Environmental Protection or Greenway overlay zone and is not within the flood plain or potential landslide hazard areas. During building permit review, any development would be required to meet the applicable Stormwater Management Manual requirements, thereby mitigating for water pollution and protecting water quality. In addition, tree preservation is required through the City's Title 11, Trees. Therefore, the proposal is equally supportive of this title.

Summary

As discussed above, the proposal would remain consistent with the intent of the relevant titles in the *Urban Growth Management Functional Plan*, or these titles would be satisfied through compliance with other applicable City regulations. The proposal supports a tight Urban Growth Boundary by increasing the housing development capacity of sites that are inside the existing boundary. For these reasons, staff finds the proposal for the Single-Dwelling-5,000 Comprehensive Plan Map designation is more supportive of Policy 1.11 than maintaining the existing Institutional Campus designation.

Policy 1.12 Consistency with Statewide Planning Goals. *Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.*

Finding: This Comprehensive Plan policy also reflects the approval criterion found in 33.810.050.A.2. The City's Comprehensive Plan was written to comply with the Statewide Planning Goals. The Statewide Planning Goals are comparable to chapters in the City's Comprehensive Plan as follows:

- Statewide Planning Goal 1 (Citizen Involvement) – Comprehensive Plan Chapter 2 (Community Involvement);
- Statewide Planning Goal 2 (Land Use Planning) – Comprehensive Plan Chapter 1 (The Plan) and Chapter 10 (Land Use Designations and Zoning);
- Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources) – Comprehensive Plan Chapter 4 (Design and Development), Chapter 7 (Environment and Watershed Health), and Chapter 8 (Public Facilities and Services);
- Statewide Planning Goal 6 (Air, Water, and Land Resources Quality) – Comprehensive Plan Chapter 7 (Environment and Watershed Health);
- Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards) – Comprehensive Plan Chapter 4 (Design and Development) and Chapter 7 (Environment and Watershed Health);
- Statewide Planning Goal 8 (Recreation Needs) – Comprehensive Plan Chapter 8 (Public Facilities and Services);
- Statewide Planning Goal 9 (Economy of the State) – Comprehensive Plan Chapter 6 (Economic Development);
- Statewide Planning Goal 10 (Housing) – Comprehensive Plan Chapter 5 (Housing);
- Statewide Planning Goal 11 (Public Facilities and Services) – Comprehensive Plan Chapter 8 (Public Facilities and Services);
- Statewide Planning Goal 12 (Transportation) – Comprehensive Plan Chapter 9 (Transportation);
- Statewide Planning Goal 13 (Energy) – Comprehensive Plan Chapter 4 (Design and Development);
- Statewide Planning Goal 14 (Urbanization) – Comprehensive Plan Chapter 3 (Urban Form); and
- Statewide Planning Goal 15 (Willamette Greenway) – Comprehensive Plan Chapter 7 (Environment and Watershed Health).

Statewide Planning Goals not listed above relate to agricultural resources (Goal 3), forestry (Goal 4), estuarine resources (Goal 16), coastal shorelands (Goal 17), beaches and dunes (Goal 18), and ocean resources (Goal 19). These goals do not apply to the subject site as it is not in forest or agricultural use and is not located on the coast.

For quasi-judicial Comprehensive Plan Map Amendments, compliance with the City's Comprehensive Plan goals shows compliance with applicable Statewide Planning Goals. The analysis in this report shows that the City goals and policies are equally or more supported by the proposal. Therefore, the proposal is consistent with all applicable Statewide Planning Goals and equally supports Policy 1.12.

Policy 1.13 Consistency with state and federal regulations. *Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and*

that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.

Finding: The proposal to change the Comprehensive Plan designations from Institutional Campus to Single-Dwelling - 5,000 (and the zoning designations from CI1 to R5), will not affect requirements that any uses or development on the sites remain consistent with applicable state and federal regulations. As such, the proposal is equally as supportive of this policy.

Policy 1.14 Public facility adequacy. *Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland's urban services boundaries, as established by Policies 8.2 and 8.6.*

Finding: Components of urban facilities are addressed within the Comprehensive Plan section of this report (including infrastructure elements managed by the Bureau of Environmental Services, Water Bureau and Portland Bureau of Transportation in Chapters 8 and 9 of the Comprehensive Plan) as well as in the approval criteria in Portland Zoning Code Section 33.855.050.B. The public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment is met; therefore, staff finds that the proposal is equally supportive of providing adequate levels of public services.

Policy 1.18 Quasi-judicial amendments to the Comprehensive Plan Map. *Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:*

- *Is compatible with the land use pattern established by the Comprehensive Plan Map.*
- *Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the Comprehensive Plan.*

Finding: The proposal will return the Comprehensive Plan designations of five properties (currently designated Institutional Campus) back to Single-Dwelling 5,000. The previous Single-Dwelling 5,000 designation on the properties was replaced with the current Institutional Campus designation when the *Campus Institutional Zoning Project* was adopted to implement Portland's Comprehensive Plan. (The project and map changes to the site were adopted by the Portland City Council on June 15, 2016). Since that time, however, institutional development has not occurred on any of the five sites, and the institution itself has ceased operations. Four of the five sites remain consistent in use and development with the nearby residential development along the west side of NE 27th Avenue, with the fourth being vacant of structures but of a lot size consistent with surrounding single-dwelling residential lots. The proposal for the Single-Dwelling 5,000 designation will allow for existing single-dwelling residential development to remain and afford new housing potential on the vacant lot.

The existing Comprehensive Plan Map designation pattern is irregular, as the boundaries between Institutional Campus and Single-Dwelling-5,000 weave around property lines (as reflected in the corresponding zones seen in Exhibit B, Existing Zoning Map) of lots on the west side of NE 27th Avenue. This irregular pattern is a consequence of the Concordia University's goals to expand its boundaries to include its ownership. The expansion goals of the University have ended with its closure last year. The proposal simplifies this pattern

and reflects the predominant residential nature of uses along the west side of NE 27th Avenue (Exhibit B, Proposed Zoning Map). However, it does not result in a fully cohesive land use designation pattern, as the block between NE Liberty and NE Highland will remain in the Institutional Campus (CI1) designation and some R5-zoned properties will retain the Institutional Campus Comprehensive Plan designations. The applicant states that the selected properties of this request are due to the needs of a separate property owner, the Concordia University Foundation, who does not have control over the remaining properties along the west side of NE 27th Avenue. Thus, the existing and proposed irregular pattern is largely a result of different property owners implementing different goals and timelines for the campus site.

Overall, the proposal reestablishes the Single-Dwelling 5,000 Comprehensive Plan Map designation on the five existing small lots and is found to be compatible with the land use pattern established by the Comprehensive Plan Map. As discussed in the findings above, staff has found the proposal to be consistent with the relevant Policies cited above. And as demonstrated below, the proposal is consistent with the Concordia Neighborhood Plan.

Policy 1.19 Area-specific plans. *Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy framework provided by the overall Comprehensive Plan.*

1.19.a *Area-specific plans that are adopted after May 24, 2018 should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.*

1.19.b *Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.*

1.19.c *Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to [effective date of this 2035 Comp Plan] are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan.*

Finding: The site is within the Concordia Neighborhood Plan (adopted in 1993) which includes policies that are relevant to this proposal. Below are the applicant's response to the relevant policies of the Concordia Neighborhood Plan (Exhibit A-4:

Policy 1: Transportation: *Strengthen and diversify the Concordia Neighborhood's transportation system and networks.*

Finding: The allowed uses shall shift from institutional uses to residential uses. The shift creates a small and different traffic impact that is more similar and compatible with the abutting residential uses.

Policy 2: Housing. *Strengthen the residential base of the Concordia Neighborhood. Provide choices in housing which are responsive to the needs of present and future generations of households. Preserve viable existing housing. Support construction of new housing within the neighborhood which is affordable and expands the diversity of housing opportunities.*

Finding: Four of the five lots within the site have existing well maintained residential dwellings that will become conforming uses with the proposed amendments. One of these four is a larger two-story structure on a corner lot that can be converted or replaced with at least two dwelling units. These existing homes are an important inventory of well built; older; fully amortized homes. The vacant lot is located on the corner of two streets. This “new” residential site provides a valuable infill opportunity that would be permitted to have, at a minimum, two new fully equipped dwelling units. The fundamental benefit of the proposed change is to move the line between the institutional uses and residential uses to the middle of NE 27th as opposed to the alleyway to the west. This creates three institutional boundaries down the center of the street (north (Dekum) West (27th), and south (Holman)) for the existing Campus Institutional area. The clear boundaries (that face each other) stabilize the residential area by reducing the potential for intrusion of institutional uses.

Policy 3: Economic Revitalization: Foster a business climate in the neighborhood which is attractive to investors and business. Stabilize existing commercial centers and nodes. Use public resources to rehabilitate commercial area rights-of-way and stimulate private sector reinvestment with targeted local revitalization areas.

Policy 4: Jobs and Employment: Forge new linkages between the needs of local business for a qualified workforce and the needs of Albina community residents for jobs. Identify new opportunities to involve area households in the economic life of the community.

Policy 5: Community Institutions and Facilities: Create a neighborhood which offers access to education, employment, health, community and social services, transportation, and recreation for all its members. Build on the strength of the neighborhood’s existing institutions and services.

Finding: The proposed amendment creates a very small reduction in the opportunity for jobs and institutional growth. These lots constitute approximately 25,000 square feet along a local street and individually provide little opportunity for institutional growth. The existing institution either uses the structures for facility functions or they are not used. The residential facilities and occupancy of the houses have remained as non-conforming uses. The affected area is less than 3% of the area currently designated Campus Institution and does not abut the existing campus (the site is separated from the existing campus by a fully improved street).

Policy 6: Public Safety: Create a safe and attractive neighborhood.

Finding: The allowed uses shift from institutional uses to residential uses would increase public safety with the presence of homes that are occupied twenty-four hours a day - every day. An institution has period of no activity and areas that can be dangerous due to their isolation. Institutions often must hire security to compensate.

Policy 7: Design: Reinforce the identity and character of the Concordia Neighborhood. Use design features in building rehabilitation and new construction which enhance neighborhood attractiveness and livability. Design streetscapes and site layouts to promote safety and encourage pedestrian use of the streets.

Finding: The proposed changes create a more predictable pattern with the campus institutional area separated from the residential neighborhood by three streets - North (Dekum), West (27th), and South (Holman). The two different Comprehensive Plan designation face across the street. The back yards of existing residences and privacy are protected. The large block of institutional land across the street provides opportunities to strategically locate access points to minimize impacts and sufficient room to create park like settings along the campus boundaries that is clearly evident today as shown in the image below.



NE Holman Street looking east from NE 27th Avenue

Staff conclusions and findings: The applicant's findings above provide the basis for concluding that the proposal supports the Concordia Neighborhood Plan policies. Policy 1.9 is met.

Chapter 3: Inner Neighborhoods Pattern Area

Policy 3.87 Inner Neighborhoods main streets. *Maintain and enhance the Streetcar Era pattern of street-oriented buildings along Civic and Neighborhood corridors.*

Policy 3.88 Inner Neighborhoods street patterns. *Preserve the area's urban fabric of compact blocks and its highly interconnected grid of streets.*

Policy 3.89 Inner Neighborhoods infill. *Fill gaps in the urban fabric through infill development on vacant and underutilized sites and in the reuse of historic buildings on adopted inventories.*

Policy 3.90 Inner Neighborhoods active transportation. *Use the extensive street, sidewalk, and bikeway system and multiple connections to the Central City as a key part of Portland's active transportation system*

Policy 3.91 Inner Neighborhoods residential areas. *Continue the patterns of small, connected blocks, regular lot patterns, and streets lined by planting strips and street trees in Inner Neighborhood residential areas.*

Finding: The sites do not have frontage on streets designated as a Civic or Neighborhood corridor. Existing street patterns will remain intact. The sites contain three existing detached houses, constructed between the 1940s-1950s; and one duplex, constructed in 1924, which is listed in the City's Historic Resources Inventory (1984). No changes are proposed on any of the five sites. The proposed designation equally or better supports these policies than the existing designation as it will eliminate the current corresponding CI1 zone prohibition on residential uses and reestablish the consistency of the corresponding R5 zone with other residential properties along the west side of NE 27th Avenue. The proposal is therefore equally or more supportive of these policies.

Chapter 4: Residential areas

Policy 4.15 Residential area continuity and adaptability. *Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.*

Finding: The proposal for the Single-Dwelling-5,000 designation will result in residential uses being a permitted use on the five sites. Under the existing designation (and corresponding C11 zone) residential uses are prohibited and any existing residential use is considered nonconforming. The proposed designation will make the existing residential uses conforming and allow for the future redevelopment of the sites (or development in the case of the one vacant site) for residential uses. Furthermore, the proposed designation will allow for additional housing to be established in the form of accessory dwelling units on the sites currently developed with houses; the corner vacant lot has the potential for two attached houses. Therefore, the proposal is more supportive of this policy.

Chapter 5: Housing

Diverse and expanding housing supply

Policy 5.1 Housing supply. *Maintain sufficient residential development capacity to accommodate Portland's projected share of regional household growth.*

Finding: The proposal adds housing development potential as the existing corresponding zone (C11) to the Institutional Campus designation prohibits residential use and the corresponding zone (R5) to the proposed Single-Dwelling-5,000 designation allows it outright. The proposal is more supportive of this policy.

Policy 5.3 Housing potential. *Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households and identify opportunities to meet future demand.*

Finding: The proposal does not propose physical changes to the sites but will allow each of the five sites to accommodate housing of a variety of income levels if the existing houses and duplexes are retained or if they are redeveloped in the future. The proposal is more supportive of this policy.

Policy 5.4 Housing types. *Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand housing choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/clustered services.*

Finding: Although it does not involve development of housing, the proposal will allow housing on the sites, which is currently prohibited by the C11 zone. The applicant states that the proposal will stabilize the neighborhood pattern of NE 27th Avenue, as the existing houses and duplexes will be incorporated back into the neighborhood development as allowed uses. Based on these findings, the proposal is more supportive of this policy.

Policy 5.15 Gentrification/displacement risk. *Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs*

for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.

Finding: The proposal to convert five campus properties to a single-dwelling residential designation will increase housing capacity in the Concordia Neighborhood but the proposal is not considered a significant new development. The properties individually are 5,000 square feet in area and are not contiguous, which reduces the potential for a large housing development. Further, development is not proposed at this time making it is difficult to assess potential effects on housing costs or displacement. Because of these reasons, this proposal is equally supportive of this policy.

Policy 5.35 Inclusionary housing. *Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing. Work to remove regulatory barriers that prevent the use of such tools.*

Finding: The proposal does not propose development on the sites at this time, some of which contain existing residential buildings. The proposal to change the Comprehensive Plan Map designation from Institutional Campus to Single-Dwelling-5,000 is a tool that will relieve the regulatory burden of the building's existing nonconforming use status under the current CI1 zone. This proposal is more supportive of this policy.

Chapter 6: Economic Development

Policy 6.1 Diverse and growing community. *Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.*

Policy 6.2 Diverse and expanding economy. *Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.*

Policy 6.3 Employment growth. *Strive to capture at least 25 percent of the seven county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).*

Policy 6.4 Fiscally-stable city. *Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.*

Policy 6.5 Economic resilience. *Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.*

Policy 6.13 Land supply. *Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.*

Policy 6.15 Regionally-competitive development sites. *Improve the competitiveness of vacant and underutilized sites located in Portland's employment areas through the use of incentives, and regional and state assistance for needed infrastructure and site readiness improvements.*

Policy 6.17 Short-term land supply. Provide for a competitive supply of development-ready sites with different site sizes and types, to meet five-year demand for employment growth in the Central City, industrial areas, campus institutions, and neighborhood business districts.

Policy 6.56 Campus institutions. Provide for the stability and growth of Portland's major campus institutions as essential service providers, centers of innovation, workforce development resources, and major employers. See Figure 6-2 – Campus Institutions.

Policy 6.57 Campus land use. Provide for major campus institutions as a type of employment land, allowing uses typically associated with health care and higher education institutions. Coordinate with institutions in changing campus zoning to provide land supply that is practical for development and intended uses.

Policy 6.58 Development impacts. Protect the livability of surrounding neighborhoods through adequate infrastructure and campus development standards that foster suitable density and attractive campus design. Minimize off-site impacts in collaboration with institutions and neighbors, especially to reduce automobile traffic and parking impacts.

Policy 6.59 Community amenities and services. Encourage campus development that provides amenities and services to surrounding neighborhoods.

Policy 6.60 Campus edges. Provide for context-sensitive, transitional uses, and development at the edges of campus institutions to enhance their integration into surrounding neighborhoods, including mixed-use and neighborhood-serving commercial uses where appropriate.

Policy 6.61 Satellite facilities. Encourage opportunities for expansion of uses, not integral to campus functions, to locate in centers and corridors to support their economic vitality.

Policy 6.65 Home-based businesses. Encourage and expand allowances for small, low impact home based businesses in residential areas, including office or personal service uses with infrequent or by-appointment customer or client visits to the site. Allow a limited number of employees, within the scale of activity typical in residential areas. Allow home-based businesses on sites with accessory dwelling units.

Finding: The proposal to replace the existing Institutional Campus Comprehensive Plan Map designation (and corresponding CI1 zone, which prohibits residential use) with the Single-Dwelling-5,000 designation would remove 25,000 square feet of land available for future campus institutional employment uses. However, because each site is only 5,000 square feet in area and each site is physically separated from one another (thereby restricting the ability to develop the entire 25,000 square feet into one development), the potential employment value lost is minimal. Further, the existing corresponding zone of CI1 zone prohibits Office uses and limits the amount of Retail Sales And Services uses. The proposed Single-Dwelling-5,000 designation will still provide opportunity for residents to operate home-based offices that expands job potential on the subject site and offsets to some degree the loss of employment potential under the existing designation.

The remaining institutional campus site (formerly Concordia University) is 24 acres and its prominence as a potential major employment site is minimally impacted by the loss of 5 individual lots (totaling 25,000 square feet) that are the subject of the requested Comprehensive Plan Map designation. The five sites were previously acquired for the University's future use, but this plan was not implemented, and residential houses and duplexes remain intact. As such, the proposal is equally supportive of these policies.

Chapter 7: Environmental and Watershed Health

Policy 7.1 Environmental quality. *Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.*

Finding: The proposal will not affect or impact environmental quality. New development is not proposed at this time, but future development allowed outright will be limited to residential uses and will be required to satisfy applicable environmental quality regulations. The sites subject to this review do not contain city-designated Environmental overlay zones, or potential land hazards. Because of this, the proposal is equally supportive of this policy.

Policy 7.11 - Urban forest. *Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland's urban forest through plans and investments.*

7.11.a. Tree preservation. *Require and incent preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.*

7.11.b. Urban forest diversity. *Coordinate plans and investments with efforts to improve tree species diversity and age diversity.*

7.11.c. Tree canopy. *Coordinate plans and investments toward meeting City tree canopy goals.*

7.11.d. Tree planting. *Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.*

7.11.e. Vegetation in natural resource areas. *Require native trees and vegetation in significant natural resource areas.*

7.11.f. Resilient urban forest. *Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.*

7.11.g. Trees in land use planning. *Identify priority areas for tree preservation and planting in land use plans and incent these actions.*

7.11.h. Managing wildfire risk. *Address wildfire hazard risks and management priorities through plans and investments.*

Finding: Future development on the site is subject to the City's Title 11, Trees, which includes requirements for tree preservation and tree planting. Additional landscaping requirements that include tree planting would be required for future development under the corresponding zones of both the existing proposed Comprehensive Plan Map designations. For these reasons, staff finds the proposal is equally supportive of Policy 7.11.

Chapter 8: Public Facilities and Services

Goal 8.D: Public rights-of-way. *Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.*

Policy 8.3 - Urban service delivery. *Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation:*

- *Public rights-of-way, streets, and public trails*
- *Sanitary sewers and wastewater treatment*
- *Stormwater management and conveyance*
- *Flood management*
- *Protection of the waterways of the state*
- *Water supply*
- *Police, fire, and emergency response*
- *Parks, natural areas, and recreation*
- *Solid waste regulation*

Policy 8.21 - System capacity. *Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.*

Policy 8.39 - Interconnected network. *Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.*

Policy 8.40 - Transportation function. *Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street classification.*

Policy 8.42 - Stormwater management function. *Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.*

Policy 8.43 Trees in rights-of-way. *Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.*

Policy 8.61 - Sewer connections. *Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.*

Policy 8.68 - Stormwater facilities. *Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.*

Policy 8.73 - On-site stormwater management. *Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.*

Policy 8.87 Fire protection. *Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.*

Policy 8.88 Water pressure. *Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.*

Findings: To the extent that the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment is met, the proposal is consistent with providing adequate utilities and other public services. As discussed later in this report, staff finds the approval criterion in Zoning Code Section 33.855.050.B is met for each of the factors and policies mentioned above.

The City's service bureaus, including the Transportation, Fire and Water bureaus, the Urban Forestry Division of the Bureau of Parks and Recreation (who oversees street trees), and the Bureau of Environmental Services (who oversees sewer connections and stormwater facilities) reviewed and evaluated the proposal and have no concerns with the proposal, meaning that public services in the area are adequate for the existing level of development and future development intensity under the proposed designation (E exhibits). Future development will be subject to the service bureau requirements at the time of land use or permit review. Therefore, staff finds the proposal for the Single-Dwelling-5,000 designation is on balance equally supportive of the above goals and policies as the existing Institutional Campus designation.

Chapter 9: Transportation

Findings: The applicant provided a narrative response to each of the transportation policies listed in Chapter 9 and a transportation impact study (Exhibit A-3). In this report, BDS staff has listed the relevant policies and provided findings specific to the proposal. In addition, PBOT analyzed the applicant's narrative and transportation impact study and provided the following response (Exhibit E.2):

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Comprehensive Plan Change Approval Criterion, 33.810.050

Portland Bureau of Transportation (PBOT) Development Review has reviewed the transportation-related goals and policies contained within the Transportation Element (Goal 9) of the Comprehensive plan and found that following highlighted below are specifically pertinent to the request.

In support of this proposal, the applicant submitted a robust Transportation Impact Study (TIS) prepared by Clemow Associates LLC, dated November 30, 2020 (Exhibit A-3).

PBOT Development Review Traffic Engineers approved the study *noting that: "Rezoning these [5] properties (approximately 5,000 SF each and none are adjacent to another) from CI to R5 will be a reduction in overall traffic impacts. Given the existing development on each site is a single home or vacant, there will be no impact due to a change in land use, and the proposed R5 zoning is consistent with surrounding neighborhood residential uses. Even with reconstruction at the greatest intensity allowed with the forthcoming residential infill code, the impact will be less than the potential allowed under Institutional Campus. There is no need for connectivity through any of the properties, none is proposed. Future redevelopment of any of the sites may require reduction in driveway access or relocation of access to the lowest-classified street frontage."*

Goal 9.A – Safety: The applicant's traffic engineer evaluated safety utilizing the Oregon Department of Transportation (ODOT) Crash Analysis and Reporting data for the most recent five years (January 1, 2014 through December 31, 2018) for all the study area intersections, for which there were 13 total crashes.

A detailed data review finds all but two crashes occurred at intersections. Of the non-intersection crashes, one involved a pedestrian improperly crossing NE Dekum Street (between intersections) who was struck by a motorist, and the other involved a northbound motorist on NE 27th Avenue who struck a parked car. Of the intersection crashes, one occurred at NE 27th/Liberty, one at NE 26th/Holman, and the remaining nine at NE

27th/Dekum Street. A detailed review of the NE 27th/Dekum intersection crash data finds that all crashes were turning/angle crashes wherein the motorist on 27th did not have the right-of-way and crashed into a motorist on NE Dekum Street. This safety analysis does not identify any correctable safety deficiencies. Therefore, the proposal will not negatively impact intersection operations.

Policy 9.1 to 9.10 – Design and Planning: At this location, the City's Transportation System Plan (TSP) classifies adjacent streets as follows:

- Northeast Dekum Street is classified as a *Neighborhood Collector, Major Transit Priority, City Bikeway, Major City Walkway, Major Emergency Response, and Community Corridor* for Design. Northeast Dekum Street is improved with a 36-ft wide paved roadway within a 60-ft ROW, in which the abutting pedestrian corridor is improved to a 4.5-6-1.5 configuration.
- Northeast 27th Avenue is classified as a *Transit Access Street, City Bikeway, Neighborhood Walkway, Secondary Emergency Response, Local Service* for all remaining modes. NE 27th Ave is improved with a 28-ft wide paved roadway within a 60-ft ROW, in which the abutting pedestrian corridor is improved to a 9-6-1 configuration.
- Northeast Holman Street is classified as a *Major City Bikeway, Neighborhood Walkway, Local Service* for all remaining modes. NE Holman is improved with a 28-ft wide paved roadway within a 60-ft ROW, in which the abutting pedestrian corridor is improved to a 9-6-1 configuration.

The Transportation System Plan states that a *Neighborhood Collector* is intended to serve as distributors of traffic and/or connections between higher classified stress, which should connect neighborhoods to nearby centers, corridors, and other nearby destinations. *Local Service* streets are intended to distribute local traffic and provide access to local residences or commercial uses, which should give preference to access for individual properties and to the specific needs of property owners and residents along the street.

All the subject lots abut a local service street which are currently developed with three single-dwelling homes and one duplex. These street designations are consistent with the proposed R5 zone and the surrounding neighborhood; therefore, this policy is met.

Policy 9.17 to 9.40 – Modal policies: The TSP states that a *City Walkways* are intended to provide safe, convenient, and attractive pedestrian access to activities, recreation, and institutions; provide connections between neighborhoods, and provide access to transit. All the abutting established pedestrian corridors meet or exceed City standards and will continue to do so under the proposed Comprehensive Plan change.

For bicycles, the TSP states that *City Bikeways* are intended to establish direct and convenient bicycle access to significant destinations; provide convenient access to higher classified facilities; and to provide coverage within three city blocks of any given points. All three of the abutting streets have a Bikeway destination and the proposed Comprehensive Plan amendment will not distract from the existing bikeway network already in place.

For transit, the subject properties are located in an area well-served by Tri-Met bus service with the following routes: 17-Holgate/Broadway which runs directly abutting the site, 70-12th/NE 33rd, 72-Killingsworth, and 75- Cesar Chavez/Lombard – all of which have stops within approximately a one-half mile distance from the site.

In summary, the subject properties are in a dense multi-use urban environment with a fully established transportation network. All roadways have sidewalks and adequate bicycle facilities. As such, there is excellent pedestrian, bicycle, and transit network availability; and are consistent with the purposes and designs mentioned above. The street grid system in the

area surrounding this site provides a transportation system that serves all modes. These modal designations are consistent with the proposed R5 zone and the surrounding neighborhood; therefore, this policy is met.

BDS Staff's Summary Findings for Chapter 9 - Transportation

Based on PBOT's evaluation and findings (Exhibit E.2) and as described in the findings above, staff finds the proposal to be equally supportive of the relevant goals and policies in Chapter 9 – Transportation.

Chapter 10: Land use designations

Policy 10.1 Land use designations. Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

6. Single-Dwelling — 5,000 This designation is Portland's most common pattern of single-dwelling development, particularly in the city's inner neighborhoods. It is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally have few or very minor development constraints. Single-dwelling residential will be the primary use. The maximum density is generally 8.7 units per acre. The corresponding zone is R5.

Finding: The proposal is to map the Single-Dwelling-5,000 Comprehensive Plan Map designation on the five sites, which has a single corresponding Zoning Map designation of Single-Dwelling Residential 5,000 (R5). The proposed Single-Dwelling-5,000 Comprehensive Plan Map designation is applied to existing nearby properties along the west side of NE 27th Avenue.

As identified above in response to Chapters 8 and 9, adequate public services exist to serve uses and development allowed by the proposed designation.

Policy 10.2 Relationship of land use designations to base zones. Apply a base zone to all land and water within the City's urban services boundary. The base zone applied must either be a zone that corresponds to the land use designation or be a zone that does not correspond but is allowed according to Figure 10-1 — Corresponding and Less-Intense Zones for Each Plan Map Designation. In some situations, there are long-term or short-term obstacles to achieving the level of development intended by the land use designation (e.g., an infrastructure improvement to serve the higher level of development is planned but not yet funded). In these situations, a less intense zone (listed in Figure 10-1) may be applied. When a land use designation is amended, the zone may also have to be changed to a corresponding zone or a zone that does not correspond but is allowed.

Finding: The proposal seeks to convert the existing Institutional Campus designation and CI1 zone to the Single-Dwelling – 5,000 designation and R5 zone. The proposed R5 base zone is the sole corresponding zone to the proposed Single Dwelling-5,000 Comprehensive Plan designation..

Policy 10.3 Amending the Zoning Map.

10.3.a Amending a base zone may be done legislatively or quasi-judicially.

10.3.b *When amending a base zone quasi-judicially, the amendment must be to a corresponding zone (see Figure 10-1 — Corresponding and Allowed Zones for Each Land Use Designation). When a designation has more than one corresponding zone, the most appropriate zone, based on the purpose of the zone and the zoning and general land uses of surrounding lands, will be applied.*

10.3.c *When amending a base zone legislatively, the amendment may be to a corresponding zone or to a zone that does not correspond but is allowed (see Figure 10-1 — Corresponding and Allowed Zones for each Land Use Designation for zones that are allowed). A legislative Zoning Map amendment may not be to a zone that is not allowed.*

10.3.d *An amendment to a base zone consistent with the land use designation must be approved when it is found that current public services are capable of supporting the uses allowed by the zone, or that public services can be made capable by the time the development is complete. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater management, transportation, school district capacity (where a school facility plan exists), and police and fire protection.*

10.3.e *An amendment to apply or remove an overlay zone or plan district may be done legislatively or quasi-judicially and must be based on a study or plan document that identifies a specific characteristic, situation, or problem that is not adequately addressed by the base zone or other regulations.*

Finding: The proposed Single-Dwelling – 5,000 Comprehensive Plan designation has one corresponding zone, R5. As supported by the service bureau comments (Exhibits E.1 through E.8), adequate services are available or capable of being made available for future R5 zone uses and development.

The site is within the Portland Public Schools District: the site is served by Fabion School (grades kindergarten through 8th) and Jefferson or Madison high schools (9th through 12th grades). A school facility plan does not currently exist. The district is developing a Long-Range Facility Plan that will align its vision with future capital planning. The site has an existing Aircraft Landing (h) overlay zone designation. Changes are not proposed or recommended to the mapping of the “h” overlay zone on the subject sites and the “h” overlay zone will continue to apply.

Based on these findings, the proposal is equally supportive of this policy.

Summary for Zoning Code Section 33.810.050.A.1: Based on the above findings, the proposal is on balance equally or more supportive of the relevant goals and policies of the Comprehensive Plan than the current situation. Staff finds the approval criterion in Zoning Code Section 33.810.050.A.1 are met.

2. The requested change is consistent with Statewide Land Use Planning Goals;

Finding: Staff evaluated the proposal against the Statewide Land Use Planning Goals in the finding for Comprehensive Plan Policy 1.12 in Finding A.1 above. Staff found the proposal is consistent with the Statewide Land Use Planning Goals. This criterion is met.

- 3. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:**
- a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;**
 - b. The transportation system is capable of supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion A.3.c;**
 - c. Measures proportional to the impacts of the uses allowed by the proposed designation are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and**
 - d. Transportation improvements adjacent to the development and in the vicinity needed to support the proposed development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.**
 - e. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;**
 - f. The site does not have direct access to special industrial services such as multimodal freight movement facilities;**
 - g. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;**
 - h. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and**
 - i. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:**
 - 1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area,**

no more than 10 acres may be given a new Comprehensive Plan Map designation;

- 2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;**
- 3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;**
- 4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;**
- 5) Exception. If the site is not designated as industrial or employment Metro, these size limits do not apply.**

Finding: The site is not designated in the Comprehensive Plan as either Industrial Sanctuary or Mixed Employment. As such, this criterion does not apply.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes or characteristics of each zone and the zoning pattern of surrounding land.**

Finding: The proposed Single-Dwelling – 5,000 Comprehensive Plan Map designation has one corresponding zone, Single-Dwelling Residential 5,000 (R5). Because the proposal is for the R5 zone, this criterion is met.

B. Adequate public services.

- 1. Adequacy of services applies only to the specific zone change site.**
- 2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.**
 - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.**
 - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance**

standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.

- c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.**
- d. The school district within which the site is located has adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.**

Finding: A Request for Response was sent to the City's service bureaus on March 5, 2021 (Exhibit D-1). Each of the relevant bureaus provided responses, found in Exhibits E-1 through E-8. As described in the bureau responses and in the findings related to the Comprehensive Plan policies, all responding bureaus conclude that there are adequate services to the site to accommodate uses and development expected in the R5 zone.

The site is within the Portland Public School District #1, which has not adopted a school facility plan, therefore compliance with Criterion "d" above is not required.

Based on the above findings, this criterion is met.

- 3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.**

Finding: The request does not include rezoning the site to the IR zone. The prior IMP for Concordia University has been terminated as of September 8, 2020, and the main campus was rezoned from the IR zone to the CI1 zone in 2016 (except that the subject 5 properties were rezoned from the R5 zone to CI1 zone). This criterion does not apply.

- C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.**

Finding: The proposal does not include rezoning the site to Institutional Residential. This criterion is not applicable.

- D. When the requested zone change is CI1 or CI2. When the requested zone change is CI1 or CI2, a Transportation Impact Review is required as part of the zoning map amendment.**

Finding: The proposal does not include rezoning the site to Campus Institutional 1 or 2. This criterion does not apply.

E. Location. The site must be within the City's boundary of incorporation. See Section 33.855.080.

Finding: The subject site is within the incorporated boundaries of the City of Portland. 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 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.

CONCLUSIONS

This proposal was initiated due to the closure of the Concordia University early last year. Despite this unfortunate circumstance, the proposed reduction in property zoned for campus use, the proposed R5 zoning fits with both the existing development on the five small properties subject to this review and the designations of other properties along the west side NE 27th Avenue.

Northeast 27th Avenue is an attractive tree-lined street that blends the large Concordia University site to on the east to the single-dwelling residential neighborhood to the west, and it provides transit service for neighborhood residents. At one time, the University had plans to reshape these properties into campus developments, but the transformation never took place and the properties retain their former residential use. It is sensible and appropriate to restore the single-dwelling designation on these five properties, as this designation is consistent with adjoining Concordia residential area.

The proposed Comprehensive Plan Map and Zoning Map Amendment is on balance found to be equally or more supportive of the relevant goals and policies of the *2035 Comprehensive Plan*, Oregon Statewide Planning Goals, and the Metro *Urban Growth Management Functional Plan*. A review of the proposal was conducted in part by the City's service bureaus, which found that adequate public services are available on the site that will accommodate the development intensities allowed by the proposed designations.

The site has an existing Aircraft Landing (h) overlay zone designation. Changes are not proposed to the existing mapping of the "h" overlay zone and it will continue to apply to the site if this proposal is approved.

Staff finds that the applicable approval criteria are met, and the proposal should be approved.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Comprehensive Plan Map Amendment from Institutional Campus to Single-Dwelling - 5,000; and

Approval of a Zoning Map Amendment from Campus Institutional 1 (CI1) Zone to Residential 5,000 (R5) zone with the retention of the Aircraft Landing “h” overlay zone for the five properties shown on the attached Exhibits B-2 and C-1 and identified below:

Addresses and State ID:

- | | |
|-------------------------|----------------|
| 1. 2636 NE Dekum Street | 1N1E13CB 14500 |
| 2. 6705 NE 27th Avenue | 1N1E13CB 14200 |
| 3. 6623 NE 27th Avenue | 1N1E13BC 13900 |
| 4. 6325 NE 27th Avenue | 1N1E13BC 5500 |
| 5. 6305 NE 27th Avenue | 1N1E13BC 5700 |

Procedural Information. The application for this land use review was submitted on October 16, 2020 and was determined to be complete on December 1, 2020.

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 October 16, 2020.

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 recommendation 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.

This report is not a decision. This report is a recommendation by the Bureau of Development Services to the Land Use Hearings Officer. The Land Use Hearings Office may adopt, modify, or reject this recommendation. The Hearings Officer will make a recommendation to the City Council within 30 days of the close of the record. You will receive mailed notice of the Hearings

Officer's recommendation if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant.

Your comments to the Hearings Office should be e-mailed to HearingsOfficeClerks@portlandoregon.gov, or mailed c/o Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100 Portland, OR 97201, or you may FAX your comments to (503) 823-4347, and/or you may testify during the hearing. Please see link to instructions on how to testify at the top of this staff report or contact the Hearings Office at 503-823-7307 or via email at HearingsOfficeClerks@portlandoregon.gov.

If you are interested in viewing information in the file, please contact the planner listed on the front of this staff report. The planner can provide information over the phone or via email. Please note that only digital copies of material in the file are available. A digital copy of the Portland Zoning Code is available on the internet at <http://www.portlandonline.com/auditor/index.cfm?c=28197>

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's recommendation. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

This decision (After City Council has issued a decision), and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of 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 for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

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.

Planner's Name: Marguerite Feuersanger

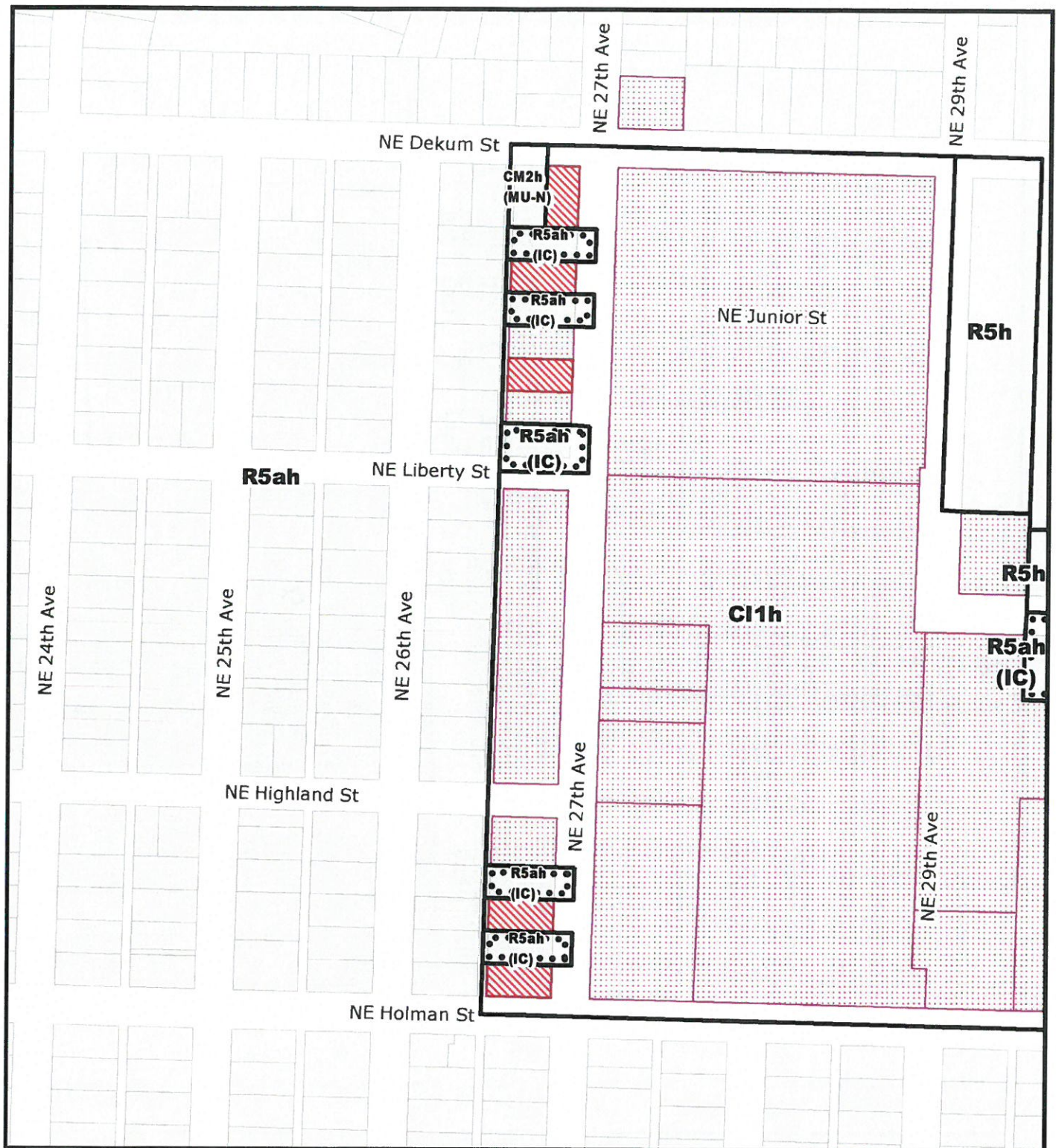
Date: April 9, 2021

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original Submittal, October 16, 2020
 - 2. Resubmittal, December 1, 2020
 - 3. Resubmittal, February 10, 2021
 - 4. Applicant response to the Concordia Neighborhood Plan, April 8, 2021
- B. Zoning Maps
 - 1. Existing Zoning (attached)
 - 2. Proposed Zoning (attached)
- C. Plans & Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. 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 Plans Review of BDS
 - 8. Urban Forestry Division of the Bureau of Parks and Recreation
- F. Letters:
 - None.
- G. Other:
 - 1. Letter to Applicant indicating information needed to complete the application
 - 2. DLCDD Notice of Proposed Amendment

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



Existing Zoning

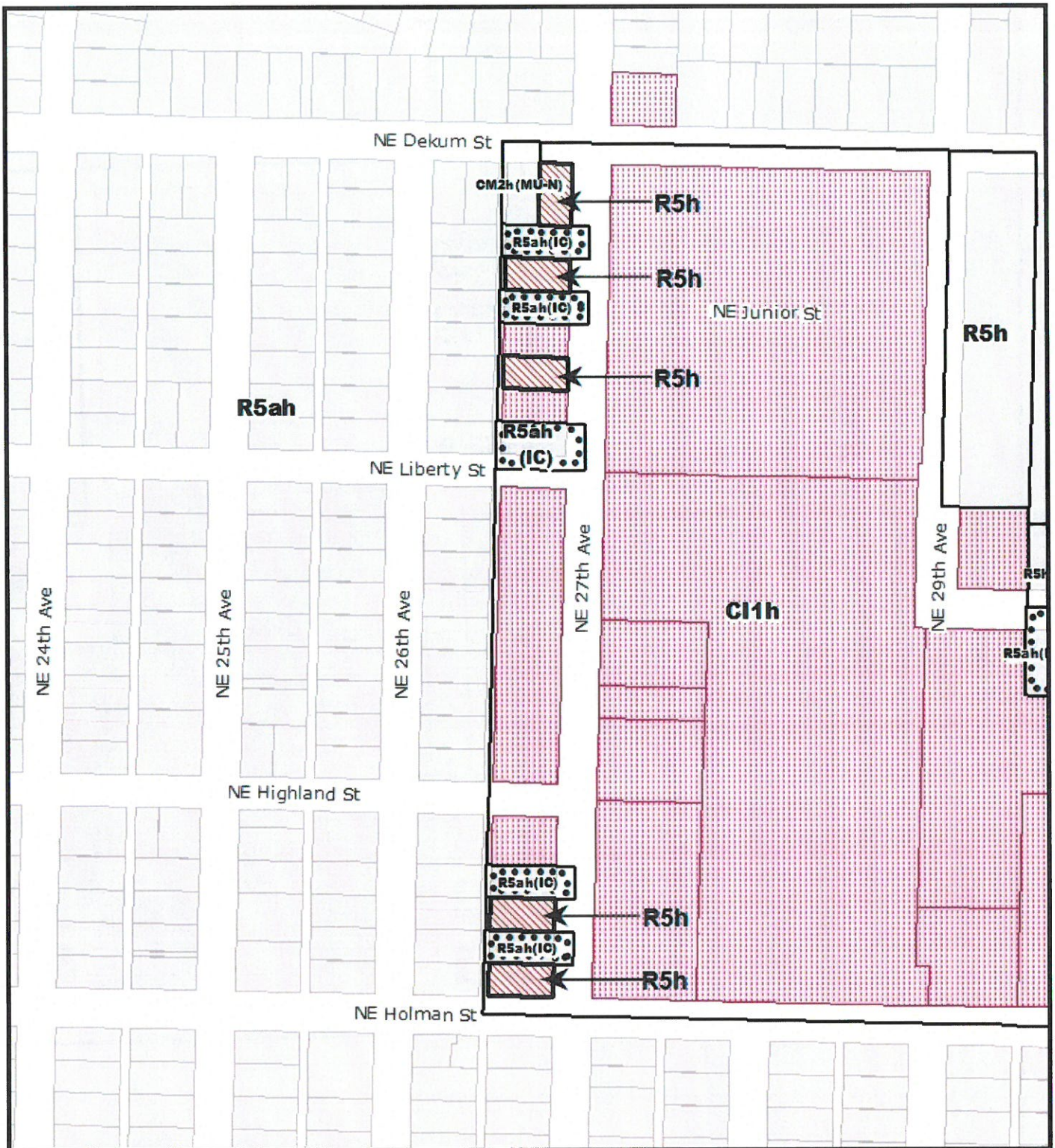


Site



Also Owned Parcels

File No.	LU 20 - 204990 CP ZC
1/4 Section	2433,2333
Scale	1 inch = 200 feet
State ID	1N1E13BC 14500
Exhibit	B1 Oct 20, 2020



PROPOSED ZONING

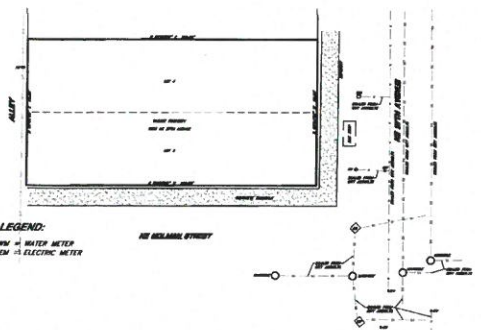
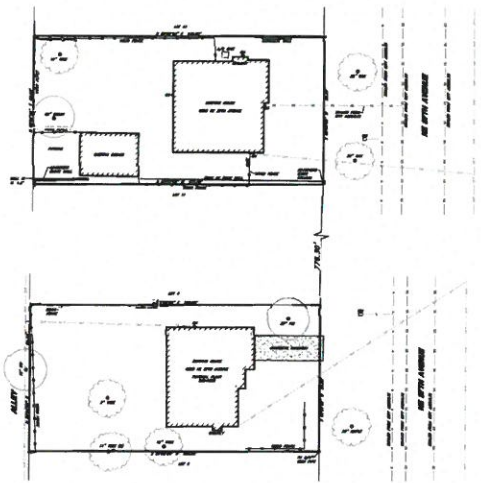
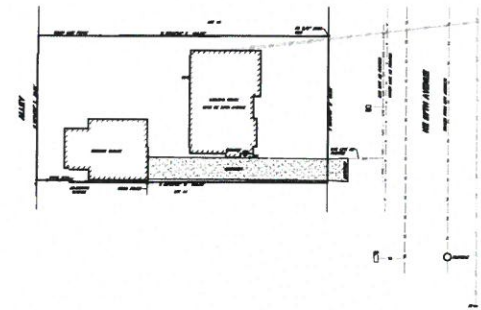
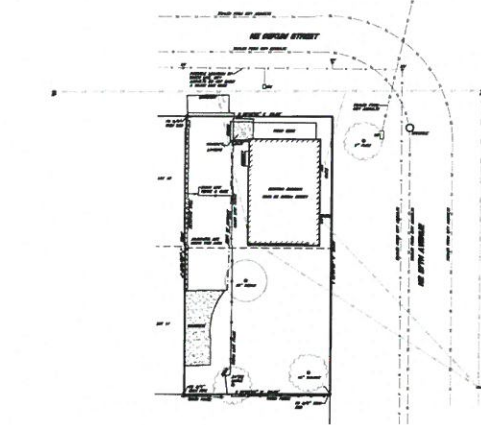


Site



Also Owned Parcels

File No.	LU 20 - 204990 CP ZC
1/4 Section	2433,2333
Scale	1 inch = 200 feet
State ID	1N1E13BC 14500
Exhibit	B2 Oct 20, 2020



LEGEND:
 BXL = BOLLARD
 CB = CATCH BASIN
 CD = CLEAN OUT
 CV = GAS VALVE
 EM = ELECTRIC METER
 FM = FIRE HYDRANT
 GM = GAS METER
 PM = POWER POLE
 WM = WATER METER
 WV = WATER VALVE

NOTES:

1. NO TITLE REPORT WAS PROVIDED THEREFORE ALL EASEMENTS MAY NOT BE SHOWN

SITE PLAN
Exhibit C-1
20-204990 CP ZC

EXHIBIT MAP
 OF
 VARIOUS PROPERTIES IN
 "IRVINGTON PARK"
 SITUATED IN THE
 SOUTHWEST 1/4 OF SECTION 15, T. 1 N., R. 1 E., W. 4
 CITY OF PORTLAND, COUNTY OF MULTNOMAH, STATE OF OREGON

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 JULY 15, 1982
 ERIC J. JONES
 10000
 8-30-21

R.S. BRECKEN
 (1885-1915)
 MARSHALL BROTHERS
 (1915-1957)
 BOOTH & WRIGHT
 (1957-1977)
 SECTION, JOHNSON & ODELL
 (1977-1983)
 CHASE, JONES &
 ASSOCIATES, INC.
 (1983-)

CHASE, JONES & ASSOCIATES INC. 530 NE COUCH ST. PORTLAND, OREGON 97232 PHONE: (503) 228-9844			
PROJECT NO. 15883	1/4 SECTION 2433	DATE JANUARY 12, 2021	SHEET 1
DRAWN BY DLW	CHECKED BY EDJ	SCALE 1" = 20'	OF 1



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL ON
A COMPREHENSIVE PLAN MAP AMENDMENT
AND ZONING MAP AMENDMENT**

CASE FILE: LU 20-204990 CP_ZC – Concordia Univ. Foundation Properties
Hearings Officer Case #4210001

HEARING DATE & TIME: June 16, 2021 at 2:45 pm

REMOTE ACCESS: CITY COUNCIL AGENDA
<https://www.portlandoregon.gov/auditor/26997>

Date: May 18, 2021
To: Interested Person
From: Marguerite Feuersanger, City Planner
mfeuersanger@portlandoregon.gov (503) 823-7619

Due to the City's Emergency Response to COVID19, this land use hearing will be remote participation via Zoom.

Please refer to <https://www.portlandoregon.gov/auditor/26997> for information on how to observe and participate remotely. You can also visit this website a few days before the hearing to find out if City Hall Chambers are open for in-person attendance in addition to remote participation.

A virtual public hearing will be held to consider the Land Use Hearings Officer's recommendation on a Comprehensive Plan Map and Zoning Map Amendment proposal. On May 3, 2021, the Hearings Officer issued a recommendation to approve the proposal, found on this page:

<https://www.portlandoregon.gov/bds/42260>

A copy of the existing and proposed zoning maps are attached. For an application which includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

You are invited to testify at the hearing. I am the staff person handling this case. Please contact me with any questions regarding this proposal. This will be an Evidentiary hearing, one in which new evidence can be submitted to the City Council. For a general explanation of the City Council hearing process and how to testify, please refer to the last page of this notice.

GENERAL INFORMATION

Applicant: Peter Finley Fry
303 NW Uptown Terrace #1b
Portland, OR 97210

Owner/Agent: Concordia University Foundation
c/o George Thurston
2811 NE Holman Street
Portland, OR 97211

Site Address: 2636 NE Dekum Street
6705 NE 27th Avenue
6623 NE 27th Avenue
6325 NE 27th Avenue
6305 NE 27th Avenue (vacant)

Legal Description: BLOCK 26 LOT 2&4, IRVINGTON PK; BLOCK 56 LOT 7, IRVINGTON PK; BLOCK 72 LOT 12, IRVINGTON PK; BLOCK 72 LOT 15, IRVINGTON PK; BLOCK 72 E 1/2 OF LOT 17 E 1/2 OF LOT 18 EXC PT IN ST, IRVINGTON PK

Tax Account No.: R421308360, R421321380, R421323610, R421323640, R421323670

State ID No.: 1N1E13CB 05700, 1N1E13CB 05500, 1N1E13BC 13900, 1N1E13BC 14200, 1N1E13BC 14500

Quarter Section: 2333 & 2433

Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873.

Business District: Soul District Business Association, contact at Info@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at jessica@necoalition.org

Zoning: CI1h, Campus Institutional 1 Zone, within the Aircraft Landing (h) Overlay Zone

Plan District: None

Case Type: CP ZC, Comprehensive Plan Map Amendment and Zoning Map Amendment

Procedure: Type III – Requires a public hearing before the Hearings Officer and a second public hearing before the City Council to consider the Hearings Officer’s recommendation.

Proposal: For the above-cited five properties, the applicant is requesting a Comprehensive Plan Map Amendment from Institutional Campus to Single-Dwelling - 5,000, and a Zoning Map Amendment from Campus Institutional 1 (CI1) to Residential 5,000 (R5 zone). The Aircraft Landing “h” overlay zone will remain on all five properties. No development is proposed at this time.

Background: After Concordia University Foundation acquired the subject five properties, the zoning designations were changed from Residential to Institutional because Concordia University planned to incorporate the properties into the campus site. Since that time, however, no development or changes related to the University use were requested nor approved on these sites. Above all, Concordia University has ceased operations since the end of the Spring 2020 academic semester. Four of the five properties contain buildings with residential uses; the residential uses on these sites became nonconforming when the zone changed from the R5 zone to the CI1 zone, which prohibits residential use. The Concordia University Foundation owns the five properties and with this proposal, seeks to return them to the former Single-Dwelling Residential zoning designations.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- Comprehensive Plan Map Amendment Approval Criteria of Section 33.810.050;
<https://www.portland.gov/code/33/800s/810>
- Zoning Map Amendment Approval Criteria of Section 33.855.050;
<https://www.portland.gov/code/33/800s/855>
- Comprehensive Plan Policies (per Criterion A.1 of 33.810.050); and
<https://portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents>
- Statewide Land Use Planning Goals (per Criterion A.2 of 33.810.050).

<http://www.oregon.gov/LCD/pages/goals.aspx>

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. This application was submitted on October 16, 2020 and determined to be complete on December 1, 2020.

Review of the case file: If you are interested in viewing information in the file, please contact the planner listed on the front of this notice or call the Request Line at 503-823-7617 to request specific materials. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. A digital copy of the Zoning Code that applies to this specific proposal (Zoning Code in effect on October 16, 2020) is available on the internet at [Efiles - title33_complete01012020 \(19/ED/109503\) \(portlandoregon.gov\)](#)

We are seeking your comments on the proposal. The hearing will be held before the City Council. To comment, you may write or testify at the hearing. In your comments, you should address the approval criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing** and should include the case file number and name and address of the submitter. Written comments must be given to the Council Clerk in person, mailed to 1221 SW Fourth Avenue, Room 130, Portland, OR 97204, or e-mailed to cctestimony@portlandoregon.gov.

APPEAL PROCESS

A description of the City Council Hearing process is attached. City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Existing Zoning Map
Proposed Zoning Map
Site Plan

**GENERAL EXPLANATION OF CITY COUNCIL APPEAL HEARING PROCESS FOR
EVIDENTIARY/DE NOVO APPEALS****1. SUBMISSION OF TESTIMONY**

- a. Testimony may be submitted via email to CCTestimony@portlandoregon.gov or in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments is generally as follows:

Staff Report	10 minutes
Appellant	10 minutes
Supporters of Appellant	3 minutes each
Principal Opponent of the Appeal	15 minutes
Other Opponents of the Appeal	3 minutes each
Appellant Rebuttal	5 minutes
Council Discussion	

- b. The applicant has the burden of proof to show that ~~each and every~~ element of the approval criteria can be satisfied. If the applicant is opposing the Design Commission's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. ~~In order to~~ prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. If you are interested in viewing information in the file, please contact the planner listed on the front of this proposal. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

APR 19 2021

From: Fawn Aberson <fawnaberson@gmail.com>
Sent: Monday, April 19, 2021 2:35 PM
To: Hearings Office Clerks
Cc: CHAIR@NNEBAPORTLAND.ORG; NNEBA
Subject: Written Testimony CASE FILE: LU 20-204990 CP ZC PC # 20-164289

HEARINGS OFFICE

CITY OF PORTLAND HEARINGS OFFICE Exhibit #H-4 Case # 4210001 Bureau Case # 20-204990 CP ZC
--

Dear Bureau of Development Services Land Use Hearings Representatives

Regarding application CASE FILE: LU 20-204990 CP ZC PC # 20-164289 Request from Concordia University Foundation to Amend from Institutional Campus to Single-Dwelling - 5,000, and a Zoning Map Amendment from CI1h to Residential 5,000 (R5 zone), of the following five properties.
2636 NE Dekum Street 6705 NE 27th Avenue 6623 NE 27th Avenue 6325 NE 27th Avenue 6305 NE 27th Avenue (vacant)

On Behalf of the Soul District Business Association

Thank you for the opportunity for us to provide written testimony in response to Concordia University Foundation's request to amend some of the properties it holds from Institutional zoning to Residential (R5) so that they can then sell the properties.

Geographically located in the Northeast corner of our District, Concordia University's relationship with our organization spanned decades. We partnered with University staff on a wide variety of events including an annual job fair that prioritized access for low-income, minority youth. We partnered on several community engagement campaigns to connect residents in our community with businesses in order to build good-will and support economic development. These included the MLK Dream Run and the Illuminating the Soul Holiday Campaign. Concordia University's Staff often filled a seat on our organization's Board of Directors and participated in our sub-committees around youth entrepreneurship and small business support, with a particular emphasis on building up Black community engagement.

Therefore, when we received the announcement that Portland campus of Concordia University was closing we felt not only pain in losing a long and trusted community partner, we also mourned for the loss of jobs that Concordia University had provided for so many staff that we had come to know, trust and treasure as our friends.

Now, as we see what can only be the beginning of the systematic deconstruction of the 13 plus acres of Concordia's campus assets, we can't help but wonder if there can still be opportunities for Grace in the Legacy that Concordia University will be leaving behind through its asset holdings.

To this end we are asking that as the Bureau of Development, Concordia University Foundation and the other Legal entities tied to this property begin to reimagine the future for this land with the inclusion of input from community partners like the Soul District Business Association, Portland Community Reinvestment Initiatives (PCRI), Concordia Neighborhood association and others.

Today, more than every, the income imbalances and wealth disparities that exist in our City and our nation have become exacerbated by racial inequities. Addressing these issues has always proved to be incredibly challenging, but in 2015 a collective of community partners came together and created a strategic economic development implementation plan called Pathway 1000 as a solution to these

woes. In the opening statement of this strategic plan Maxine Fitzpatrick, former Executive Director of PCRI, stated, " If we think about the racial and economic vulnerabilities existing in Portland, we can understand why the gentrification of NE Portland led to the rapid displacement of thousands of families, primarily Black families. The displacement occurred with little capacity in the community to challenge the changes."

Pathway 1000's goal was to put 1000 displaced families back into NE portland through the development of 200 units of affordable rental housing and 800 homeownership housing dwellings. To date the rental housing has been fulfilled and 20 of the 800 homeownership housing developments have been constructed.

We can't help but recognize that through this process we might actually be able to challenge this community change starting today in order to benefit a community that has suffered too long and sacrificed too much in the name of progress for others. We are asking you to envision that through the release of the properties held by the Concordia Foundation, Concordia University and any of their other holding partners, if this could be the solution to closing the wealth gap for Blacks in our community? Could we collectively come together to make this happen? We are asking all of you today at this hearing, those who are listening and those who are reading this to please just imagine what this could mean for our community, our City, our State and the Legacy of Concordia University if fair and equitable distribution of wealth were allowed to unfold through collective community involvement.

Thank you for this opportunity to open the dialogue on this and if you have any questions please feel free to let us know at Chair@nnebaportland.org

Much Respect,

John Washington, SDBA Chair

CC:

Fawn Aberson
 Outreach Coordinator, The Soul District Business Association
 (Formerly N/NE Business Association)
 503-841-5032
outreach@nnebaportland.org
www.souldistrictbiz.org
www.mlkdreamrun.org

From: Max Horten
To: Hearings Office Clerks
Subject: Testimony - Case File (LU 20-204990 CP ZC)
Date: Monday, April 19, 2021 8:48:06 AM

Hello,

I have a question about the approval criteria BDS uses to evaluate zoning change proposals. My question pertains to Case File LU 20-204990 CP ZC | PC # 20-164289.

Can BDS approve zoning change applications if the Owner/Agent of the property is party to a lawsuit or subject to an investigation by a state agency, or if the property itself is subject to a lawsuit or state investigation?

Thank you
Max Horten

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APR 19 2021
HEARINGS OFFICE

RECEIVED

APR 19 2021

HEARINGS OFFICE

From: Peter Fry <peter@finleyfry.com>
Sent: Monday, April 19, 2021 4:42 PM
To: Hearings Office Clerks
Subject: : LU 20-204990 CP ZC (Hearings Office Case Number 4210001)
Attachments: Applicant Response.docx

Clarification attached.

Peter Finley Fry AICP PhD MUP
303 NW Uptown Terrace; Unit 1B
Portland, Oregon 97210
503 703-8033

Sent from [Mail](#) for Windows 10

~~Submit After The
Record Closed.~~ @

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APR 19 2021
HEARINGS OFFICE

~~Submit After The
Record Closed.~~ @

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-6
Case # 4210001
Bureau Case # 20-204990 CP ZC

Peter Finley Fry AICP Ph.D.

190461
(503) 703-8033

April 19, 2021

Hearings Officer
City of Portland
1900 SW 4th Avenue, Room 3100
Portland, OR 97201

~~Submit After The
Record Closed.~~ @

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APR 19 2021

HEARINGS OFFICE

Case Number: LU 20-204990 CP ZC (Hearings Office Case Number 4210001)
Site Addresses: 2636 NE Dekum Street, 6705 NE 27th Avenue, 6623 NE
27th Avenue, 6325 NE 27th Avenue, and 6305 NE 27th Avenue.

We have read the staff report and recommendation to the Hearings Officer and agree with its findings and recommendation. We request that the Hearings Officer make what modifications that may be necessary and forward the findings and recommendation for approval without condition to Portland's City Council.

The staff report has one omission that we ask to be corrected.

On Page 6, the applicant's narrative is quoted and two words are missing. The last sentence of the first paragraph should read:

"These properties are all located across NE 27th from the main campus and have for the ~~-most part-~~ been developed with residential structures that are consistent with the character of the R5 zoning designation."

The words "most part" are missing.

We are pleased that the staff included those two paragraphs in the staff report. They effectively summarize our request.

Sincerely,

Peter Finley Fry

303 NW Uptown Terrace #1B
Portland, Oregon USA 97210
peter@finleyfry.com

~~Submit After The
Record Closed.~~ @

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-6a
Case # 4210001
Bureau Case # 20-204990 CP ZC

From: Peter Fry <peter@finleyfry.com>
Sent: Monday, April 19, 2021 4:47 PM
To: Hearings Office Clerks
Subject: LU 20-204990CPZC HO 4210001
Attachments: Testimony.pdf

Signed letter

Peter Finley Fry AICP PhD MUP
303 NW Uptown Terrace; Unit 1B
Portland, Oregon 97210
503 703-8033

Sent from [Mail](#) for Windows 10

~~Submit After The
Record Closed.~~ @

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APR 19 2021
HEARINGS OFFICE

~~Submit After The
Record Closed.~~ @

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-7
Case # 4210001
Bureau Case # 20-204990 CP ZC

Peter Finley Fry AICP Ph.D.**(503) 703-8033**

April 19, 2021

Hearings Officer
 City of Portland
 1900 SW 4th Avenue, Room 3100
 Portland, OR 97201

~~Submit After This
 Record Closed.~~

RECEIVED

APR 19 2021

HEARINGS OFFICE

Case Number: LU 20-204990 CP ZC (Hearings Office Case Number 4210001)
Site Addresses: 2636 NE Dekum Street, 6705 NE 27th Avenue, 6623 NE
 27th Avenue, 6325 NE 27th Avenue, and 6305 NE 27th Avenue.

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Sincerely,


 Peter Finley Fry

303 NW Uptown Terrace #1B
 Portland, Oregon USA 97210
peter@finleyfry.com

~~Submit After This
 Record Closed.~~

CITY OF PORTLAND
 HEARINGS OFFICE
 Exhibit #H-7a
 Case # 4210001
 Bureau Case # 20-204990 CP ZC



City of Portland, Oregon
Bureau of Development Services
Inspection Services
 FROM CONCEPT TO CONSTRUCTION

Dan Ryan, Commissioner
 Rebecca Esau, Director
 Phone: (503) 823-1054
 Fax: (503) 823-7250
 TTY: (503) 823-6868
www.portland.gov/bds

MEMORANDUM

May 25, 2021

TO: Mayor Ted Wheeler
 Commissioner Jo Ann Hardesty
 Commissioner Mingus Mapps
 Commissioner Carmen Rubio
 Commissioner Dan Ryan

FROM: Rebecca Esau, Director *RE*

RE: City Council hearing for LU #20-204990 CP ZC (Concordia University Foundation Request to Amend the Comprehensive Plan Map and Zoning Map)

The purpose of this memorandum is to transmit the adopting Ordinance, Report and Ordinance Backing Sheets, Financial Impact Statement and a brief description of the land use review that will be presented to you in a public hearing on June 16, 2021 at 2:45 pm.

Site Address: 2636 NE Dekum Street, 6705 NE 27th Avenue, 6623 NE 27th Avenue, 6325 NE 27th Avenue, and 6305 NE 27th Avenue

BDS Representative: Marguerite Feuersanger, City Planner

1. Land Use Reviews Requested

Comprehensive Plan Map Amendment from Institutional Campus to Single-Dwelling – 5,000, and a Zoning Map Amendment from Campus Institutional (CI1) zone to Residential 5,000 (R5) zone.

2. Key Elements of the Hearings Officer's Recommendation

The Hearings Officer recommended approval of the requested Comprehensive Plan Map and Zoning Map Amendment; their recommendation is to adopt and incorporate the facts, findings, and conclusions of the BDS Staff Report and Recommendation dated April 9, 2021 (and to correct a typographical error in the applicant's statement).

3. Alternatives Facing Council

1. Accept the Hearings Officer's recommendation of approval, with no changes.
2. Accept the Hearings Officer's recommendation of approval, with modified findings and/or conditions.
3. Reject the Hearings Officer's recommendation and deny the proposal.

IMPACT STATEMENT

Legislation title: Amend the Comprehensive Plan Map and Zoning Map for properties at 2636 NE Dekum Street, 6705 NE 27th Avenue, 6623 NE 27th Avenue, 6325 NE 27th Avenue and 6305 NE 27th Avenue at the request of the Concordia University Foundation (Ordinance; LU 20-204990 CP ZC)

Contact name: Marguerite Feuersanger, City Planner, Land Use Services Division of BDS
(503) 823-7619

Presenter names: Marguerite Feuersanger

Purpose of proposed legislation and background information:

The request is not for a legislative action, but for approval of a Type III quasi-judicial land use review. The request is to amend the Comprehensive Plan Map and Zoning Map designations on the site.

Quasi-judicial procedures described in Zoning Code Chapter 33.730, commonly known as land use reviews, are handled by the Bureau of Development Services. Quasi-judicial procedures specifically describe the City Council as the decision-maker for Type III Comprehensive Plan Map Amendments and concurrent review requests, per 33.730.030.F.3.a(2).

The Hearings Officer has recommended approval of the land use review. Staff will be presenting the Hearings Officer's recommendation at the hearing.

Financial and budgetary impacts:

This is not a legislative action. There are no costs to the City associated with this quasi-judicial land use review. The City resources necessary to review the application are covered by the land use review fees paid by the applicant.

Community impacts and community involvement:

The standard public involvement procedures for a Type III land use review process have been followed. A public hearing with the Hearings Officer was held regarding the proposal. The proposal and BDS Staff Report were uncontested. However, four persons testified regarding the future use and sale of the property. One testifier asked if the proposed map amendments would set a precedent for future requests while another asked if the proposal could be approved if the property owner was subject to a lawsuit or state investigation.

The Soul District Business Association also submitted written and oral testimony to the hearings officer. They acknowledged the decades-long relationship with the University and expressed pain in losing a trusted community partner, as well as the loss of jobs. They do not state an objection to the proposed map amendments but seek action toward reducing income imbalances and wealth disparities on behalf of the community's black population. Action could take the form of collective community involvement with the release of the Concordia University Foundation properties, to help close the wealth gap. They referenced the *Pathway 1000* plan (2015 strategic economic development implementation plan) as a tool to help displaced families relocate back to Northeast Portland.

The Hearings Officer addressed the testimony in their decision and stated that issues regarding the use and sale of the property do not relate to the applicable approval criteria and are not relevant to the approval or denial of the proposal.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount