



City of Portland
Bureau of Development Services
Land Use Services Division

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**NOTICE of FINAL
FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY OF PORTLAND DESIGN COMMISSION
ON AN
APPEALED ADMINISTRATIVE DECISION (Type II Process)**

CASE FILE: LU 08-120374 IM DZM ZC
**LOCATION: Half-block between NE Liberty, NE Highland,
NE 27th Avenue, and Alley just west of NE 27th Ave.**

The administrative Design Review and Modifications through Design Review decision for this case was appealed to the Design Commission by the Concordia Neighborhood Association. The Design Commission upheld the administrative decision of conditional approval and denied the appeal, granting the request. The applicant agreed to non-binding 'friendly amendment' to provide 12 additional bike parking spaces on the site. The original analysis, findings and conclusions related to the Design Review and Modifications through Design Review follows.

NOTE: The concurrent appeal to the Hearings Officer of the Impact Mitigation Plan Compliance and Amendment Reviews was withdrawn by the Concordia Neighborhood Association. In a separate 'Amended Final Order of the Hearings Officer', mailed on September 8, 2008, the withdrawal of this portion of the appeal became final.

In summary, the decision as approved on August 13, 2008 now stands, and is the final City decision on this case. Further appeals may be filed to the Land Use Board of Appeals (LUBA) within 21 days of the mailing of this decision - please see p. 15 of this document for more details.

I. GENERAL INFORMATION

Applicant Representative/Contact:

Theresa Paulson (503) 224-9560
Group Mackenzie
P.O. Box 14310
Portland, Oregon 97293

Applicant:

Concordia University
Attn.: Denny Stoecklin, CFO (503) 280-9371
2811 NE Holman Street
Portland, Oregon 97211

Property Owners:

Concordia University/Lutheran Church-Missouri Synod
2811 NE Holman Street
Portland, Oregon 97211

Michael Hathaway
6437 NE 27th Ave
Portland, Oregon 97211

Site Address:

Multiple (Housing Project on Half-block between NE Liberty, NE
Highland, NE 27th Avenue, and Alley just west of NE 27th Avenue)

Tax Account Nos.: R421308360, R421308390, R421312260, R421312280, R421312300, R421312320, R421312490, R421312520, R421312540, R421312570, R421312680, R421317100, R421321230, R421321270, R421321290, R421321360, R421321380, R421321390, R421321400, R421322770, R421322780, R421322790, R421322800, R421322810, R421322820, R421322830, R421322840, R421322860, R421322880, R421322920, R421322940, R421322980, R421323000, R421323080, R421323090, R421323100, R421323110, R421323120, R421323130, R421323140, R421323150, R421323160, R421323180, R421323190, R421323200, R421323220, R421323240, R421323250, R421323260, R421323280, R421323290, R421323300, R421323320, R421323340, R421323350, R421323360, R421323370, R421323380, R421323400, R421323420, R421323430, R421323440, R421323450, R421323460, R421323470, R421323480, R421323490, R421323590, R421323600, R421323610, R421323620, R421323630, R421323640, R421323650, R421323660, R421323670, R421325490, R809201070, R809201090, R809201150, R941130360

State ID Nos.: 1N1E13CB 05700, 1N1E13CB 00200, 1N1E13CA 09400, 1N1E13CA 09500, 1N1E13CA 09300, 1N1E13CA 08800, 1N1E13CA 09200, 1N1E13CA 09100, 1N1E13CA 09000, 1N1E13CA 08900, 1N1E13CA 08700, 1N1E13CD 04800, 1N1E13CB 00500, 1N1E13CB 00400, 1N1E13CB 00300, 1N1E13CB 05600, 1N1E13CB 05500, 1N1E13CB 05400, 1N1E13CB 05300, 1N1E13CB 01300, 1N1E13CB 01200, 1N1E13CB 01100, 1N1E13CB 01000, 1N1E13CB 00900, 1N1E13BC 08300, 1N1E13BC 08400, 1N1E13BC 08500, 1N1E13BC 08100, 1N1E13BC 08000, 1N1E13BC 08200, 1N1E13CB 00800, 1N1E13CB 00700, 1N1E13CB 00600, 1N1E13BC 07900, 1N1E13BC 06200, 1N1E13BC 06300, 1N1E13BC 06400, 1N1E13BC 06500, 1N1E13BC 06600, 1N1E13BC 06700, 1N1E13BC 06800, 1N1E13BC 06900, 1N1E13BC 07000, 1N1E13BC 07100, 1N1E13BC 07200, 1N1E13BC 07300, 1N1E13BC 07400, 1N1E13BC 07500, 1N1E13BC 07600, 1N1E13BC 07700, 1N1E13BC 07800, 1N1E13BC 04600, 1N1E13BC 04700, 1N1E13BC 04800, 1N1E13BC 04900, 1N1E13BC 05000, 1N1E13BC 05100, 1N1E13BC 05200, 1N1E13BC 05300, 1N1E13BC 05400, 1N1E13BC 05500, 1N1E13BC 05600, 1N1E13BC 05700, 1N1E13BC 05800, 1N1E13BC 05900, 1N1E13BC 06100, 1N1E13BC 06000, 1N1E13BC 13700, 1N1E13BC 13800, 1N1E13BC 13900, 1N1E13BC 14000, 1N1E13BC 14100, 1N1E13BC 14200, 1N1E13BC 14300, 1N1E13BC 14400, 1N1E13BC 14500, 1N1E13BC 04500, 1N1E13BD 09600, 1N1E13BD 09500, 1N1E13BD 09900, 1N1E13CB 00100

Quarter Section: 2433, 2333

Neighborhood: Concordia, contact George Bruender at 503-287-4787.

Business District: North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321.

District Coalition: Northeast Coalition of Neighborhoods, contact Robin Denburg at 503-823-4135.

Existing Zoning*: **R5ah** (Single-Dwelling Residential 5,000 base zone with the “a” or Alternative Design Density and “h” or Aircraft Landing overlay zones), **Institutional Residential Comprehensive Plan Map designation**

Proposed Zoning*: **IRdh** (Institutional Residential base zone with the “d” or Design and “h” or Aircraft Landing overlay zones)

***Campus Zoning:** *Zoning noted above for housing site only.* Larger campus includes **both existing and proposed zoning designations above, as well as CN2h** (Neighborhood Commercial 2 base zone with “h” or Aircraft Landing overlay zone)

Case Type: **IM DZM ZC** (Impact Mitigation Plan Compliance, Impact Mitigation Plan Amendment, Design with Modification through Design, and Zoning Map Amendment Reviews)

Procedure: **Type IIx**, an administrative decision with appeal to the Hearings Officer and/or Design Commission.

Proposal: Concordia University, operating under the conditional approval of a 2002 Impact Mitigation Plan (IMP), is in the process of proceeding with a 43-unit student housing project on the half-block bounded by NE 27th Avenue, NE Liberty, NE Highland, and the alley just west of NE 27th Avenue. Currently, eight single-family homes are located on the project site. The 2002 IMP (LU 02-106366 IM) approved a 32-unit married student townhome project for the site, subject to a Type II Impact Mitigation Plan Compliance and Design Review process. The 2002 IMP also included a condition (J) requiring that all off-street parking required in a previous phase be installed before approval of any permits in the following phase.

In summary, the applicant has requested the following six reviews (*further details below*):

- **Type II Design Review** for a three-story student housing project with four distinct buildings, with associated on-site landscaping and pedestrian improvements, and a 42-space surface and covered parking area on the east edge of the site;
- A **Modification through Design Review** to reduce the minimum IR zone setback from 15 feet to 10 feet for three-story portions of the project abutting NE Liberty Street, NE 27th Avenue, and NE Highland Street;
- A **Type II Impact Mitigation Plan Compliance Review** for the 43-unit student housing project;
- A **Type II Zoning Map Amendment** to change to zoning on the student housing site from R5ah (Single-Dwelling Residential 5,000 base zone with “a” or Alternative Design Density and “h” or Aircraft landing overlay zones) to IRdh (Institutional Residential base zone with “d” or Design and “h” or Aircraft Landing overlay zones), in conformance with the Comprehensive Plan Map designation;
- A **Type II Impact Mitigation Plan Amendment** to increase the maximum number of student housing units allowed in the 2002 IMP for this specific project from 32 to 43; and
- A **Type II Impact Mitigation Plan Amendment** to modify parking-related condition J of the 2002 IMP, requiring parking to be provided for specific building projects regardless of their phase, while still maintaining a minimum of 0.31 on-site spaces for each student or faculty/staff person (see table below).

Housing Project Design: The proposed student housing is configured as four separate three-story buildings, each with a flat roof and parapet, and with staggered building planes on all elevations. Exterior materials include hardi-plank panel siding with wood battens, horizontal hardi-plank siding, vinyl windows, painted wood trim and projecting sun shades or louvers, and painted metal balcony railings at upper stories. An earth-toned painting scheme of different colors (light and dark greens, light and dark browns) is proposed. The buildings include primary common entries oriented primarily west, towards NE 27th Avenue, with direct pedestrian connections to the adjacent sidewalk, and secondary connections to the interior parking area. Pedestrian walkway connections also connect between the individual buildings and the on-site parking area, with short-term bike parking racks provided adjacent to these main pedestrian circulation routes. A pedestrian plaza is located between the two central buildings adjacent to NE 27th Avenue, adjacent to a community room and laundry area at the first floor of building 3. Each building parapet is a maximum of 30 feet tall, as required through a condition of approval (F) in the 2002 IMP.

Landscaped areas with trees, shrubs, and groundcover plantings are generally located between each building and the adjacent street, except where pedestrian walkways and driveways are located. The parking area is a linear configuration with two-way driveway and curb cut access onto both NE Liberty and NE Highland Streets, without connections to or access from the adjacent alley. The first seven parking spaces at both ends of the parking area are covered by the buildings above, but the remainder of the parking area is open to the sky. A 10- to 11-foot deep landscaped area with trees and shrubs is provided between the parking spaces and the adjacent alley. Five cut-off pole (‘SC’) downlights are proposed along the west edge of the uncovered parking area, eleven ornamental pole lights (‘SA’) are indicated along the street-facing perimeter of the project on both sides of the public sidewalk, and the interior of the site is illuminated with low concrete bollard (‘SB’) and ceiling-mounted (‘SD’) lights.

NOTE: In a revised submittal received August 8, 2008, the applicant made several minor changes to the project design contained in the notice. These changes include the following:

- slight reconfigurations of the landscaped islands within the parking area;
- straightening out the originally curving pathways between buildings 1 & 2 and 3 & 4;
- downspouts were shown on the buildings;
- the central plaza between buildings 2 & 3 was changed from pavers to scored concrete;
- a tree was removed from the central plaza; and

- the number and placement of rooftop condensing units increased.

Setback Modification: The IR zone requires a minimum setback of 2 feet for every foot of building height, but never less than 10 feet (33.120.277.C.1/Table 120-3). The closest plane of each staggered building façade is placed exactly 10 feet from the adjacent lot line. Along the alley, the portion of the building at 10 feet from the lot line is 11 feet tall, with the upper two stories pulled back an additional 7 feet, in conformance with this setback. For the three-story portions of the street-facing facades, the building is placed from within a range of 10 to approximately 14 feet from the property line. Because a 30-foot tall building would normally require a minimum 15-foot building setback, a modification through Design Review has been requested to this setback standard.

Parking-Related IMP Amendment: The 2002 IMP approved four distinct phases of campus growth through 2017, each with a discrete list of building projects and new parking lots. Condition J of the 2002 IMP required that projects in any given phase not be allowed to receive building permits until all parking identified in the previous phase had been provided. Concordia is currently seeking to construct several phase 1 projects (Library, Athletic Field, Central Green), and is on track to complete the required phase 1 parking (lots #4 & #5) with these projects. The proposed student housing, however, is identified as a phase 3 project, and the applicant seeks to proceed with this project prior to constructing all the phase 2 parking. The applicant has stated an intention to comply with a minimum parking ratio of 0.31 parking spaces per each student and faculty/staff person, as identified in the traffic study provided for their 2002 IMP.

NOTE: After discussions with Transportation Staff, the applicant revised their proposal regarding this amendment to eliminate the connection between parking spaces and individual IMP projects, and instead rely entirely on maintaining ongoing compliance with the on-site parking to campus population (student and faculty) ratio of 0.31:1, as originally contemplated in the 2002 IMP Traffic Impact Analysis. The current proposal would no longer tie individual parking lots in each phase to the construction of individual projects, or link parking to phased groups of projects, but instead provide flexibility in parking and project construction across all phases, provided the 0.31:1 on-site parking:campus population ratio is maintained.

Because the application involves six distinct reviews, and because five of them are normally assigned to a Type II procedure, the overall request is processed as a Type IIx application (33.730.042.C). The Type IIx process allows for a 30- versus 21-day public comment period.

Relevant Approval Criteria: In order to be approved, *the Design Review portion of this proposal* must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- The *Community Design Guidelines*;
- **33.825.040.A-B**, Modifications through Design Review; and
- (incorporated by reference above) **33.120.277.A** - Purpose statement for IR zone setbacks.

II. ANALYSIS

Site and Vicinity: Concordia University is a small university in the middle of an attractive neighborhood of well-maintained single-dwelling residences. A Master Plan was approved for the university in 1991 that established campus boundaries which generally extend from NE Dekum Street south to NE Holman Street, and from NE 27th to NE 29th Avenues. The master plan boundary also included properties along the west side of NE 27th Avenue between NE Liberty and Holman Streets, the St. Michael's Church and parking area on the east side of NE 29th Avenue, and the area between NE 29th and 30th Avenues, extending from NE Portland Boulevard south to NE Holman Street. Not all of the property within the campus boundary is owned by the university.

The academic core of the campus generally occupies the southern portion of the main block bounded by NE Holman Street, NE 27th Avenue, NE 29th Avenue (vacated right-of-way), and NE Liberty Street. This campus core includes several academic buildings, and the northern section of the core, along NE Liberty Street, includes more open space occupied by the original athletic field and tennis courts. The existing student housing buildings are located in the southeast quadrant of the campus, near the intersection of NE 30th Avenue and NE Dekum Street, within the IMP boundary. St. Michael's Lutheran Church is located at the southeast corner of NE 29th Avenue and NE Dekum Street, within the IMP boundary. Faubion School is located east of the church, outside of the IMP boundary.

The site under consideration in this application lies west of the traditional campus core, on a half-block site currently developed with eight single-family homes. The site faces the west frontage of NE 27th Avenue, between NE Liberty and NE Highland Streets, and is separated by a service alley from the

remainder of the block immediately to the west. Across the alley to the west are nine single-family homes, including one- and two-story homes. The blocks immediately to the south, north, and northeast of the site are similarly residential in character. The Concordia Buildings directly across NE 27th Avenue to the east of the site include the P.E. Building, the Fine Arts Building, and two tennis courts.

The abutting street frontages at the project site are currently improved with paved two-way roadways with on-street parking, curbing, planting strips, and concrete public sidewalks. Northeast 27th Avenue abutting the site is designated by the City's Transportation System Plan (TSP) as a Transit Access Street, City Bikeway, and City Walkway, but as a Local Service Street for all other designations. The abutting segments of both NE Liberty and NE Highland Streets are designated as Local Service Streets for all modes in the TSP.

Zoning: Proposals within the campus boundary have a mix of zoning designations. The housing site is currently zoned Residential 5,000 (R5), with the "a" or Alternative Design Density overlay zone, and a Comprehensive Plan Map designation of Institutional Residential (IR). The IR base zone always, and automatically, includes the "d" or Design overlay zone. The entire Concordia IMP boundary falls within the "h" or Aircraft Landing overlay zones. This application for the student housing project also includes a request to amend the Zoning Map, in conformance with the Comprehensive Plan Map, from R5ah to IRdh. A detailed explanation of the base and overlay zoning at the site is included in the original August 13, 2008 decision document.

Land Use History: City records indicate several prior land use reviews at the site. A full citation of the applicable land use history was contained in the August 13, 2008 decision document.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 15, 2008**. The following Bureaus have responded with no issues or concerns:

- The *Urban Forestry Division of Portland Parks and Recreation* (Exhibit E.1); and
- The *Water Bureau* (Exhibit E.2).
- The *Bureau of Environmental Services* (BES) has reviewed the proposal and provided information and specific technical comments regarding the sanitary sewer services and stormwater management requirements associated with the project. Although combination sewers are available adjacent to the site, BES regulations regarding minimum sizing for such connections will require an upgrade to the existing sanitary lateral in NE 27th Avenue (AAL304) during the building permit process. Sanitary sewer issues are addressed in greater detail later in the August 13, 2008 report under findings for both the Zoning Map Amendment and Impact Mitigation Plan Reviews.

Stormwater runoff generated from the proposed development must meet the requirements of the City of Portland's *Stormwater Management Manual (SMM)* current at the time of building plan review. Notably, all projects must comply with the *SMM's* Destination/Disposal Hierarchy, which determines where stormwater must ultimately be discharged. Generally, the Hierarchy requires that stormwater be managed on-site through surface infiltration facilities to the maximum extent practicable. Stormwater management issues will be addressed in greater detail later in the August 13, 2008 report under findings for both the Zoning Map Amendment and Impact Mitigation Plan Reviews.

In summary, after reviewing a supplemental Stormwater Report provided by the applicant, and with a condition of approval regarding upgrades to the sanitary sewer lateral during permitting, BES does not object to the proposal. As is typical, specific technical details and full conformance with the *SMM* will need to be demonstrated by the applicant during the building permit review process. Exhibit E.3 contains staff contact and additional information.

- The *Site Development Section of the Bureau of Development Services* (Site Development) has reviewed the proposal and responded with information regarding stormwater disposal and treatment, engineering requirements, demolition of structures, and erosion control. After review of a supplemental Stormwater Report provided by the applicant, Site Development finds that the proposed vegetated swale with overflow to a drywell, and use of the drywell for on-site infiltration of stormwater is acceptable. Underground Injection Control (UIC) registration of the drywells with the Oregon Department of Environmental Quality (DEQ) will be required, in addition to City requirements. Demolition and backfill of the 8 residential foundations at the site will require a geotechnical engineering report prior to issuance of any building permits. A site-specific seismic hazard study will also be required if a facility will have a capacity of greater than 500 persons. Decommissioning permits and inspections will be required for any existing on-site private sewage disposal or subsurface stormwater systems. Erosion Control requirements found in Title 10 apply to both site preparation work and development. Finally, a 1200-C permit from the Oregon DEQ is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres

and may discharge to surface waters or conveyance systems leading to surface waters of the state. Exhibit E.4 contains additional technical and staff contact information.

- The *Development Review Division of Portland Transportation* has reviewed the proposal for potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, relevant criteria in Titles 33 and 17, and for overall potential impacts upon transportation services. Transportation Staff has included a detailed narrative addressing the transportation-related approval criteria and past conditions of approval for this application. In summary, Portland Transportation has no objection to the request, subject to the following conditions:
 - Prior to building permit approval, the applicant must provide a 1-foot wide dedication along the frontages of both NE Highland Street and NE Liberty Street;
 - The annual report for 2007-2008 identified in condition I of LU 02-106366 IM must be satisfied no later than October 31, 2008. This condition requires an annual report of the effectiveness of the Transportation Demand Management Measures; and
 - Condition J of LU 02-106366 IM should be amended to read as follows: “The number of on-site parking spaces must be provided at a ratio of 0.31 parking spaces per student/faculty/staff. The applicant must provide the total number of all students/faculty/staff, the total number of off-street parking spaces, and the resulting parking ratio with any building permit application for elements of any phase of the IMP. The number of students shall consist of graduate students that attend daytime classes and all undergraduate students. The number of faculty/staff shall consist of equivalent Full-Time Employees (FTE). The off-street parking supply total may include other un-built parking that has received approval through an IMP Compliance Review. The ‘un-built’ parking must be constructed within one year of the approved IMP Compliance Review for the parking. If the parking is not constructed within one year of the approved IMP Compliance Review, a Type II Amendment will be required, per condition L.”

The complete text of Portland Transportation’s findings for the relevant criteria and past conditions of approval are included in the August 13, 2008 report. Building permit requirements are not addressed in detail in these findings. System Development Charges (SDC’s) may be assessed during permit review, and Title 17 requirements with regards to driveway locations, curb cuts, and street improvements will also be addressed during permitting. Along both NE Highland and NE Liberty Streets, the Pedestrian Design Guide recommends an 11-foot-wide corridor, requiring a 1-foot dedication along both streets at time of building permit review. No dedications are anticipated along NE 27th Avenue, as the 16-foot pedestrian corridor exceeds requirements. The 6-foot-wide sidewalks in all abutting pedestrian corridors must be reconstructed if the sidewalks are either in poor condition or damaged during construction. Exhibit E.5 contains staff contact and additional information.

- The *Fire Bureau* has reviewed the proposal and responded with no concerns, but notes that Fire Bureau requirements will be applied during the permit review process. A full set of plans will be required to provide adequate review. Exhibit E.6 contains staff contact information.
- The *Life Safety (Building Code) Section of the Bureau of Development Services* has reviewed the proposal and responded with standard information regarding Building Codes. A complete Life Safety plan review will be provided at the time of building permit submittal, and the project must be designed to meet all applicable Building Codes and Ordinances. Life Safety recommends that the applicant contact the Process Management section to assist in coordinating permit-related reviews and preliminary meetings. Exhibit E.7 contains staff contact and additional information.
- The *Bureau of Police* has reviewed the proposal and determined that the Police Bureau is capable of serving the proposed use at this time. However, concerns and recommendations regarding security and safety were noted in their response. The full response is included in the case file as Exhibit E.8. The concerns were identified as follows:
 - Increased vehicular parking in the area. The increase of both vehicles and persons could increase calls for service and the need for Law Enforcement in this area; and
 - Increasing the number of students at this site will influence demand upon 27th between this property and the University campus. Both during the day and at night there will be additional students using 27th to access University classes/services and sporting events.The Police Bureau recommends:
 - Implement assigned parking lots/spaces for students on this site. The University already has a system set up for parking permits, however by allowing random people/vehicles access here, there is an increased likelihood for crime;
 - Place easily accessed, lit, highly visible, designated crossing areas for students to use. Without designated crossing areas, the students that live in this student housing complex will likely cross

27th at a variety of locations at both day and night hours, increasing the chance of becoming the victim of an accident. The use of low level bushes along both sides of 27th that open up only where the crossing areas are, help to visually identify those specified areas. Textured/color contrasting surfaces can also be an indicator of foot/bike traffic for vehicles passing through the area.

- The Bureau recommends that the applicant work with Northeast Precinct Commander James Ferraris on any public safety issues or concerns identified.

STAFF NOTE: Issues regarding transportation demand, pedestrian crossings and safety are typically addressed by Portland Transportation, who has responsibility for requiring and monitoring crosswalks and other right-of-way improvements.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 15, 2008. A total of 11 written responses have been received, including one from the Concordia Neighborhood Association, nine from nearby neighbors, and one in the form of a multi-page petition. The nine letters and petition all express opposition to the project, with concerns generally grouped into the following issues:

- *Parking.* Concerns include the lack of available on- and off-street parking in the immediately adjacent neighborhood around the housing project, especially along NE 26th and 27th Avenues. Neighbors have stated that Concordia students park on surrounding neighborhood streets, creating on-street parking scarcity for residents and their guests. Specific requests have been made for signage on nearby streets that prohibits University parking, as well as to discourage University traffic on the alley just west of the housing project site. Specific concerns have also been expressed about the sufficiency of the 0.31:1 parking space:student/faculty/staff ratio, as well as the lack of submittal of the annual traffic and transportation demand management reports required per the 2002 IMP. One letter also expresses concerns about that the growth of campus population exceeds the levels anticipated in the 2002 IMP, therefore triggering re-evaluation of the traffic and parking analysis from the original review. Neighborhood comments also indicate that overflow parking into the neighborhood has markedly increased in the past two or three years.
- *Lighting.* Concerns have been raised about glare of parking lot and building lighting for the housing project in relation to the homes across the alley to the west, as well noise associated with the lighting fixtures. Headlight glare from cars using the parking lot has also been noted as a specific concern.
- *View/Height/Massing.* Concerns have been raised about the impact to views eastward from the houses to the west, and loss of privacy to abutting rear yards and homes across the alley from the project. The change in view resulting from the housing site going from largely single-story homes to a three-story structure have also been identified as an unwelcome change to the block. Concerns were also expressed about changing this project in the IMP from a two-story married student housing project into a three-story dormitory, and the resulting detrimental impacts upon neighborhood scale and character. Suggestions were made that the housing project should be located somewhere else more internal to the existing campus, and further from nearby homes west of NE 27th Avenue.
- *Sound/Noise.* Potential noise associated with traffic movement in the parking lot, as well as student activity ('partying/hanging out at all hours'), especially with regards to the potential impacts on the peacefulness and quiet of yards directly across the alley to the west.
- *Trash/Litter.* The availability of adequate trash and recycling facilities for the project has been raised as a concern, as well as the potential for unkempt trash and recycling areas to create unpleasant odors, attract vermin, and spread litter throughout the neighborhood.
- *Child Care.* Several neighbors have stated that Concordia was supposed to provide a child care center to which the neighborhood would have preferential access, but that this child care facility has not been provided.
- *Environmental Study.* One letter noted that an environmental impact study to address the removal of the existing homes was discussed at a neighborhood meeting, but that Concordia representatives had indicated the study would not be completed until after the project starts. The question was asked why the City would not require the completion of such a study prior to the beginning of the work.
- *Property Values.* Several letters have expressed concern that the student housing project and associated traffic would have negative impacts on the property values of nearby housing.
- *Local Hiring.* One letter requests that Concordia make a concerted effort to hire local individuals for jobs like landscaping, custodial, and food service positions.

The Concordia Neighborhood Association (CNA) has provided a letter summarizing neighborhood involvement with the proposal, including notification and follow-up related to two meetings where this project was discussed. The CNA notes that comments at the first meeting reflected mixed feelings, but opinions expressed at the second meeting were generally more negative. The CNA supports the efforts of neighbors to respond to specific project, but has not taken an official stance with regards to the petition and letters submitted by nearby neighbors. The CNA has provided an evaluation of the neighborhood concerns, in many cases referring back to the 2002 IMP, with the four following comments:

1. The IMP says that all CU development must be “designed to smooth the transition between more intense, larger scale institutional development and nearby residential areas”, referring to height, building mass, etc. The new apartments are within the 30 ft. limit but the 2 end buildings, 3 stories in height, are within 17 ft. of the residential lots they abut. The architects have set back the 2nd and 3rd floors 7 ft., but the transition of such massive structures an alley apart from single story homes seems too abrupt to meet these standards. There has been no objections expressed to reducing the front and side setbacks.
2. We commend CU for dropping the idea of parking lot entrances off the alley (and instead entering under the end of buildings on Liberty and Highland), thus lessening the impact of traffic immediately behind the residences. This also eliminates the need for a concrete wall (and potential graffiti) and replacing them with a 10 ft buffer of plantings to control noise and car lights. The decision by CU to leave the alley as is, basically unpaved, unimproved, but accessible, is unsatisfactory. Certainly alley improvements could be negotiated between residents and CU or, as a good will gesture, picked up by the college itself.
3. Although the TIA (Traffic Impact Assessment) was signed off on in the 2002 IMP, it needs to be re-opened as the basic situation has changed. The total campus population has exceeded earlier projections (1,265 in 2003). We do not know the actual number of students as CU has not provided us with an accounting of on-campus students, either totally or by class hours of operation. So we do not know if the .31 ratio is being observed. We do know however that student parking has extended deeper and deeper into the residential areas through the years. Secondly we do not know if the (off campus) residential parking spaces on Junior, Dekum, 27th and 29th lost to the new athletic field and other construction have been factored into new additional replacement spaces now that those streets are on campus. Thirdly we question whether 43 on-site parking spaces for the apartments with 104 beds is realistic. Fourthly CU has gradually become less of a residential college since 2002 and much more of a commuter college which may mean a reconfiguration upward of the number of parking spaces needed. It is imperative that CU realize that major contention of residents against the college is how it deals with parking. Other issues pale in comparison.
4. As directed by the IMP, CU was to initiate and conduct a traffic mitigation plan with an incentive program in place to actively encourage students to use alternative methods to get to the campus (The Campus Wide Transit Awareness Program and the Transit Incentive Program). The success of failure of this program was to be reported annually to a variety of organizations, including the Concordia Neighborhood Association. Apparently nothing has been done because we have not received these annual reports to be authenticated by a qualified transportation specialist. (Also random students that I questioned were not aware of any alternative opportunities). The apartment complex should not be approved until it is discerned as to why these and other terms of the IMP transportation agreement have not been complied with.

In summary, like many in the neighborhood, the CNA feels that it is premature to approve this application until the above issues have been dealt with. The CNA suggests that the IMP be reviewed and it be established whether or not CU has been in compliance. The CNA letter closes noting that Concordia ‘has said that their extensive building program is a win for the neighborhood as well as for the college and a number of residents have said, “How so?”’.

STAFF NOTE: Many of the issues raised by neighbors are relevant to the approval criteria and IMP land use history for this project, and will be discussed during the findings later in this report. In response to the specific issues identified above, however, staff offers the following summary:

- *Parking.* Specific ratios of off-street parking were contemplated and approved in the 2002 IMP, presuming a specific level of campus population growth over time, and requiring at least 0.31 parking spaces for each student, faculty, and staff person. The requirements for off-street parking were intended to adequately mitigate for on-street parking impacts to the neighborhood. These issues, and past conditions of approval from the 2002 IMP, are generally addressed by Portland Transportation Staff during the analysis of the original and subsequent IMP reviews for the campus. In summary, after construction of the student housing and athletic field projects the campus will be in conformance with the required off-street parking requirements. Transportation staff has found that the proposed IMP Compliance and Amendment Reviews are consistent with the intent and requirements of the 2002 IMP with conditions of approval. As noted later in this report and in the decision, these conditions will ensure that the parking ratio of 0.31 parking spaces per campus population remains met, and requires the submittal of the annual report no later than October 31, 2008. The conditions further require that required parking be constructed within one year of the IMP Compliance Review for the parking, or further analysis of the parking will be required through a Type II IMP Amendment Review, as contemplated in the 2002 IMP by condition L.
- *Lighting.* On the west side of the project, five vertical metal halide light poles are located in the west landscape strip, with each light pole being 7’-3” tall, with hoods designed to direct light downwards. Other lighting in the parking area includes 1’-1” diameter ceiling-mounted fluorescent light fixtures

above the vehicle areas on the north and south buildings, with fixtures including translucent polycarbonate covers. Other lighting on the west edge of the project includes low bollard lighting near the building. Sodium vapor lighting, which is often associated with the an audible noise when operating, is not proposed. The applicant has completed a photometric analysis of the exterior lighting, which indicates that lighting levels at abutting properties across the alley to the west will not exceed 0.1 foot candles of light. In addition, the landscaped area on the west edge of the site will provide additional protection from headlight glare from parking and maneuvering cars.

- *View/Height/Massing.* The building falls within the 30-foot height limit approved for this project in the 2002 IMP. This height limit matches that of the R5-zoned properties adjacent to the west, and is lower than the 75-foot height limit of the IR zone. The proposed buildings have generally been placed at the easternmost edge of the site along NE 27th, except for the westernmost section of Buildings 1 and 2 at the north and south edges of the site. These three-story elements of the building are each approximately 64 feet long, and placed at 17 feet from the alley-facing lot line. The alley itself is 15 feet wide, and the rear wall of each of the abutting homes is approximately 30 feet from the opposite alley lot line (although garages are typically closer). Protection of private views into and out of rear yards is not explicitly protected under the zoning at the site. The massing of the building and compatibility with adjacent residential development will be considered further in the findings, later in this report.
- *Sound/Noise.* Typically, noise is regulated in the City of Portland as an enforcement-based issue (e.g. noise complaints are investigated and violations cited). Residential parking area traffic movement and unamplified human voices typically do not violate noise restrictions. There are no specific noise measures or criteria associated with the requested land use reviews.
- *Trash/Litter.* Trash and recycling would be contained within walled trash rooms adjacent to the covered parking areas on both the north and south edges of the project. The campus grounds are generally well-maintained and patrolled for litter.
- *Child Care.* A child care center was mentioned in the findings for the 2002 IMP as one of the services or amenities provided by Concordia to the neighborhood. There is no condition of approval or timing deadline by phase requiring the provision of a child care center identified in the 2002 IMP, however, leaving the option open for Concordia to provide such a facility in the remaining timeframe of the IMP. Although regrettable that this service has not been provided, the lack of a daycare center at Concordia does not provide sufficient connection or 'nexus' with the proposal and criteria in this application to warrant denial of the request.
- *Environmental Study.* Although the IMP criteria do consider impacts with regards to stormwater services, traffic, etc., there is no explicit requirement for an environmental study for this review related to the demolition of the existing houses on the site.
- *Property Values.* Although impacts related to neighborhood compatibility, traffic, and overall character are considered in the approval criteria, there is no specific criterion addressing potential impacts on property values.
- *Local Hiring.* Although desirable, there is nothing in the approval criteria for this review related to local hiring of employees at Concordia University.
- *Alley Improvements.* In the original project proposal presented at the Pre-Application Conference, the parking area was shown with internal access from the alley on the west edge of the site. Use of the alley for the student housing would have required widening the width of the alley to allow two-way traffic, as well as additional width of the alley for the required stormwater management facilities (for paving in the alley). Staff comments at the conference also indicated that the initial layout provided insufficient landscape screening between the parking lot and the homes to the west. In response to these issues, and in an attempt to maintain greater screening for the homes to the west and preserve the existing alley character, the applicant revised the proposal to provide all parking access from NE Highland and Liberty Streets.

ZONING CODE APPROVAL CRITERIA

For the purposes of the decision on appeal before Design Commission considered in this document, only the original findings for the Design Review and Modifications through Design Review are included below.

[1] DESIGN REVIEW

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the

area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: Per condition E of the updated Concordia IMP (LU 02-106366 IM), this student housing project must either meet the objective Community Design Standards or be approved through a Type II Design Review. The applicant has elected to pursue the Design Review track versus meeting standards. As identified in the 2002 IMP, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

P1. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's desired characteristics and neighborhood traditions;

Findings: Concordia University has been an institutional presence in this neighborhood since 1905, originally serving as an academy for pastors and school teachers of the Lutheran Church. Over the past century, Concordia has expanded northwards from the original campus core along NE Holman Street towards NE Liberty Street, west to NE 27th Avenue, and east to NE 30th Avenue. St. Michael's Lutheran Church is also within the boundaries of the IMP, directly east of the proposed athletic fields. There is considerable architectural diversity among existing campus structures, although many of the original campus buildings, the recently-approved new Library, and the St. Michael's Church are all clad in a brick exterior.

The proposed Hardipanel and Hardiplank siding materials are responsive to the similar materials found on other university housing projects on the campus, as well as the common horizontal wood exterior siding found on nearby homes. The exterior materials provide compatibility in design, scale, and material proportion to these nearby residential and university structures, such as the Holman Apartments and East Hall. The site planning, including direct pedestrian connections from individual entries to the adjacent streets, as well as the internal pedestrian system and central plaza, create exterior gathering spaces for social gatherings and outdoor congregation. *Therefore, this guideline is met.*

P3. Gateways. Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans.

Findings: The site is not adjacent to the nearest neighborhood gateways of the adopted Concordia Neighborhood Plan, found along NE 33rd Avenue at both NE Ainsworth and Lombard Streets. The 2002 Concordia IMP included three campus gateways and entry points: one at NE 27th and Holman, one at NE 30th & Holman, and one at NE 29th & Dekum. The proposed student housing project is not located near any of these potential campus gateways. *Therefore, this guideline does not apply.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

Findings: The proposed student housing project provides direct pedestrian connections from individual units to the adjacent sidewalk in NE 27th Avenue. Internal pedestrian connections are also provided within the site directly between individual buildings, to connect interior upper-floor

entries with NE 27th Avenue, as well as to the internal parking area. The existing sidewalks along the adjacent streets will remain, and are separated from the adjacent roadway by planting strips to be provided with existing and new street trees. Lighting standards surrounding and internal to the campus provide night-time illumination for the pedestrian system. *Therefore, this guideline is met.*

E2. Stopping Places. New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

Findings: The central plaza area between buildings 2 & 3 is intended to be a focal point for pedestrians to gather adjacent to the community room, rest, and socialize. A concrete seating wall is provided at the west and south edges of the plaza, and outdoor furniture is indicated within the plaza (a table and chairs). The covered entry balconies and open upper-floor corridors will also provide opportunities for resident socializing, especially at the street-facing entries to buildings 2 & 3. *Therefore, this guideline is met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

Findings: The primary building facades are placed ten to twelve feet from the adjacent street lot lines, connected to NE 27th Avenue with 8 distinct pedestrian walkways, and otherwise separated from the adjacent sidewalks with landscaping. Landscaping along the sidewalk includes a mixture of evergreen and deciduous trees, shrubs, and groundcover species. The east facades of the buildings include varied materials and building planes to help reduce the scale of each individual structure, and the alternating paint colors, projecting sunscreens, and open mesh detail of the balcony railings provide additional interest for pedestrian passersby. The street-facing pedestrian entry doorways and corridors, as well as the central plaza area immediately adjacent to NE 27th Avenue provide opportunities for congregation.

The north and south facades adjacent to NE Liberty and Highland Streets have similar materials, colors, and architectural features as the NE 27th Avenue elevation. The covered parking spaces along these streets are partly screened with a wall with an open 'window' matching the opening patterns of the upper floors. *Therefore, this guideline is met.*

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

Findings: The vertical light standards along the street-facing perimeter of the project include one each at the northeast and southeast corners of the project. These lighting fixtures are the same fixture being established elsewhere on the campus, including adjacent to the future library across NE Liberty Street to the east. A newly paved bus stop area has been provided adjacent to the sidewalk at NE 27th Avenue and Highland. *Therefore, this guideline is met.*

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings: Individual unit entries to the building are under cover of overhanging walkways and corridors. The adjacent public sidewalks include planting strips between the sidewalk and adjacent roadway to include continuous rows of street trees. In addition, many of the landscaped areas between the building and the adjacent walkways include landscaped areas with a variety of deciduous and evergreen trees. The projecting sunscreen element wrapping the south and east walls of the community room at the center of the project also provide a rain-protected stopping place adjacent to the central plaza. *Therefore, this guideline is met.*

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 and D3: The central plaza provides a significant central gathering place for residents, adjacent to the proposed community room. The plaza is directly accessible from the two central buildings, and connects directly to the on-site parking area as well as to the sidewalk in NE 27th Avenue. To support the use of this space

for socializing, resident activities, and study, a concrete seating bench is provided along the south and west edges of the space, and portable furniture will be provided within the plaza.

A variety of landscape plantings are proposed throughout the project. Street trees are provided in planting strips along the entire street frontage, except where interrupted by the two driveways. The west edge of the parking area includes a 10'-0"-deep landscaped stormwater swale, to be planted with a variety of native plants, including oregon grape, common rush, dwarf arctic willow, and oregon iris. In addition, landscaping along the west edge of the site and at the perimeter of individual buildings includes a wide variety of tree species, including Hogan Cedar, Oregon Ash, Chanticleer Pear, Little Leaf Linden, and 'Green Vase' Zelkova. The perimeter of the project includes areas of lawn planted with trees and foundation shrub plantings, as well as nodes of more densely planted beds featuring ornamental grasses, barberry, and pear trees.

Therefore, these guidelines are met.

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings: The main entrances to individual units are provided from a covered central exterior corridor and stairway for buildings 2 & 3, linked directly to the sidewalk in NE 27th Avenue, and identified by the open wire mesh balcony railings and distinct paint treatments. Buildings 1 & 2 include two units each with direct pedestrian entries to the sidewalk in NE 27th Avenue, with the remainder of the units accessed by an internal stairway on the internal side of the building. All the units include direct pedestrian connections to NE 27th Avenue, which includes bus service in both directions. *Therefore, this guideline is met.*

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings for D4 & D5: The parking area is located at the rear or west edge of the project, with the massing of the buildings generally placed between the buildings and the street. The parking areas most directly adjacent to the sidewalks on the north and south edges of the project are partially screened by a building wall with exterior siding and an open 'window' reflecting the window opening patterns elsewhere on the building. Parking is screened from the residential properties and alley to the west by a dense landscaped buffer including groundcover materials, shrubs, and trees.

The site design and building orientation provides for direct pedestrian connections to the adjacent sidewalk in NE 27th Avenue, as well as significant street-facing window area from each window to all points at the interior and exterior of the site. Open exterior stair wells with wire-mesh balcony materials provide further opportunities for resident monitoring of the adjacent sidewalks, unit entries, and the interior parking area. Ground level windows in the community room at the center of the project provide clear views to the central plaza and adjacent sidewalk. A variety of internal site lighting standards provide night-time illumination for the internal walkways, exterior entry corridors, central plaza, on-site parking area, and adjacent sidewalks.

Therefore, these guidelines are met.

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6, D7 & D8: All the proposed buildings are new structures. The rectilinear massing and window patterns of the project are reflective of several other residential and academic buildings on the adjacent Concordia campus to the east. In an effort to incorporate the residential patterns of nearby homes the Hardiplank and Hardipanel exterior siding are painted earth tones, and are articulated into individual bays and building facades to help break down the overall scale of the buildings. Horizontal and vertical battens, projecting sun screens, and undulating stepped facades provide further transitions between nearby single-family homes and the nearby university structures. The three-story massing of the structures is placed as much as possible on the east edge of the site, except along the west edge of buildings 1 & 4, where the upper two floors of the building wall are placed 17'-0" from the east lot line.

The Hardiplank and Hardipanel siding, vertical and horizontal battens, steel and wire mesh stairway railings, upper-floor corridor railings, and sun screens are interesting, permanent materials which are integrated throughout the project, creating a unified appearance for the overall project. The variation in exterior wall planes and siding patterns help to break down the mass of the building, as does the application of the earth-toned color scheme.

Therefore, these guidelines are met.

[2] 33.825.040 MODIFICATIONS THROUGH DESIGN REVIEW:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Findings for A & B: The applicant has requested a modification through Design Review to reduce the minimum IR zone setback from 15 feet to 10 feet for the three-story portions of the building abutting NE Liberty Street, NE 27th Avenue, and NE Highland Street. For the three-story portions of the street-facing facades, the buildings are placed within a range of 10 to approximately 14 feet from the property line. For a 30-foot tall building in the IR zone, the normal minimum setback would be 15 feet.

The purpose of the IR zone setback is to 'maintain compatibility with and limit negative impacts on surrounding areas' (33.130.277.A). Because the reduced setback occurs on the street-facing perimeter of the project, and because landscaped areas at least 10 feet deep are provided between the building and all adjacent streets, the reduced setback is, on balance, consistent with this purpose. In the 2002 Concordia IMP, the height limit for a student housing project on this site was limited to a maximum 30'-0", in an attempt to reduce potential impacts to the nearby single-family housing. Similarly, the applicant has proposed to place the greatest bulk of the proposed student housing along the north, south, and west edges of the project, away from the adjacent homes across the alley to the west, and towards the campus core across NE 27th Avenue to the east. Massing the project as proposed towards the adjacent Transit Street, NE 27th Avenue, allows the project to better blend into the neighborhood (Guideline D7) than would a project of similar size massed further east into the site, towards the adjacent homes.

Therefore, these criteria are met.

SUMMARY FINDING FOR DESIGN REVIEW AND MODIFICATION: As noted above, the proposed student housing project incorporates material, massing, and site planning elements of the surrounding residential and campus buildings, includes distinct pedestrian, safety, and landscaping amenities, and seeks to mitigate potential impacts on the adjacent homes across the alley to the east. For the reasons cited in the findings above, the relevant guidelines and criteria are satisfied.

DEVELOPMENT STANDARDS

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

Insufficient information has been provided to approve the rooftop mechanical units atop the student housing (updated elevations, dimensioned equipment specification sheets, roof plan). Rooftop mechanical units are exempt from future Compliance Review per the 2002 IMP. During the building permit process the applicant will be required to submit documentation showing conformance with all applicable development standards for the rooftop equipment, including the Community Design Standards at 33.218.140.J.

III. CONCLUSIONS

As discussed in this report, the proposed student housing project at this site, as well as the amendments to modify parking-related condition J and increase the unit count of the project, are able to meet the applicable criteria with conditions and should be approved. With the non-binding 'friendly amendment' and the applicant agreeing to provide 12 additional on-site bike parking spaces, Design Commission denies the appeal and upholds the administrative decision of conditional approval.

IV. REVIEW BODY DECISION

It is the Decision of the Design Commission to deny the appeal and uphold the administrative decision of approval of Design Review and Modifications through Design Review, as follows:

Approval of a Type II Design Review for a 43-unit student housing project in four buildings on the half-block between NE Liberty, NE Highland, and the alley just west of NE 27th Avenue, to include the following specific elements:

- Four three-story buildings clad in Hardiplank and Hardipanel siding, with wood trim and both horizontal and vertical battens;
- Exterior corridors and stairways adjacent to NE 27th Avenue (buildings 2 & 3) and the interior parking area (buildings 1 & 4);
- On-site concrete pedestrian walkways;
- A central scored concrete plaza with adjacent L-shaped concrete sitting bench and portable patio table, umbrella and chairs;
- An earth-toned paint treatment in shades of green, rust, and tan;
- Vinyl fixed, awning and vertical hung windows;
- Painted steel and 0'-1" by 0'-1" open wire mesh projecting sunscreens, stair railings, and balcony/exterior corridor railings;
- Exterior sconce and soffit lighting standards attached to the building;
- Three types of exterior site lighting, including 7'-3" tall hooded aluminum and metal halide pole lights in the parking area (SC), 3'-6" tall aluminum-framed compact fluorescent bollard lights (SB) at interior walkways, and 12'-0" tall metal ornamental pole lights at the project perimeter;
- Exterior bike parking racks adjacent to the sidewalks in NE 27th Avenue and adjacent to the central plaza; and
- On-site landscaping at the west perimeter of the site, at the interior of the parking area, and at the perimeter of each building.

Approval of a Modification through Design Review to reduce the minimum IR-zone setback from 15 feet to a range of from 10 to approximately 14 feet for three-story portions of the building abutting NE Highland Street, NE Liberty Street, and NE 27th Avenue.

The Design Review and Modifications through Design Review are approved granted based on conformance with the approved plans and drawings, Exhibits C.1 through C.8k, each signed and dated August 11, 2008, and subject to condition A, below.

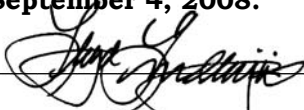
Original condition of approval A:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.8k. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-120374 IM DZM ZC. No field changes allowed."

Staff Planner: Mark Walhood

These findings, conclusions and decision were adopted by the Portland Design Commission on September 4, 2008.

By



Portland Design Commission
Lloyd Lindley, Chair

Date Final Decision Rendered/Mailed: September 11, 2008

Appeal of this decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265].

Recording the final decision. This is the final local decision on this application. You may record this decision the day following the mailed/filed date shown above.

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

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

For further information on recording, please call the County Recorder at (503) 988-3034.

Expiration of this approval. This decision expires 3 years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.

- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

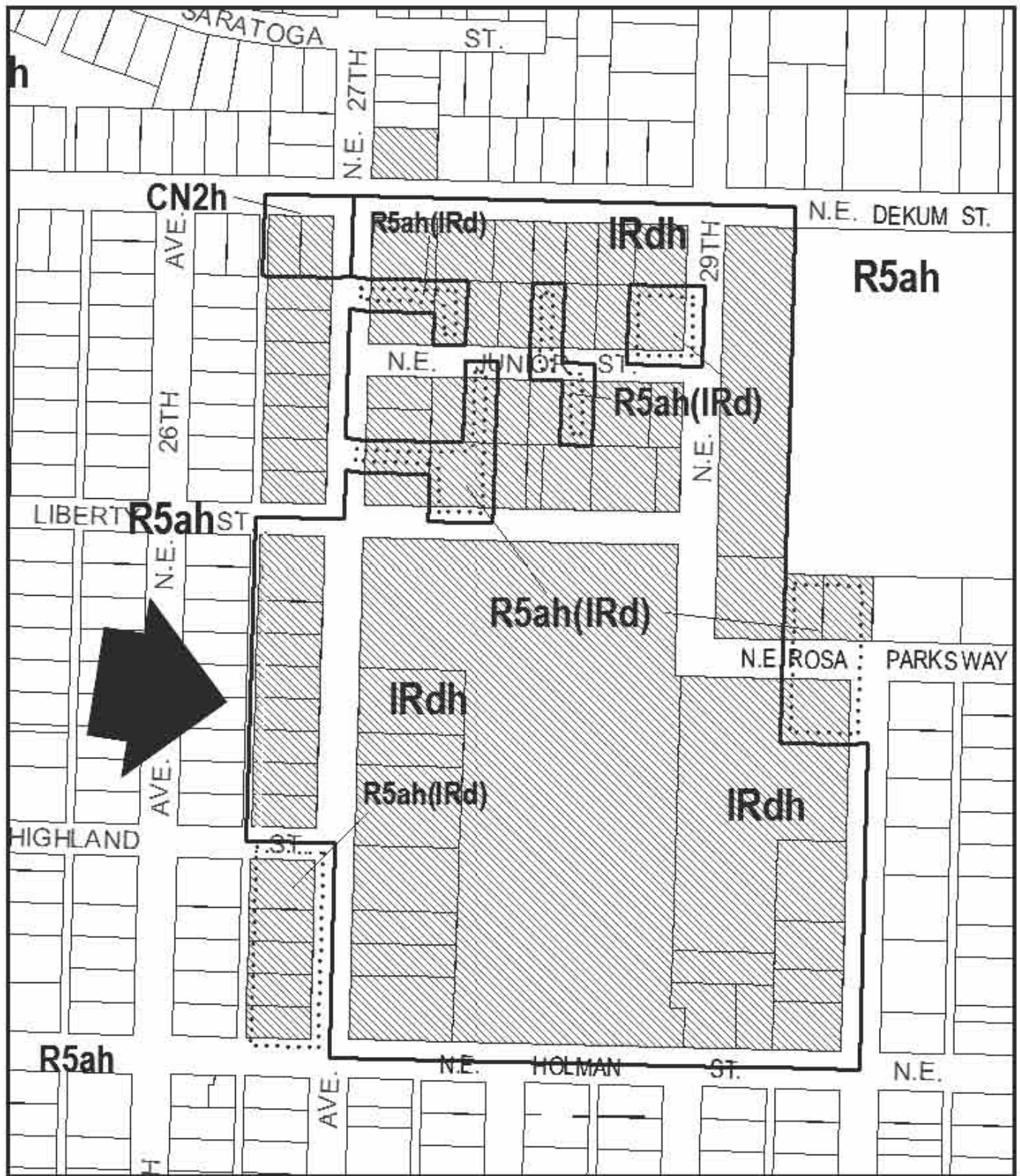
EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 1. Original Narrative Application including Exhibits A-G (Exhibits H-J included in C exhibits), submitted 4/4/08
 2. Supplemental Narrative, Transportation Analysis, and Exhibits, received 5/8/08
 3. Stormwater Report, received 6/20/08
 4. Final Population Count and Parking Memo, received 7/29/08
 5. E-mail from applicant to staff regarding final plan revisions and drawing submittal, with cover memo accompanying final, revised drawings received 8/8/08
 6. 120-day extension of 38 days, received 8/12/08
- B. Zoning Maps
 1. Existing Zoning
 2. Proposed Zoning (attached)
- C. Plans/Drawings:
 1. Site Plan
 2. Landscape Plan (attached)
 3. Elevations (attached)
 4. Detail Elevation
 5. (a through n sheets - 14 sheets total) Full 8.5 x 11" Set Final Plans, not including C.1-4
 6. (a through r sheets - 18 sheets total) Full Large, Scalable Set Final Plans
 7. (a through d sheets - 4 sheets total) Sunscreen and Railing/Guardrail Details and explanatory e-mail rec'd. 7/30/08
 8. (a through k sheets - 11 sheets total) Lighting Detail Sheets
 9. Original Plan Set - NOT APPROVED
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Urban Forestry Division of Portland Transportation
 2. Water Bureau
 3. Bureau of Environmental Services
 4. Site Development Section of the Bureau of Development Services
 5. Development Review Division of Portland Transportation
 6. Fire Bureau
 7. Life Safety (Building Code) Section of the Bureau of Development Services
 8. Police Bureau
- F. Correspondence:
 1. Letter with concerns from Carrie Treadwell, rec'd. 6/16/08
 2. Letter with concerns from Michael Treadwell, rec'd. 6/16/08
 3. Letter with concerns from Concordia Neighborhood Association, rec'd. 6/16/08
 4. Letter with concerns from Lora Vaughan, rec'd. 6/16/08
 5. Letter with concerns from A. J. Boots, rec'd. 6/16/08
 6. Letter with concerns from Bonita Nuttelman, rec'd. 6/16/08
 7. Letter with concerns from Elizabeth Hildebrand, rec'd. 6/9/08
 8. Letter with concerns from Andrea Clark, rec'd. 6/16/08
 9. Letter with concerns from Bret and Linda Young, rec'd. 6/12/08
 10. Letter with concerns from Eric Hildebrand, rec'd. 6/12/08
 11. Letter with concerns and attached petition, rec'd. 6/12/08
- G. Other:
 1. Original LU Application Form, Tax Account Information and Receipt
 2. Site History Research
 3. Incomplete Letter from Staff to Applicant, sent 4/25/08
 4. Completeness Review from Portland Transportation to applicant, 4/23/08
 5. Pre-Application Conference Summary Memo - PC 08-106482 EA
 6. E-mail regarding mailing list additions, sent 6/17/08
 7. E-mail correspondence between applicant and Transportation Staff regarding Population Count and Parking Issues, 7/23-25/08
- H. Hearings Office Exhibits (Received Prior to and During Appeals)

1. Staff Decision and Notice of Potential Appeal Hearing Dates, mailed 8/13/08
 2. Type II Appeal Form submitted by Concordia Neighborhood Association, received 8/26/08
 3. Staff Powerpoint Presentation to the Hearings Officer
 4. Letter from Tony Fuentes to Sara Drake, received 9/3/08
 5. Letter from George Bruender to Hearings Officer, received 9/3/08
 6. Letter from George Bruender to Hearings Officer, received 9/3/08
 7. Letter from Tony Fuentes to Sara Drake, received 9/3/08
 8. Letter to Staff/Hearings Officer submitted by AJ Boots, received 9/3/08
 9. Original Motion to Dismiss Appeal Before Hearings Officer, received 9/3/08
 10. Copy of Motion to Dismiss Appeal Before Hearings Officer, received 9/3/08
 11. Concordia Memo to City Staff dated July 29, 2008, received 9/3/08
 12. Concordia Memo to City Staff dated May 8, 2008, received 9/3/08
 13. Dismissal of Appeal Memo to Hearings Officer from George Bruender, received 9/4/08
 14. Memo from Steve Abel to Hearings Officer, received 9/8/08
- I. Design Review Appeal and Additional Exhibits
1. Pre-Hearing Staff Cover Memo to Design Commission, sent 8/28/08
 2. Memo to Design Commission from Appellant, submitted 9/4/08
 3. Staff Powerpoint Presentation to Design Commission
 4. Motion to Dismiss Appeal Presented to Design Commission by Steve Abel
 5. Conceptual Landscape Modifications Presented to Design Commission
 6. Final Order of the Hearings Officer, mailed 9/5/08
 7. Amended Final Order of the Hearings Officer, mailed 9/8/08

September 11, 2008

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7702 (TTY 503-823-6868).



ZONING.
PROPOSED



Site Area of Work

File No. LU 08-120374 IM,DZM,ZC
 1/4 Section 2333,2433
 Scale 1 inch = 200 feet
 State_Id 1N1E13CB 100
 Exhibit B (May 07,2008)

GROUP
 Mackenzie
 Architects
 1000 SW 10th Ave
 Portland, OR 97204
 503.228.1111

Concordia University
 1000 SW 10th Ave
 Portland, OR 97204

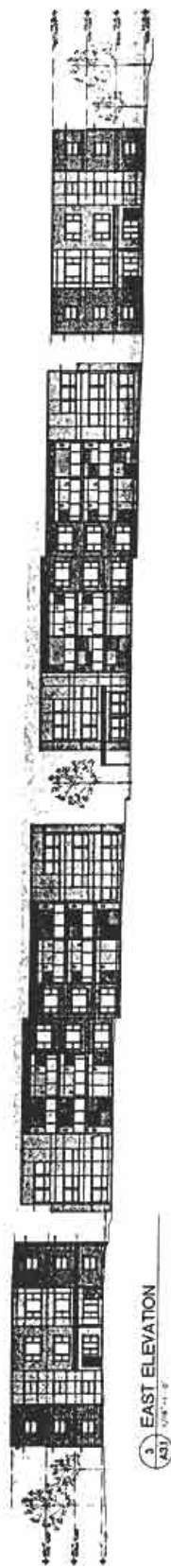
Concordia University
 1000 SW 10th Ave
 Portland, OR 97204

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 Portland, OR 97204

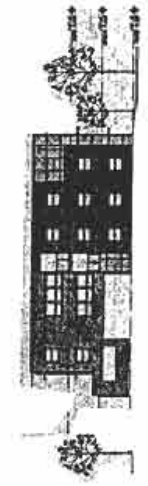
ELEVATIONS
 1/2" = 1' - 0"
 1/4" = 1' - 0"

A3.0
 2070495.00

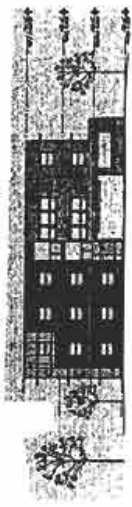
DESIGN REVIEW: 4/3/2008
 REISED 8/6/08



3 EAST ELEVATION
 1/2" = 1' - 0"



2 SOUTH ELEVATION
 1/2" = 1' - 0"



1 NORTH ELEVATION
 1/2" = 1' - 0"



4 WEST ELEVATION
 1/2" = 1' - 0"

Approved
 City of Portland - Bureau of Development Services
 Planner MARK WALTON Date AUGUST 11, 2008
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Proposal and design as approved
 in case file #LU 08-120374 IM 02M 2C
 No field changes allowed.

CASE NO. W 08-120374
 EXHIBIT C-3