



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

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Portland, Oregon 97201
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Date: March 10, 2011
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

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

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

**CASE FILE NUMBER: LU 10-203801 DZ – BATTING FACILITY
ENCLOSURE**

GENERAL INFORMATION

Applicant: Concordia University
2811 NE Holman Street
Portland, OR 97211-6067

Representative: Ryan Schera
Group Mackenzie
1515 SE Water Avenue Suite 100
Portland, OR 97214

Site Address: 6615 NE 29th Avenue

Legal Description: LOT 1, PARTITION PLAT 2009-68
Tax Account No.: R649892690
State ID No.: 1N1E13BC 04701
Quarter Section: 2333

Neighborhood: Concordia, contact George Bruender at 503-287-4787.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Zoning: IRdh, Institutional Residential, with Design and Aircraft Landing
Overlay Zones

Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design
Commission.

Proposal:

The applicant is seeking Design Review approval for a proposal to enclose a previously approved batting facility. The original approval was for a netted, open-air facility. The proposal also includes paving several areas that had previously been proposed as artificial turf. Design Review is required because the proposal is an exterior alteration in a Design zone that does not meet the Community Design Standards. Note that no Impact Mitigation Plan Review is being required because the proposed facility will be located in the approved location and will occupy the same volume.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: Concordia University is a small university located in neighborhood of 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.

Zoning: The *Institutional Residential* (IR) base zone is intended to foster the growth of major institutions providing educational or medical services and employment to Portland residents. The IR zone is intended to streamline the review process for the growth and expansion of such institutions, while also acknowledging potential impacts to the smaller-scale residential neighborhoods within which they are located. At this site, Concordia University is operating under an amended Impact Mitigation Plan (case file #LU 02-106366 IM).

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- **4424R:** A 1964 Revocable Permit allowed continued use of the former commercial structure at the corner of NE 27th Avenue and NE Dekum Street as the College's maintenance facility.

- **CU 10-70:** A Conditional Use allowed construction of a new physical education building, along with a 41-space parking lot. The old gymnasium was converted to the Fine Arts Building.
- **VZ 6-71:** A variance allowed moving a second dwelling onto the lot just east of the maintenance building.
- **V 23-79:** Vacations of NE 29th Avenue and the alley between NE 29th and NE 30th Avenues, both between NE Holman Street and NE Portland Boulevard were approved. Conditions of approval required that pedestrian and bicycle use of the vacated NE 29th Avenue right-of-way be adequately accommodated, and that a parking plan be provided in order to reduce neighborhood traffic congestion.
- **CU 44-79:** A Conditional Use permit was approved to allow removal of two houses and construction of two dormitories with 42-50 beds along NE 30th Avenue, and to allow the legalization of College uses within six houses.
- **CU 92-79:** A Conditional Use allowed a 23,000 square-foot addition to Hagen Hall, to allow for library, kitchen/dining hall, and support services.
- **CU 94-87:** A Conditional Use allowed conversion of homes at 6305 and 6403 NE 29th Avenue for office use by College faculty.
- **CU 143-87:** A Conditional Use allowed a small storage addition to St. Michael's Church.
- **CU 49-89:** A Conditional Use allowed use of the house at 6321 NE 30th Avenue as an office.
- **LUR 91-00424 MS CU:** A 1991 approval of a Master Plan for the university. The Master Plan approval was superseded by a 1997 Impact Mitigation Plan approval (LUR 97-00468 IM ZC). Conditions of approval from this Master Plan were carried forward, deleted, or superseded by the 1997 Impact Mitigation Plan approval.
- **LUR 91-00425 CU:** A Conditional Use allowed a temporary portable classroom on the north side of NE Liberty Street between NE 27th and NE 29th Avenues.
- **LUR 97-00468 IM ZC:** A 1997 approval of an Impact Mitigation Plan, 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 Impact Mitigation Plan approval (LU 02-106366 IM).
- **LUR 97-00539 IM DZ:** Design Review approval 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.
- **LU 02-106366 IM:** Approval of an amended Impact Mitigation Plan 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 as described in Exhibit A.3 and graphically depicted in Exhibits C.1 through C.5, subject to several conditions. Compliance with the current Impact Mitigation Plan and all pertinent conditions of approval will be discussed later in this report, under findings for the Impact Mitigation Plan Compliance Review. This approval, including the approved exhibits and all conditions of approval, continue to apply to the site.
- **LU 06-142498 DZ IM:** Approval of Impact Mitigation Plan Compliance Review and Design Review for the new Concordia University Library Building and Central Green, per the approved exhibits, and subject to conditions of approval regarding sidewalk and frontage dedications and improvements adjacent to the Library site.
- **LU 07-184826 IM DZM:** Approved Impact Mitigation Plan (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.
- **LU 07-184841 IM ZC:** Approved Impact Mitigation Plan 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.
- **LU 08-120374 IM DZM ZC:** Approved Impact Mitigation Plan 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.

- **LU 09-126905 LC:** Approval of a Lot Consolidation to consolidate several historic parcels into one parcel.

Public Notice: A “Notice of Proposal in Your Neighborhood” was mailed **February 10, 2011**.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: One written response has been received:

- On March 3, 2011, George Bruender, Co-Chair of the Land Use Livability Transportation Committees of the Concordia Neighborhood Association wrote with an endorsement of the proposal.

ZONING CODE APPROVAL CRITERIA

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: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, 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 addressed only those applicable to this proposal.

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area’s desired characteristics and traditions.

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.

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 P1, E1, D1, and D3: The proposed batting practice building will replace an approved but as yet unbuilt batting cage facility on the same footprint and fitting within approximately the same volume. The exterior materials, brick, standing seam metal roofing, concrete walkways, and a wide variety of plantings, will match those employed in the rest of the ball field's design, integrating the building well with its campus surroundings. The scale of the building is also residential in character, allowing it to blend in with the general neighborhood. The emergency exit path connects to the public sidewalk by a direct path easily visible to pedestrians, so that in the rare event of use, conflicts should be avoidable. The visual impact of the proposed building is further reduced by the scale of the plantings, which ranges from ground cover to small trees. Generally speaking the entire ball field area is open to view through a metal fence with narrow vertical pickets spaced well apart.

Note: Concordia University has an Impact Mitigation Plan (IMP) in place, but because the impact of the proposed change is minimal and very similar in scope to the previous approval, an IMP review was not required.

These guidelines are therefore met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

In addition to serving Concordia University's baseball teams better in inclement weather, enclosing the proposed batting practice facility will significantly reduce sound pollution to the adjoining residential neighborhood. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

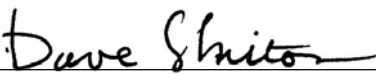
ADMINISTRATIVE DECISION

Approval of a new building to enclose the proposed batting practice facility at Concordia University;

Approval per Exhibits C-1 through C-9, signed and dated March 7, 2011, subject to the following condition:

- 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 through C-9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-203801 DZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on March 7, 2010.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 10, 2011

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

Procedural Information. The application for this land use review was submitted on December 23, 2010, and was determined to be complete on **February 7, 2011**.

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 December 23, 2010.

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

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 24, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **March 25, 2011**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

Expiration of this approval. An Impact Mitigation Plan and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remains in effect until:

- All phases of development included in the plan have been completed, or
- The plan is amended or superseded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

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

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

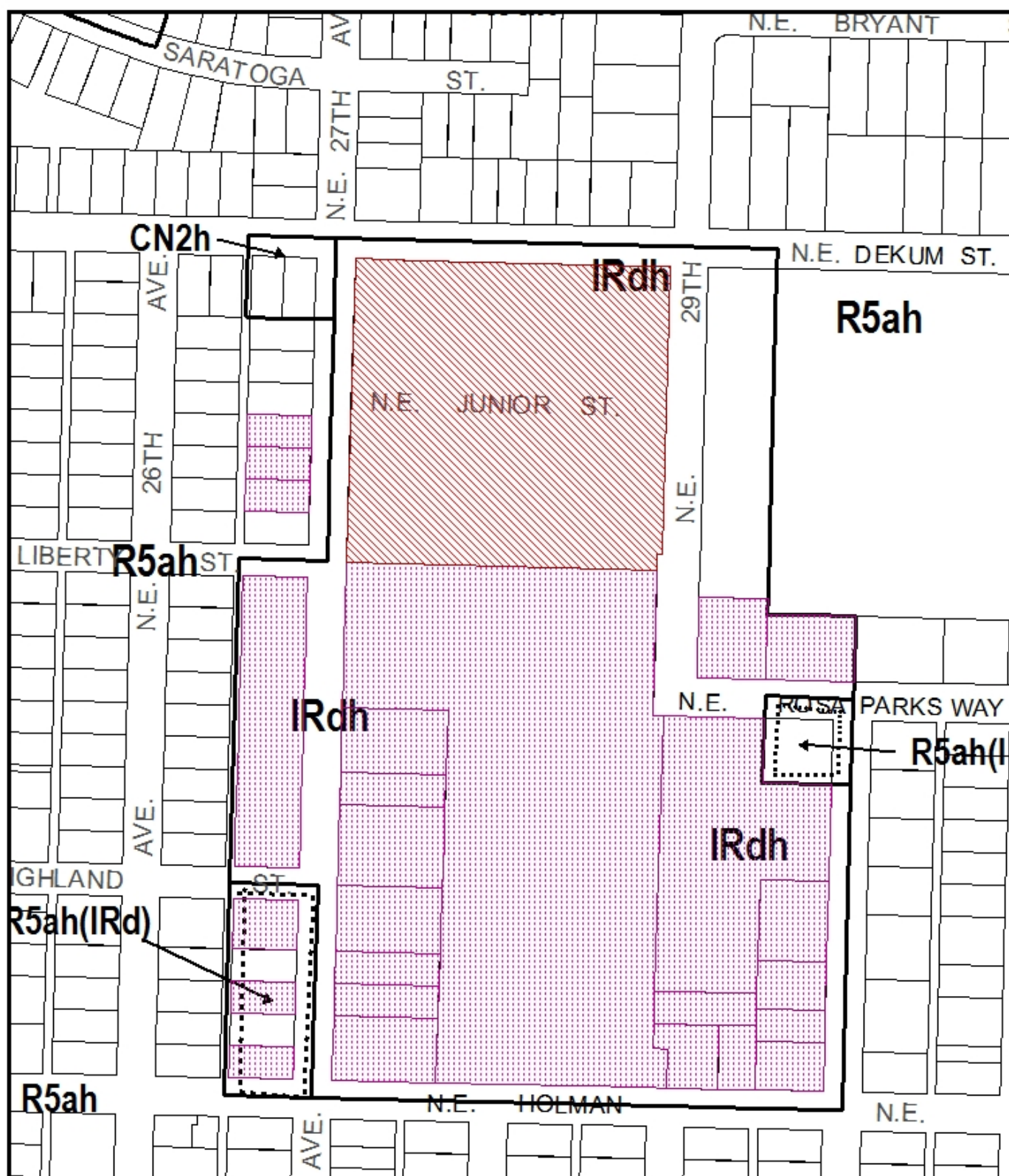
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet
 - 2. Site Plan (attached)
 - 3. Grading Plan
 - 4. Grading Plan Details
 - 5. Utility Plan
 - 6. Planting Plan
 - 7. Building Plan, Section, and Elevations (attached)
 - 8. Rendered West Elevation (attached)
 - 9. Rendered Birdseye View
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
 - 2. Bureau of Parks, Forestry Division
 - 3. Bureau of Environmental Services
- F. Correspondence:
 - 1. George Bruender, Co-Chair of the Land Use Livability Transportation Committees of the Concordia Neighborhood Association, March 3, 2011, endorsing proposal
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. 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).



ZONING

-  Site
-  Also Owned

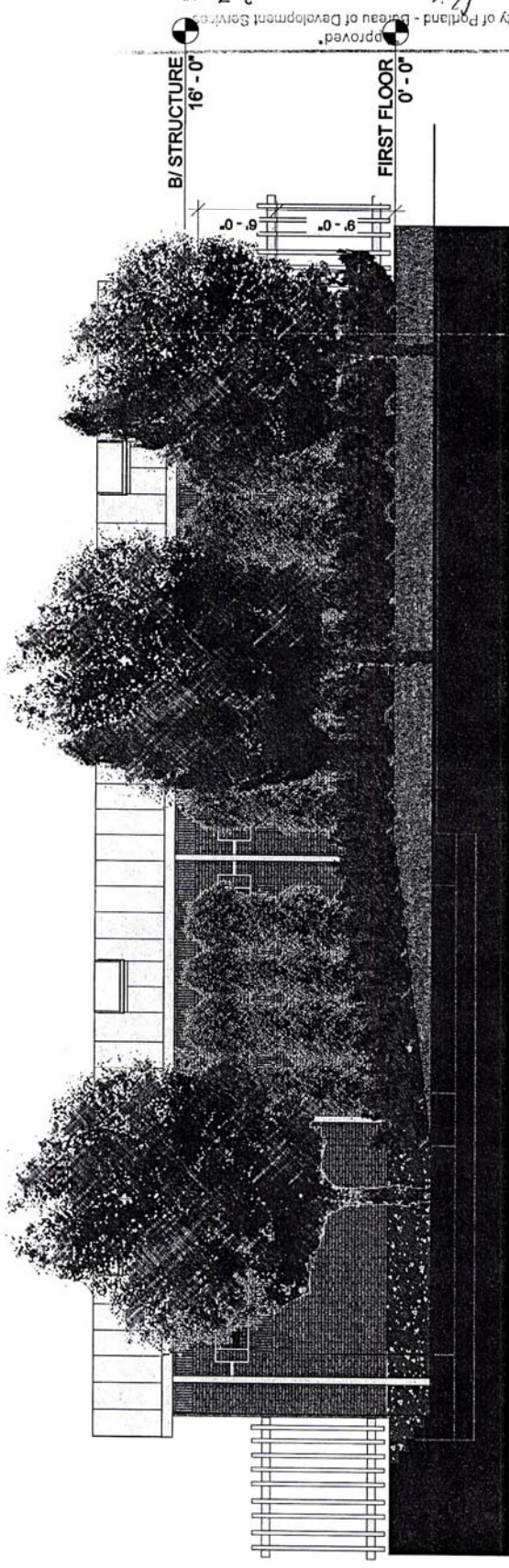



File No. LU 10-203801 DZ
 1/4 Section 2333
 Scale 1 inch = 200 feet
 State_Id 1N1E13BC 4701
 Exhibit B (Dec 30,2010)

000 002 205013104

[illegible]

THE UNIVERSITY OF CHICAGO



Planner, *Donna Miller*
City of Portland - Bureau of Development Services
Date: 3-7-11
Approved: 
* This approval applies only to the review requested and is subject to conditions of approval. Additional zoning requirements may apply.

WEST ELEVATION RENDERING OF PROPOSED INDOOR BATTING FACILITY



GROUP
MACKENZIE