



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

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**Date:** April 25, 2013  
**To:** Interested Person  
**From:** Sheila Frugoli, Land Use Services  
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## **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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 13-127637 CU AD**

#### **GENERAL INFORMATION**

**Applicant:** Paul Cathcart, Facility Planner / Portland Public Schools  
P.O. Box 3107 / Portland OR 97208-3107

Michelle Platter, Project Manager / Portland Public Schools  
P.O. Box 3107 / Portland OR 97208-3107

**Site Address:** 3039 NE ROSA PARKS WAY

**Legal Description:** BLOCK A TL 9700, SUNDERLAND AC & PLAT 3  
**Tax Account No.:** R809200460  
**State ID No.:** 1N1E13BD 09700  
**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:** NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.  
**Zoning:** R5a, h – Single Dwelling Residential 5,000 zone with the “a” Alternative Design Density and “h” Aircraft Landing overlay zones

**Case Type:** CU AD – Conditional Use and Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

**Proposal:** Portland Public Schools (PPS) plans to install two portable classroom buildings (two classrooms in each building for a total of 4 classrooms) on the north portion of the Faubion School site. Each building will be 28' x 64' with an approximate height of 12 feet. Students in the portable buildings will make use of the existing restrooms that are located in the north wing of the existing school building.

The portable classrooms will be used temporarily as PPS intends to redevelop the Faubion school campus. The project is part of the approved 2012 bond measure. The redevelopment of the Faubion School campus is tentatively planned to be completed in Fall 2017. The site is residentially-zoned. New development, such as adding classroom buildings, for a School Use require a Conditional Use Review.

PPS is requesting an Adjustment to modify the required landscape buffering requirement. Specifically, PPS is requesting a reduction in the L1, Low Screen landscaping standard that requires trees and groundcover between buildings and the property line. As an alternative to the tree requirement, PPS is proposing the installation of 6 *Arborvitae* shrubs in the upper lawn area between the paving and the retaining wall and fence. The new shrubs are intended to screen views of the portable buildings from NE Dekum Street.

**Relevant Approval Criteria:**

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

- Conditional Use - 33.815.105 A-E, Institutional and Other Uses in R Zones
- Adjustments - 33.805.040 A-F

## ANALYSIS

**Site and Vicinity:** Faubion School is located on a 7.8 acre site, with a 48,500 square foot, one-story school building. The building is “T-shaped” and located near the western property line. Vehicle access is provided via an access pole off NE Rosa Parks Way. There is a large grassy play field on the east side of the site. The school and the adjacent Concordia University are 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 27<sup>th</sup> to NE 29<sup>th</sup> Avenues. The master plan boundary also included properties along the west side of NE 27<sup>th</sup> Avenue between NE Liberty and Holman Streets, the St. Michael’s Church and parking area on the east side of NE 29<sup>th</sup> Avenue, and the area between NE 29<sup>th</sup> and 30<sup>th</sup> 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. St. Michael’s Lutheran Church is located at the southeast corner of NE 29<sup>th</sup> Avenue and NE Dekum Street and is within the college boundary.

**Zoning:** The site is zoned R5ah. The *Single-Dwelling Residential 5,000* (R5) base zone is intended to preserve land for housing, and to provide housing opportunities for individual households. The zone allows for some non-household living uses, but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood.

The *Alternative Design Density overlay zone* (“a”) is intended to focus development on vacant sites, preserve existing housing, and encourage infill development which is compatible with and supportive of the positive qualities of residential neighborhoods. The concept of this zone is to allow increased density for development that meets additional design compatibility requirements. The “a” overlay does not impact institutional uses or the current project.

The Aircraft Landing overlay zone (“h”) provides safer operating conditions for aircraft in the vicinity of Portland International Airport (PDX) by limiting the height of structures and vegetation. The height limit imposed on structures and vegetation at this site is 180’-0” above the base point of the runways at the airport. There are no height issues with regards to this application.

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

- CU 108-77: In 1977, the Hearings Officer approved the construction of a detached covered play structure at the school.

**Summary of Applicant’s Statement:** The application included the following important background information:

For many years, the space within Faubion Schools has been insufficient to meet student enrollment increases and educational program needs of Faubion School. Recent enrollment balancing efforts by the Portland Public School district (district) have contemplated a shared

campus model between many schools that would result in the reconfiguration of schools below a K-8 school.

PPS and Faubion School have had a long partnership with Concordia University located immediately to the west of Faubion School. The partnership involves shared programming, placement of Concordia student teachers in Faubion School classrooms, and shared use of facilities on each campus.

This partnership is the basis for the proposed redevelopment of Faubion School campus approved by district voters as part of district's November 2012 capital bond program. The redevelopment project will combine Concordia administrative and classroom facilities in a new Faubion School with wrap around services for Faubion students and parents. Master planning for the combined campus project will begin in the fall of 2013 with construction tentatively complete in fall 2017.

Accommodating the existing overcrowding conditions and a growing Faubion School PK-8 program until a new facility is built on the site requires an additional four (4) classrooms on the site. PPS is proposing the installation of two portable classroom buildings on the site, each will contain two classrooms. The portable classroom buildings would be removed and potentially relocated to another site once construction of the new facility begins on site.

PPS requests approval of this application to relieve crowding in the existing school building and accommodate increased enrollment due to an increase in the number of school aged children in the school's attendance area. No new programs, additional grade levels or special activities are proposed in conjunction with this application.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 21, 2013**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.7)
- Life Safety Plan Review Section of BDS (Exhibit E.6)
- Bureau of Parks-Forestry Division (Exhibit E.7)

The **Bureau of Environmental Services** responded with the following key comments:

BES has no objection to the requested conditional use or the landscaping adjustment. Note that the proposed development will be subject to BES standards and requirements during the permit review process. The following comments have been included as a courtesy to the applicant.

The applicant has stated that there will be no new plumbing fixture units for the portable classroom structures therefore the existing sewer system is assumed to be sufficient for the proposed use.

*On-Site Stormwater Management Comments:* BES reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control, and off-site discharges.

- BES has reviewed the Geotechnical Investigation by Geocon Northwest Inc. dated 2/13. The report notes infiltration rates of 1.7 and 2.4 inches per hour at 10 and 20 feet deep, respectively. The applicant has not provided a storm report or a narrative regarding the proposed stormwater management plan.
- It is not clear whether the construction of the portable classrooms will trigger the SWMM requirements.
  - 1) Temporary structures are defined within the SWMM to be those that are created and removed within a continuous period of 3 years or less. Pollution reduction is not required for temporary structures whereas discharge points are still required. Stormwater would be allowed to the existing discharge point without pollution reduction or flow control if the structures fit the SWMM definition of temporary.

- 2) If the structures are constructed over the existing pavement without 500 square feet of impervious areas, BES would not consider this work redevelopment, as defined within the SWMM. Stormwater would be allowed to the existing discharge point without pollution reduction or flow control if there is no redevelopment as defined within the SWMM.
- 3) If 500 square feet of impervious area or more are removed as part of the non-temporary development then the applicant would need to meet the Stormwater Hierarchy (SWMM page 1-10) for stormwater management. Based on the provided infiltration rates, total onsite infiltration is feasible with additional sizing calculations but would not be required. Offsite stormwater discharge would be allowed to the line in NE Rosa Parks as long as pollution reduction and flow control are provided.
- 4) The provided geotech report indicates that there is flexibility with the future stormwater management plan. There are two possible discharge points and there is adequate space on property for various stormwater management techniques. (Exhibit E.1)

The **Portland Bureau of Transportation** response is included as findings under criterion 33.815.105.D.1 and D.2. (Exhibit E.2)

The **Police Bureau** responded with the following comments:

Richard Kepler, Strategic Services Division, reviewed this Land Use request. Additionally, North Precinct Commander Michael Leloff has reviewed this proposal. It was determined that the Portland Police Bureau is capable of serving the proposed change at this time; however, noted below are concerns and recommendations.

#### **CONCERNS**

- 1) Maintain and upkeep for the site.
- 2) Use of temporary landscape buffers that restrict visual access from the street.

#### **RECOMMENDATIONS**

1) As this is a school that supports both day and night events, keeping the foliage and trees maintained per Crime Prevention Through Environmental Design (CPTED) standards will assist in preventing concealment of trespassers, provide a greater visibility for officers passing by, and as such increases the safety and security of guests. a. CPTED standard for hedge height is no more than three feet and for trees a ground clearance of six feet or more. b. Report any crime as soon as possible. Vandalism, if it is not graffiti, can be reported online using the Portland Police Bureau's online citizen reporting tool available from the Police Bureau's "Police Report: Submit Online" at: <http://www.portlandoregon.gov/police/cor/>

2) The Adjustment (AD) to the landscape buffer will create an unnecessary visual barrier. As mentioned above, CPTED recommendation for hedge height is no more than three feet at street level. a. The temporary Arborvitae would restrict visually scanning the area by police patrols as they can only see the back of the school from NE Dekum Street.

#### **Community Policing Request**

As development progresses at this site, the Portland Police Bureau recommends that on-site persons and the developer work with North Precinct Commander Michael Leloff on any public safety issues or concerns. North Precinct contact number: 503-823-5700. In addition, the school staff should work with the Portland Police Bureau's School Resource Officers (SRO) to address any student or site safety/security issues or concerns. The Portland Police Bureau's SRO phone number is: 503-823-4849. (Exhibit E.5)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 21, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.815.105 Institutional and Other Uses in R Zones

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

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

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

**Findings:** For the purpose of this criterion, the residential area is defined as the residentially-zoned properties that are within approximately a 500-foot radius of the site. The boundaries of the residential area are NE Bryan Street to the north, NE 33<sup>rd</sup> Ave. to the east, NE Holman to the south, and NE 27<sup>th</sup> Ave. to the west.

The applicant notes that there are approximately 202 properties within this defined area. The Concordia University parcels and the St. Michael's Lutheran Church, which are zoned IR, Institutional Residential, are the only other non-residential uses in the area. All three, the church, the university and the public school were established at that location the 1950s. The classroom expansion on the Faubion site, is intended to serve the existing grade school. This proposal does not constitute an increase in the number or location of uses not in the Household Living category in this residential area.

Regarding intensity and scale of the school, the portable buildings are relatively small and the classrooms are intended to accommodate a maximum of 96 students. The portable buildings are intended to address crowded classrooms.

Based on the above information, the overall residential appearance and function of the area will not be significantly lessened by this proposal for two portable buildings on the site. This approval criterion is met.

### **B. Physical compatibility.**

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

**Findings:** There are no City-designated scenic resources on the site, therefore preservation of City-designated scenic resources is not applicable in this case. The site is 7.9 acres in size and is therefore larger than the adjacent residential properties to the north, east and south, which are approximately 5,000 square feet in size on

average. Concordia College, which has a relatively large campus, is located west of the site. The scale of the existing school and the proposed two portable classroom buildings are similar in height to homes found in the adjacent residential neighborhood.

The structures are intended to serve the school for an interim period. The Portland Public Schools (PPS) intends to implement its voter approved capital bond program and replace the school with a combined Concordia/Faubion School campus. The construction is tentatively scheduled to be completed Fall 2017.

The applicant is requesting an adjustment to the required buffering (landscape screening) between the portables and the north property line. As described above, the applicant proposed installing 6 tall shrubs to partially fulfill the required L1 standard. The L1 standard requires trees and groundcover. Citing the Crime Prevention Through Environmental Design (CPTED) standards, the Police Bureau response raises concerns about the use of tall shrubs. It noted, to “assist in preventing concealment of trespassers, provide a greater visibility for officers passing by, and as such increases the safety and security of guests. a. CPTED standard for hedge height is no more than three feet and for trees a ground clearance of six feet or more.” In response to this concern, the BDS decision approves entirely waiving the landscape buffer requirement for this specific proposal. Staff observed, during a site visit, that the northern portion of the school site is elevated, approximately 3-5 feet above the public right-of-way. If planted at the edge of the site, tall shrubs would primarily block views of the grassy area and portions of the playground. Because the “portables” will be located 100 feet from the north (Dekum) property line and are only 15 feet tall, very little of the structure will be visible from the right-of-way. Therefore, the shrubs will serve to obstruct views onto the site, but would only marginally block views of the portable buildings.

The temporary nature of the portable classrooms, their small scale, the generous setbacks from the adjacent property lines and the concerns raised by the Police Bureau about police surveillance from N Dekum street are all reasons to waive the requirement. *Note: The construction of a new school facility will be reviewed as a Conditional Use and applicable development standards such as landscaping and building setbacks will apply. BDS staff is confident that when the new school facility is designed, Zoning Code required landscaping and other development standards will be considered in concert with CPTED design standards.*

This criterion is met.

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

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

**Findings:** The additional classrooms will support the school and its current operations. The portable classrooms will not create new off-site impacts such as noise, litter or glare. The concern about public safety (crime prevention) is addressed through waiving the landscaping requirement along the northern edge of the site. The northernmost structure will have four small windows, 16 square feet each, facing N. Dekum. There will be over 150 feet separating these small windows and the homes on the north side of N. Dekum. Therefore, privacy impacts will be negligible. .

This criterion is met.

**D. Public services.**

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

**Findings:** The Portland Bureau of Transportation responded with the following:

The site has frontage along two streets, NE Dekum and NE Rosa Parks Way. At this location, NE Dekum is classified as a Neighborhood Collector, Transit Access street, City Bikeway, City Walkway and a Local Service street (Design mode) in the City's Transportation System Plan (TSP). NE Rosa Parks Way is classified as Local Service street for all transportation modes in the TSP.

As stated in the TSP, "Neighborhood Collectors should connect neighborhoods to nearby centers, corridors, station communities, main streets, and other nearby destinations. New land uses and major expansions of land uses that attract a significant volume of traffic from outside the neighborhood should be discouraged from locating on Neighborhood Collectors". NE Dekum will act to connect the neighborhood to the proposed project. As a City Walkway, these classified streets are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit. NE Dekum will accomplish these goals.

The proposed portable classroom buildings at Faubion School are supportive of the Local Service street designations of the surrounding streets. The TSP states that, Local Service Traffic streets are intended to distribute local traffic and provide access to local residences or commercial uses. Local Service Transit streets should give preference to access for individual properties and to the specific needs of property owners and residents along the street. These streets may carry school buses. Local Service Bike streets should not have a side effect of creating, accommodating or encouraging automobile through-traffic. Local Service Walkways are usually located in residential, commercial or industrial areas on Local Service Traffic streets. Local Service Design streets are multimodal, but are not intended for trucks (other than local deliveries) in residential areas. Their design includes many connections with other streets, sidewalk and on-street parking. The site's frontage is improved with curb and sidewalk which support pedestrian activity throughout the broader neighborhood. NE Rosa Parks Way is consistent with the purposes and designs mentioned above.

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

Street Capacity/Level of service/other performance measures

Per Portland Policy Document TRN-10.27 - Traffic Capacity Analysis for Land Use Review Cases: For traffic impact studies required in the course of land use review or development, the following standards apply:

1. For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.

2. For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.

The industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors.

It should be noted that the Faubion K-8 School's enrollment projections include an enrollment increase of just 21 students for the 2013/2014 school year. Nevertheless, for a conservative analysis the transportation impacts were projected based upon a potential enrollment increase of 96 students (the number of students that can potentially be accommodated within the two proposed modular structures).

The trip generation calculations were based on data from the ITE Trip Generation Manual, Ninth Edition for land use code 520, Elementary School, and reflect an enrollment increase of 96 students. A net increase of up to 43 trips is projected during the morning peak hour. During the afternoon peak hour, 27 additional trips are anticipated. A weekday total of 124 trips are projected.

Observations of intersection operations were conducted during the morning and afternoon peak hours for the intersections surrounding the Faubion School site, including NE Dekum/NE 29<sup>th</sup> Ave, NE Dekum/NE 33<sup>rd</sup> and NE Rosa Parks Way/33<sup>rd</sup> Ave. Based on the observations, these intersections are each operating well within the City's LOS performance measures and are expected to continue to operate as such, taking into consideration the additional trip generation forecasted for the worse case development option of an enrollment increase of 96 students. Accordingly, there is sufficient capacity within the area's studied intersections to accommodate future enrollment increase that is possible with the addition of the two proposed temporary structures.

#### Access to arterials

To the north of the subject site, NE Lombard St, a Major City Traffic Street provides east/west connectivity in the vicinity of the school, and can be accessed via NE 29<sup>th</sup> Ave and NE 32<sup>nd</sup> Ave. NE 33<sup>rd</sup> Avenue is classified by the City of Portland as a District Collector and provides north/south connectivity in the site vicinity. NE Dekum Street is classified as a Neighborhood Collector and provides additional east/west connectivity in the site vicinity.

While there are several options to access the greater transportation network at this location, since the subject development is an elementary school most trips will originate or terminate in close proximity to the school. Accordingly, the proposed campus expansion will have little impact on the arterial roadways in the site vicinity.

#### Connectivity

The existing street grid pattern in the area does not necessarily meet City connectivity spacing guidelines in all directions for public streets and pedestrian connections. Given the orientation of nearby streets, the well established pattern of residential development throughout the nearby subdivision and large tracks of abutting lots related to non-residential uses, traditional spacing distances are not realistic. This is not at all, however, to suggest that students, parents, teachers and staff do not enjoy a well connected environment which includes existing sidewalks throughout the surrounding neighborhood.

#### Transit availability

Tri-Met route 75 (Cesar Chavez/Lombard) provides bus service along NE Dekum St in the site vicinity, with stops located on the east side of NE 29<sup>th</sup> Ave. Tri-Met Route 17 (Holgate/Broadway) provides service along NE 27<sup>th</sup> Ave immediately west of the Concordia University campus, with stops at the intersection of NE Dekum St/NE 27<sup>th</sup> Ave.



Tri-Met Route 70 (12th/NE 33rd Ave) provides service along NE 33rd Ave with stops near the intersection of NE 33<sup>rd</sup> Ave/NE Dekum St.

Beyond the school bus service provided currently, the transit needs of an elementary school are minimal and the proposed improvement adds no significant additional transit demand. The Faubion School administration reports that there are currently no students making use of transit to get to or from school. The existing transit facilities are adequate for the proposed school expansion in addition to the existing uses in the site vicinity.

#### On-street parking impacts

The existing parking lot along the south side of the school property can accommodate up to 40 parked vehicles in addition to 8 to 10 vehicles within the loading area on the south side of the fence bordering the play area at the south side of the school. A small amount of additional parking is also available on the north side of the school building, however this area is primarily used for staff parking.

Although pick-up and drop-off activities increase parking utilization in the site vicinity, these activities are conducted primarily on the Faubion School site with a well executed pick-up/drop-off plan that has been in place at the school for some time. Nonetheless, the primary source of parking demand in the area is the nearby Concordia University campus. Students and staff of Concordia University park within several parking lots surrounding the campus and also utilize some on-street parking in the vicinity of the Faubion School. However, as observed by the applicant's traffic consultant, the available parking on-site and on-street parking supplies exceed the parking demand.

Even during the periods of peak school activity, there remain unused parking spaces within the on-site parking lots in the Faubion School campus and immediately west of the campus in the St. Michael's Lutheran church parking lot. On-street parking is also available during the periods of peak school activity, with 15 open spaces observed on NE Rosa Parks Way west of the site entrance and a significantly greater number of available on-street spaces to the east of the site entrance. On-street parking also remained available along NE 29<sup>th</sup> Ave north of the school exit driveway. Based on the projected maximum increase in student enrollment, a net increase in parking demand of 16 spaces was projected by the applicant's traffic consultant using data from the ITE Parking Generation Manual, 4th Edition for land use code 520, Elementary School. The available parking supply in the site vicinity is more than sufficient to accommodate current demand as well as the potential worse-case enrollment increase.

#### Access restrictions

Under existing conditions the site access driveway on NE Rosa Parks Way is limited to entering vehicles only, and the site access driveway connecting into the adjacent St. Michael's Lutheran church parking lot is limited to exiting vehicles only. These restrictions ensure smooth, structured flow of traffic through the school pick-up/drop-off area and allow children to load and unload from the passenger side of waiting vehicles without the need to cross through traffic paths. The on-site circulation pattern functions effectively, and will be retained by the school. This type of on-site pick-up/drop-off activity related to a neighborhood school is often sought after by the City with little success due to typical restrictive and limiting consequences on and around school sites. PBOT is very supportive of these activities occurring on-site which helps to alleviate numerous typical conflicts around schools.

#### Neighborhood impacts

Neighborhoods in proximity to schools can be adversely impacted during two traditional times, the student drop-off and pick-up times in the morning, prior to the commencement of school and in the early afternoon, when school lets out. This level of activity, confined congestion and impact, are normal around school campuses. Student drop-off and pick-up activities currently occur from approximately 8:20 AM to 8:50 AM (drop-offs) and approximately 2:50 PM to 3:30 PM (pick-ups). Vehicles entering and exiting the school property typically do not result in queues which extend onto the public street, and the flow

of through traffic in the site vicinity is not significantly affected by school activity. Travel speeds are low due to the school speed zones, and traffic volumes on the adjacent roadways remain relatively low even during the peak periods. The school does not significantly affect the surrounding neighborhood under existing conditions, and is not projected to significantly impact the adjacent neighborhood under future conditions even with full occupancy of the proposed portable classrooms.

Impacts on pedestrian, bicycle, and transit circulation/safety for all modes

Existing sidewalks are in place on both sides of all roadways in the site vicinity, providing safe and continuous walking routes to and from the school site. A marked crosswalk is in place crossing NE Dekum St immediately east of NE 29<sup>th</sup> Ave near the northeast corner of the school property. Crossing guards are provided at the crossing during the morning and afternoon periods when children typically arrive and depart. An additional crossing guard is provided within the school campus at the southeast corner of the site in order to control the flow of vehicles into the site and provide safe crossing opportunities for children and parents to enter the school grounds from the south in the morning. Since the school serves children aged 5 to 13, most students travelling to and from the school via bicycle would also be expected to utilize the sidewalks as a safe travel route, although the low speeds and traffic volumes in the site vicinity also allow bicycles to travel in the roadway.

Faubion School has received attention from PBOT in the past in relation to the bureau's Safe Routes to School program (SR2S). A Continuous Service Plan (CSP) was developed in relation to this program to address transportation-related deficiencies and create a safer environment for school children, parents and the surrounding neighborhood. Several of the improvements identified in the Faubion CSP have been implemented including parking control and signage, and the effective utilization of teachers directing traffic on-site during pick-up/drop off times and along the sidewalk at the intersection of NE Dekum/NE Rosa Parks Way.

Adequate Transportation Demand Management strategies

Faubion School employs several transportation demand management (TDM) strategies to reduce vehicular trips and encourage trips on alternative modes of transportation. PBOT encourages the school to continue with its efforts and to implement additional strategies as described below. As mentioned above, the school has been an active and engaged participant in SR2S programs since 2006, and has worked with the City to implement a comprehensive Continuing Services Plan, which provides guidance regarding current travel behaviors and identifies areas for improvement.

The existing TDM strategies employed by the school have been successful in reducing the family vehicle trips to and from the site. While private vehicles carry the largest percentage of trips to and from the school, a great number of students arrive and depart via alternative modes, with 36% arriving and 29% departing via school bus, and 18% arriving and 16% departing via walking and biking.

Even greater mode split could potentially be addressed by the encouragement of "bike trains" or "walking school buses," which consist of a group of students riding or walking to school along with one or more adults, generally with a fixed departure point and along a route chosen to pick up additional students along the way. School programs designed to educate students on safely navigating the neighborhood on foot or by bike can also potentially positively affect Faubion's mode split.

Several potential strategies have been identified for active transportation, transit (primarily for faculty and staff), and ridesharing (faculty, staff and parents) that will serve the transportation needs of Faubion School. This TDM plan is intended to evolve and adapt to changing travel patterns, and should be revisited from time to time in order to evaluate successes and potential areas for improvement. The beginning of each new school year provides a good opportunity to conduct outreach to students and parents, and to survey faculty and other staff, in order to determine travel behaviors.

The school can use the conferences and open houses that traditionally accompany the beginning of the school year to collect data on travel behaviors and modal splits. In cases where people primarily utilize single-occupancy vehicles for travel to and from school, the school should attempt to determine why this is the preferred mode of travel and what barriers (if any) exist to travel on other modes. The responses and trends that emerge from this data collection will offer guidance for how best to respond to community needs and concerns through the TDM plan.

The school should also stay abreast of changes affecting the strategies recommended in this plan. Changes in transit service or enhancements to the bike infrastructure, for example, have the potential to greatly impact the viability of one or more employed strategies. By annually or periodically reviewing this plan, the school can ensure that the TDM strategies it employs are current and relevant to the travel needs of its students and staff, ensuring that good results are maintained even as the transportation system and the Faubion School community evolve with time.

In conclusion, and as analyzed above considering each of the noted evaluation factors, the transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

For all the reasons stated by PBOT staff, above, criterion D.1 and D.2 are met.

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

**Findings:** The Water Bureau and Fire Bureau provided “no concerns” responses to this Conditional Use request, and therefore it can be concluded that public services for water supply and fire protection are capable of serving the proposed use. The Police Bureau response raised concerns about proposed landscaping that would be placed along the northern boundary of the site. To maintain surveillance options for Police patrons on NE Dekum, BDS is waiving the landscaping requirement. The Bureau of Environmental Services response stated it had no objections to the Conditional Use request. This criterion is met.

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

**Findings:** The site is within the boundaries of the Albina Community Plan and the Concordia Neighborhood Plan. The application has identified relevant policies and has explained why the proposal is consistent with the two adopted plans. Staff concurs with the applicant. The proposal does not conflict with any elements of the plans, and therefore is consistent. This criterion is met.

### **33.805.040 Adjustment Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The applicant has requested to vary from the required 15-foot deep, L1, landscaping standard that is required along the northern edge of the site. The L1 standard requires trees and groundcover for areas that are less than 30 feet deep. Because the portable classrooms will be located between the existing building and the NE Dekum right-of-way, the standard applies along the northern edge of the site.

The purpose of the regulations, per Section 33.110.245.A, are stated as follows:

The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

Section 33.248.020.A.1 describes the intent of the L1 standard as:

The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.

The northern edge of the school property sits elevated, by approximately 3-5 feet, above the NE Dekum right-of-way. There is a 5-foot wide sidewalk and a 5-foot wide planter strip with street trees along the entire frontage of the school site. Between the retaining wall and the asphalt paved play area is a grass covered area. The proposed buildings will be located over 100 feet from the north property line and will be relatively low in height. Given the distance from the sidewalk and the modest size of the buildings, the negative impacts of the portable structures will not be significant.

As explained above, under criterion 33.815.105.B and C, the Police Bureau raised concerns about patrol car surveillance being obstructed. If not for the concerns about crime prevention, BDS would have supported the substitution of tall shrubs for the required trees. However, given the need for on-going public safety and acknowledgement that the site will be redeveloped in the next few years, BDS has determined that the standard should be waived. This criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** The site is within a residential zone. As explained above, the proposed portable classrooms will be set back from the street and will be low in height. Waiving the L1 standard along the northern edge of the site will not significantly detract from the livability or appearance of the residential area.

This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one Adjustment is being requested. Therefore this criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** The site does not contain any city-designated scenic or historic resources, so this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** No impacts are anticipated to result from the landscaping adjustment. Therefore, no mitigation is warranted. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

**Findings:** The site is not within an environmental zone, so this criterion is not applicable.

## 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

As reflected in the findings, both the Conditional Use and Adjustment approval criteria are met. Given the modest size, the ample setback and the temporary nature of the portable classroom buildings, as well as the concern about maintaining public safety, BDS has approved waiving the required L1 landscaping standard along the north property line.

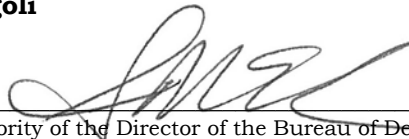
## ADMINISTRATIVE DECISION

Approval of a Conditional Use to install two 1,792 square-foot portable building, each with two classrooms, on the Faubion school site, per the approved plans, Exhibit C.1 and C.2 and

Approval of an Adjustment to waive the required L1 landscaping standard, required landscape buffering (33.110.245) along the north property line, between the proposed two structures and the north property line, per the approved site plan, Exhibits C.1, signed and dated April 23, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-127637 CU AD."

**Staff Planner: Sheila Frugoli**

**Decision rendered by:**  **on April 23, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 25, 2013**

**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 March 13, 2013, and was determined to be complete on March 18, 2013.

*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 March 13, 2013.

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

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

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

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

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

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 9, 2013** 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](http://www.portlandonline.com).

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

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that

issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

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

- *Unless appealed*, The final decision may be recorded on or after **May 10, 2013**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

**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**

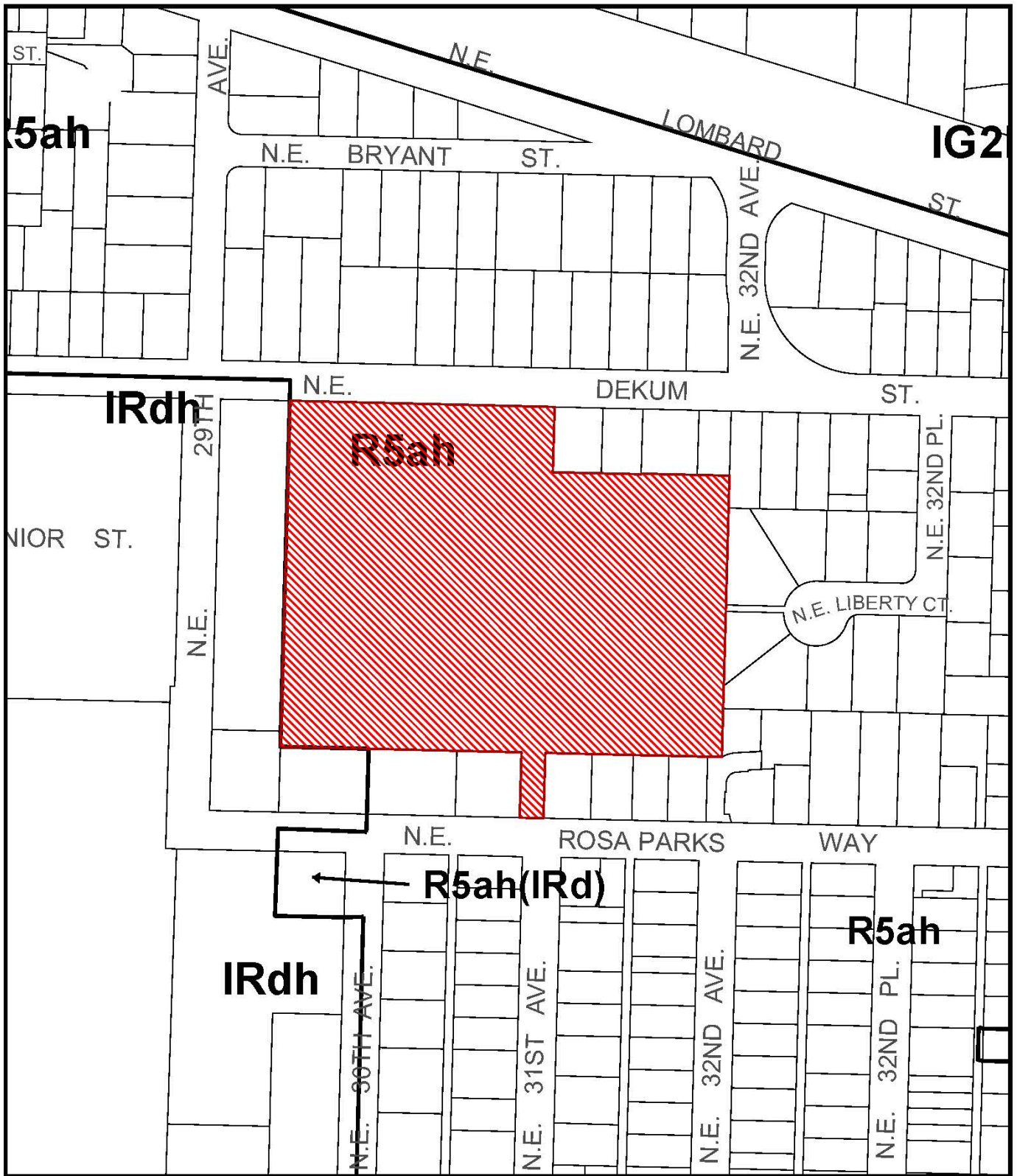
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  1. Proposal Description and Response to Approval Criteria
  2. Geotechnical Investigation, report prepared by GeoCon, NW consultants
  3. Transportation Impact Technical Memo, prepared by Lancaster Engineering consultants
  4. Transportation Management Plan
  5. Safe Routes to School chart
  6. Building Code Appeal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)

2. Exterior Elevations (attached)
  3. Proposed Development Area
  4. Floor Plan
  5. Utility Plan
  6. Building Profile with Proposed Landscaping
  7. Off-Site View from N. Dekum
  8. Circulation Plan
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Police Bureau
  6. BDS Life Safety Plan Review Section
  7. TRACS Print-out, response of “No Concerns” from Site Development Review Section of BDS and Bureau of Parks, Forestry Division
- F. Correspondence: NONE
- G. Other:
1. Original LU Application

**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



File No. LU 13-127637 CU,AD  
 1/4 Section 2333,2433  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E13BD 9700  
 Exhibit B (Mar 14,2013)



BETH CANTRELL ARCHITECTURE LLC  
 PORTLAND PUBLIC SCHOOLS  
 FAUBION K-8 SCHOOL PORTABLE CLASSROOM BUILDINGS  
 3039 NE Rosa Parks Way  
 Portland, OR 97211

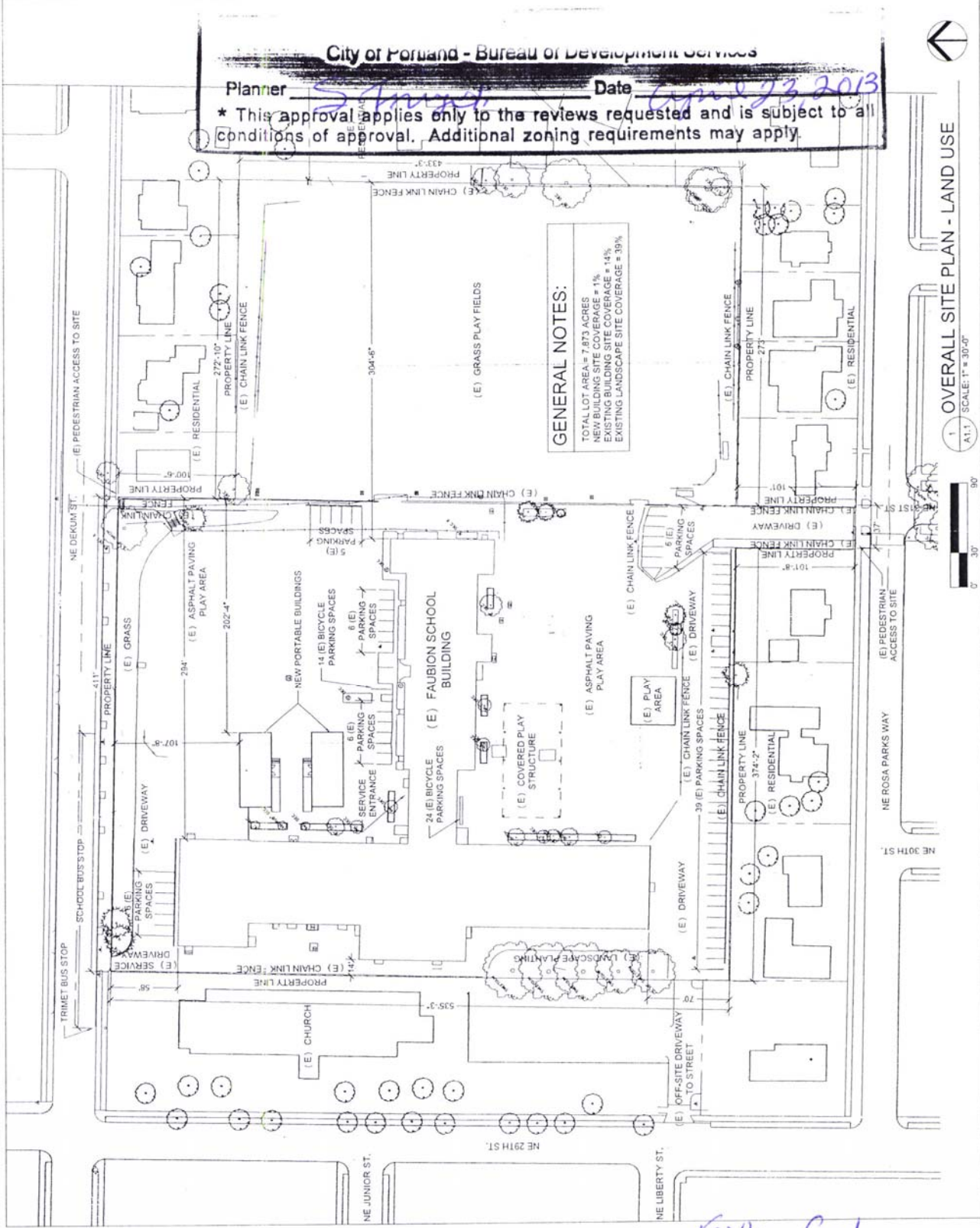
DATE: 03.12.13  
 PHASE: LAND USE  
 REVISIONS:

OVERALL SITE PLAN

A1.1

City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date *April 23 2013*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

GENERAL NOTES:  
 TOTAL LOT AREA = 7.873 ACRES  
 NEW BUILDING SITE COVERAGE = 1%  
 EXISTING BUILDING SITE COVERAGE = 14%  
 EXISTING LANDSCAPE SITE COVERAGE = 39%



OVERALL SITE PLAN - LAND USE  
 1/1 SCALE: 1" = 30'-0"

Attachment #3a: Overall Site Plan (Sheet A1.1) - Reduced

Exh. C.1  
 LN 13-127637(CU, AD)



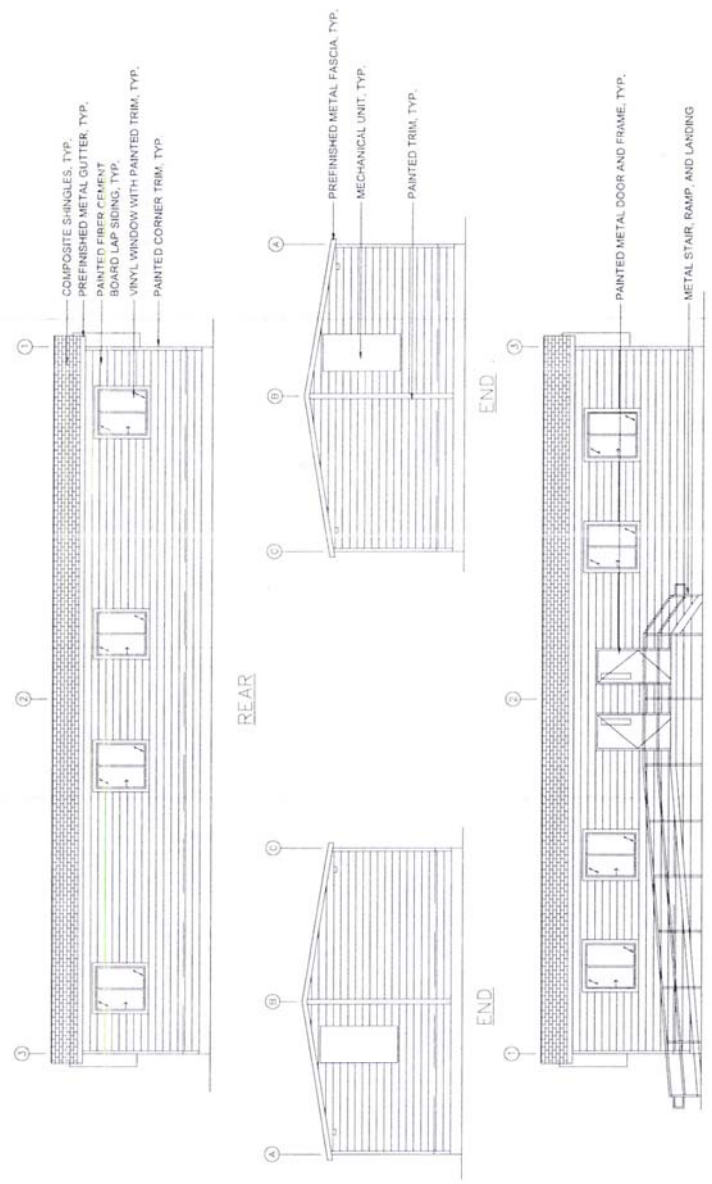
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 Portland, OR 97211

DATE: 03.12.13  
 PHASE: LAND USE  
 REVISIONS:

BUILDING ELEVATIONS

A1.3

Attachment #5a: Building Elevation (Sheet A1.3) - Reduced



GENERAL NOTES:  
 PORTABLE BUILDING PROVIDED BY MODERN BUILDING SYSTEMS.

EXTERIOR ELEVATIONS  
 SCALE: 1/8" = 1'-0"

1 BUILDING ELEVATIONS - LAND USE  
 A1.3 / SCALE: 1/4" = 1'-0"

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner S. Frusot Date April 23, 2013  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exh. C.2  
 LN 13-127637 CU, AD