



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

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Date: October 17, 2018
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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 mailed copy of this document is only a summary of the decision. 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 18-227947 DZM – DEMOLITION OF REAR 1/3 OF ARTIST REPERTORY THEATER BUILDING

GENERAL INFORMATION

Applicant: Matthew Lillard | Baysinger Partners Architecture PC
1006 SE Grand Avenue #300 | Portland, OR 97214
mattl@baysingerpartners.com

Owner: Artists Repertory Theatre
1515 SW Morrison Street | Portland, OR 97205-1814

Owner's Representative: D Carter MacNichol | Shiels Oblatz Johnson Inc
1140 SW 11th Avenue, Suite 500 | Portland, OR 97205

Damasco Rodriguez | Artists Repertory Theatre
1515 SW Morrison Street | Portland, OR 97205

Site Address: **1515 SW Morrison Street**

Legal Description: BLOCK 316 LOT 1-8, PORTLAND
Tax Account No.: R667733460
State ID No.: 1N1E33DC 01700
Quarter Section: 3028

Neighborhood: Goose Hollow, contact Jerry Powell at planning@goosehollow.org
Business District: Goose Hollow Business Association, contact Angela Crawford at 503-223-6376 & Stadium Business District, contact Tina Wyszynski at tina@stadiumdistrictpdx.biz

District Coalition: Neighbors West/Northwest, contact Mark Sieber at mark@nwnw.org
Plan District: Central City - Goose Hollow
Other Designations: None

Zoning: **CXd** – Central Commercial with Design Overlay

Case Type: **DZM** – Design Review with Modifications
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks design review approval for exterior alterations to the Artists Repertory Theater, an existing structure that spans 3/4 of the subject block, with the final 1/4 block occupied by surface parking. The project will involve a partial demolition of the existing structure to remove the third of the building that sits on the north half of the block. The theater will consolidate its operations to the southern half of the block and a new development is proposed for the northern half of the block, currently undergoing a separate land use review (LU 18-198909 DZ).

The proposal will include demolition of approximately 19,927 square feet of building - an approximately 100' x 100' portion of building - in the northwest corner of the site. In addition to the reduction in square footage this project includes the following exterior changes to the building:

- Infilling the north wall due to the removal of square footage.
- Removal of all existing openings in the north façade to comply with future building code requirements of entries at a zero-lot line.
- Installation of a new garage door in the north façade underground parking to coordinate vehicular access with the future multi-story building.
- Painting a portion of the north and west façades red to match the existing design scheme of the building.
- Enlargement of the existing vehicular access to SW 15th.
- Removal of the exiting vehicular access to SW 16th.
- Re-stripping of the existing underground parking due to the change in vehicular access points.
- Removal of three (3) vent openings into the underground parking area on both SW 15th and SW 16th to allow for required structural shear wall installation.
- Installation of a new recessed pedestrian egress on the West façade, and,
- Demolition of the exiting surface parking lot and therefore a reduction in vehicular parking.

The project proposed in this land use review is Phase one of the overall project which includes a reduction in the existing building's footprint to occupy the southern half block and minor work to relocate required fire, life safety facilities and utilities. The construction of a future multi-story building on the north half of the site will be Phase two of the project and is happening under a separate Type III Design Review (LU 18-198909 DZ).

Modifications:

The value of the proposed building on the northern half of the site qualifies the two-phase project as a "Major Remodel", which is when the cost of remodeling is greater than the assessed value of the existing improvements on the site. The entire site must come into compliance with two development standards of the Central City Plan District - Required Building Lines and Ground Floor Windows. To achieve this, the applicant is requesting two modifications:

- Required Building Line Standards (33.510.215)
Required: Building extends to street lot line along at least 75% of lot line; or extends to within 12' of street lot line along at least 75% of lot line with space between building and lot line designed as an extension of the sidewalk and committed to active uses.
Proposed: Along SW Morrison St, the building wall line will extend to the street lot line for only 50.89% of the frontage.

- Ground Floor Window Standards (33.510.220)

Required: Windows cover at least 40% of the ground level wall area of street facing facades from 2' to 10' above the finished grade.

Proposed: Windows cover 0% of the ground level wall area from 2' to 10' above the finished grade along SW Morrison, 0% along SW 15th Ave, and 0% along SW 16th. Optional artwork proposed per 33.510.220.B.3 as an alternative to the ground floor window requirements.

Design review is required because the proposal is for exterior alterations in a design overlay zone.

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:

- Central City Fundamental Design Guidelines
- Oregon Statewide Planning Goals
- Goose Hollow District Design Guidelines
- 33.825.040 Modification Criteria

ANALYSIS

Site and Vicinity: The site comprises the entire 40,000 square foot block bounded by SW Morrison Street, SW 15th Avenue, SW Alder Street, and SW 16th Avenue in the Goose Hollow Subdistrict of the Central City Plan District. The subject building occupies three-quarters of the site, with the remaining one-quarter, located in the northeast portion of the block, occupied by a surface parking lot. The building contains offices and two off-Broadway-sized performance spaces for the Artists' Repertory Theatre (ART), a local non-profit professional theater company. Previous to ART's occupation of the building, it was occupied by the Portland Masonic Center, a Scottish Rite Temple.

The building was constructed in 1967. It has two stories and two levels of below-grade parking. There is a porte-cochère on the SW Morrison Street frontage. The building is made primarily of tilt-up concrete. Currently much of the building is painted with bold shades of red in a vertical stripe pattern. Other parts of the building are painted in shades of gray. A metal parapet is located at portions of the building. The building has fixed and operable aluminum windows at the first and second floors. There are two entrances to the building: one on the SW Alder Street frontage and one on the SW Morrison Street frontage at the porte-cochère. Each entry features an aluminum storefront system.

The surrounding area contains a mixture of uses, including apartments, condominiums, meeting venues, a children's daycare, office space, and small-scale retail. Providence Park Stadium is located two blocks west and Lincoln High School is located three blocks to the south. The southerly abutting block contains two Scottish Rite of Freemasonry facilities, Hotel Mallory, and the Lafayette Apartments, all listed on the Historic Resource Inventory (HRI). The Commodore Hotel, now an apartment building, is located on the westerly abutting block and is also an HRI resource. The Bronaugh Apartments (also named the Hyland, Olive and Ellsworth Apartments) and the Tiffany Center, whose historic name is "Neighbors of Woodcraft Building," are located on the block southeast of the site. The Hotel Mallory, Commodore Hotel, Bronaugh Apartments, and Tiffany Center are individually listed on the National Register of Historic Places.

With regard to the surrounding transportation environment, the west-bound Metropolitan Area Express (MAX) light-rail alignment is located on SW Morrison Street abutting the subject site, and Interstate 405 is located one block to the east. Tri-Met bus routes #15 and 51 run along SW Morrison Street, with a westbound stop located at the southwest corner of the subject building. Portland's Transportation System Plan (TSP) classifies SW Morrison Street as a Regional Transitway/Major Transit Priority Street, Central City Transit/Pedestrian Street, Community Main Street, and Local Service Bikeway. SW Alder Street is classified as a City Bikeway, City Walkway, and Local Service Transit Street. SW 15th and 16th Avenues are classified as Local Service Bikeways and Local Service Transit Streets. The site is located in the TSP-designated Goose Hollow Pedestrian District.

The subject site sits near the northeastern boundary of the Goose Hollow subdistrict. The Goose Hollow community is envisioned to be a predominately urban residential, transit oriented community located between downtown Portland and Washington Park. Goose Hollow supports a diverse resident population and is interspersed with large activity centers such as Civic Stadium, Lincoln High School, churches, and mixed-use development. The Urban Design Vision for the Goose Hollow District in the Goose Hollow Design Guidelines, states that "the Goose Hollow District is pictured as a place for people to not only live, but also work and play."

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Goose Hollow Subdistrict of this plan district.

Land Use History: City records indicates that the following land use reviews and early assistance appointments occurred:

- PC 4684 – Approved a zone change.
- CU 035-88 – Conditional Use Approval for the Portland Opera Society to occupy the Masonic Lodge.
- LUR 92-00512 DZ – Approved Max rail alignment streetscape improvements.
- LUR 97-00677 DZ – Design Review approval for exterior alterations that include the following: 1. North elevation: close off existing door; re-build existing exit door; install new display window, projecting sign, and awning. 2. East elevation: Install new double doors, exit door, and decorative marquee and signage. 3. West elevation: Install new wall-mounted illuminated sign board. 4. New landscaping in parking lot per non-conforming upgrades requirement.
- LU 03-147593 DZ – Design Review approval for a metal security gate at the bottom of the existing basement stair below the sidewalk on the north side of the building.
- LU 07-142193 DZ – Design Review approval for the removal of three rooftop mechanical units and an exterior stair "cage" to below-grade parking at the porte-cochère on the SW Morrison Street frontage. Approval for addition of six rooftop mechanical units, a corrugated sheet-metal screen with metal flashing, and two primary egress doors for the existing below-grade parking.
- LU 09-126306 DZ NU – Design Review approval for alterations to the Artists' Repertory Theatre including a second floor addition atop a one-story portion located at the SW Alder Street frontage. Includes approval of Nonconforming Situation Review to expand a Retail Sales and Service Use in a Residential zone, via the construction of a 1,140-square-foot addition.

- [EA 17-252759 PC](#) – Pre-application conference for a 20-story tower on the north half block of the subject site associated with Design Review case LU 18-198909 DZM.
- [EA 18-161312](#) – Early Assistance for a 20-story tower on the north half block of the subject site associated with Design Review case LU 18-198909 DZM.
- [EA 18-180792 DA](#) – Design Advice Request (DAR) for a 20-story tower on the north half block of the subject site associated with Design Review case LU 18-198909 DZM.
- [LU 18-198909 DZM](#) – Type III Design Review for a 20-story tower on the north half block of the subject site (concurrent with this review and decision not yet rendered).

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 12, 2018**. The following two Bureaus, Divisions and/or Sections responded with no objections and both of these included comments found in Exhibits E1-E2:

- Fire Bureau (Exhibit E.1)
- Life Safety Division of the Bureau of Development Services (Exhibit E.2)

The [Regional Arts & Culture Council \(RACC\)](#) responded with the following comment as part of the Condition of Approval agreed upon by all parties: \$30K is the base amount to deposit into RACC’s Public Art Trust Fund with the understanding that the final art budget will be determined based on the future conditions of a redesigned building and conformance with the ground floor window requirements in place at that time.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 12, 2018. No written responses have been received from either the Neighborhood Association or notified property owners in response to 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 district guidelines.

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 Central City Fundamental and Goose Hollow Special Design Guidelines.

Goose Hollow District Design Guidelines and Central City Fundamental Design Guidelines

The Goose Hollow District is envisioned to be a predominantly urban residential, transit-oriented community located on the western edge of the Central City between Washington Park and Downtown Portland. When riding light rail through the West Hills tunnel to the Central City, it is the first neighborhood experienced before entering downtown Portland. The Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter’s Park. This is done by integrating the history of the community with its special natural and formal (man-made) characteristics.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s

character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Goose Hollow District Design Goals

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-6. Incorporate Works of Art. Incorporate works of art or other special design features that increase the public enjoyment of the District.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A2, A4, A5, A5-6 and A6: The Artist Repertory Theater is a well-established building on the eastern edge of the Goose Hollow District that has been a part of the surrounding streetscape for over 50 years. The proposed project is for the renovation of the existing theater building with removal of square footage in the portion of the building located in the north west quarter of the block. These alterations will maintain the building's existing character and use as a performing arts theater while creating space for a new half block, mixed use, 20-story tower currently undergoing a Type III Land Use review which will come before the Design Commission in November of 2018.

The alterations to the existing building will have little impact on the building's contribution

to neighborhood character and the public realm. Existing unifying elements of the theater will be maintained and reinforced. The theater building is an icon within the Civil Stadium Station Area and Goose Hollow in general. The red wall of the south façade is representational of a red velvet curtain flanking a stage, which is represented by the porte-cochère, paying homage to the theater use within the building. This project will retain the red paint on the south, east and west façades and add a new painted area to the renovated north, tying the elevation into the scheme of the building. It will also expand the curtain paint scheme on the west elevation. This extension of the striking red paint curtain motif will maintain the visual continuity of the existing building for anyone walking along SW 16th Ave or looking down the future courtyard between the theater and the proposed tower.

The applicant has proposed employing public art in lieu of ground floor glazing to address Ground Floor Windows Standards via a Modification request as allowed by 33.510.220.B.3 (see Modifications section later in this report). As part of this land use approval, a covenant to carry out a public art project at a later date is required. This future project, which must be approved by the Regional Arts & Culture Council (RACC), will build on the area character and increase the public enjoyment of the Goose Hollow district. The art project also has the opportunity to incorporate the history of the Stadium and Tanner Creek area as well as express the unique theater (art) use of the building itself, however, RACC has the final say on the themes expressed in the art. The Modification will also facilitate public enjoyment of the district by allowing a continuation of the existing theater use, a unique cultural institution that is a beloved element of the neighborhood. Overall, the proposal will preserve the original design intent, aesthetics and character of the building while allowing the theater to consolidate to half of the site where it can continue to contribute to the vibrancy of the Goose Hollow District.

These guidelines have been met.

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

A9-1. Provide a Distinct Sense of Entry and Exit. When developing at gateway locations, provide a distinct sense of entry and exit that relates to the special qualities of an area.

Findings for A9 and A9-1: As part of an entry sequence from downtown Portland into Goose Hollow where SW Morrison and SW Alder cross I-405, the theater to remain, via its dramatic red curtain paint, will continue to contribute to the gateway aspect of the location. In replacing a quarter block of surface parking in the northeast corner of the site, the new tower under review as part of phase two will add a significant gateway element along SW Alder St. As currently proposed, the 20-story tower's iconic design will serve as a wayfinding landmark along Goose Hollow's eastern edge. Both buildings will greatly contribute to the sense of entry into- and exit out of- the district.

These guidelines have been met.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

B1-2. Orient Building Entries to Facilitate Transit Connections. Orient primary building entries at pedestrian circulation points which conveniently and effectively connect pedestrians with transit services.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

C1-1. Integrate Parking. Design surface parking and parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by any or all of the following:

- a. Designing street facing parking garages to not express the sloping floors of the interior parking;
- b. Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians; or
- c. Accommodating vending booths along sidewalks adjacent to parking facilities when active ground level uses are not possible.

C3-1. Locate Buildings to Provide for Future Infill on Surface Parking Areas. Locate and shape buildings to provide for future infill development on surface parking areas.

Findings for A7, A8: B1, B1-1, B1-2, B2, B6, B7, C1, C1-1, C3-1: The two phases of the proposed project will together result in an improved pedestrian realm on and around the subject site. The project location is a full block with four (4) street frontages. The removal of a third of the theater building will temporarily move the northern portion of the building away from SW Alder St and result in less building enclosure along SW 16th Ave and SW Alder St. However, phase two of the project will, in turn, result in more building wall adjacent to the site by ultimately increasing the amount of building wall along SW Alder and SW 15th. The new tower to be built will replace not just the portion of the theater building to be removed, but also a surface parking lot which occupies a quarter of the site. The new tower will thus add building enclosure that is sorely lacking along the SW Alder St and SW 15th Ave pedestrian right of ways.

The theater has two levels of existing parking under the building with four existing vehicular access points. This project will remove the vehicular access point located on SW 16th Ave (to be replaced by a pedestrian egress) and remove several existing vent openings into the underground parking area on both the east and west facades. Removing the garage entrance on the building's west façade and eliminating its affiliated curb cut will improve the pedestrian environment a great deal. Vehicle entries diminish the public realm from both an aesthetic and safety perspective by increasing the potential for vehicle/pedestrian conflicts. The reduction in openings also results in a cleaner more visually appealing façade and serves to provide required structural shear wall while reducing the visibility of vehicular parking. The changes will ensure that the parking garage is less obtrusive and more integrated.

While the porte-cochère located on theater’s south façade interrupts the building’s street wall along the entire SW Morrison frontage, it is an existing element that supports the building’s ongoing theater use as a drop-off and pick-up point for theater patrons of varying mobility capabilities. Because theater show times are relatively limited, this is not an active automobile area most of the time. When theatergoers are arriving and departing from a production, a great deal of activity occurs in front of the building which will help make pedestrians walking in the area aware of the automobile zone so that precautions can be taken.

The tower project to follow the demolition proposed in this review will introduce a vibrant, mixed use building on the northern half block of the site. Along with the retention of the theater, the new mix of uses will contribute to an active block with increased pedestrian activity both day and night. The sidewalk along Alder will be widened allowing for better definition of the different zones of the sidewalk. The new tower will feature large, glazed storefront along the entire frontage that can be opened to allow greater indoor/outdoor connection. The largely glazed ground floor of the tower will provide view opportunities into active spaces for pedestrians passing by. The tower’s frontages along Alder, SW 15th and SW 16th will feature extensive weather protection featuring glass awnings that will also allow light to pass through. The base of the building currently proposed will have a tall, active ground floor occupied with commercial uses and a residential lobby. Building mechanical equipment for both the existing theater and proposed tower are to be located on rooftops in areas with no or limited visibility from the pedestrian realm.

Trying to create a highly glazed ground floor poses challenges for the existing building given the theater use inside. The future art project discussed in the Modifications section will add human scale and interest to the theater building along the sidewalk in lieu of adding more ground floor windows to the building. In addition, the theater’s red curtain paint treatment will be extended to more areas of the building. This iconic paint job acts as an identifier reinforcing the other signage on the building and allows the building to serve as a wayfinding element for pedestrians in Goose Hollow.

The existing building’s primary entry will remain on SW Morrison which is the location of a westbound MAX line and the entry is thus oriented to connect pedestrians with transit services. A new pedestrian egress will be created on the west façade fronting on SW 16th. The exit will be inset into the existing building footprint and provide a pedestrian refuge before entering the public street system. The roofed inset portion of the building at the porte-cochère also provides weather protection to people walking along SW Morrison that might need to take shelter and also creates a transitional space between the building and the public realm made up of the sidewalk, MAX line and street.

These guidelines have been met.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal’s architectural integrity.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2, C3, and C5: The proposed project will not compromise the architectural integrity or overall coherency of the existing building and will emulate the design intent of the building’s original architecture. The proposal stays within the theater building’s existing palette of materials and colors as closely as possible, retaining the building’s original exterior aesthetic qualities and durability. New construction materials used to fill areas where the theater’s floor area is being reduced are the same or compatible with existing building materials, respecting the architectural integrity and quality and permanence of the structure while adapting it to allow space for the new tower building. The alterations to the theater will use concrete and concrete block as infill materials where

the floor area is reduced. Metal panels, to match existing, will be added above the parapet. These high-quality materials are long lasting and easy to maintain and will ensure the theater continues to promote the same level of quality and permanence as currently exists.

The existing red paint will be extended to the north and west walls to tie those façades into the existing scheme of the building where the iconic red “curtain” of the south façade is the dominant aesthetic of the building. This red paint designed to emulate velvet curtain pays homage to the theater use within. Extending the red curtain paint motif to other areas of the building’s facades will add character and context to these very utilitarian facades.

The new tower proposed for the second phase of the larger project will be compatible with the existing theater in both design and functionality. The proposal to date features brick as the primary cladding, a high quality and durable material that is appropriate to the building’s context in Goose Hollow. The ground floor design features a large lobby to allow for cross-over events with the theater, and a bar building is proposed between the tower and the theater on the 15th Ave frontage to serve as a gathering place for theater patrons as well as tower residents.

These guidelines have been met.

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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.

Modification #1: Required Building Line Standards, 33.510.215 – reduced the percentage of building frontage required to extend to the street lot line from 75% to 50.89% along SW Morrison St.

Purpose Statement: The required building line standards ensure that buildings in certain parts of the Central City are built to the sidewalk’s edge unless landscaping or an extension of the sidewalk is provided. The standards support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.

Standard: 33.510.215.B.1, a. The building must extend to the street lot line along at least 75 percent of the lot line; or b. The building must extend to within 12 feet of the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor’s stands, or developed as "stopping places."

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

Findings: The proposed Modification to reduce the percentage of building frontage extending to the lot line along SW Morrison St better meets Design Review guidelines related to neighborhood context and character as well as Guideline A-6 (which promotes reuse/retention

of existing buildings). The presence of a porte-cochère on the theater's south façade is the cause of the building's failure to fully meet this standard. As a characteristic of the existing structure, the porte-cochère currently plays a role in the theater use which occupies the building. The theater is a rich cultural amenity for the neighborhood as well as the Goose Hollow district, the City of Portland, and the surrounding metropolitan area. Facilitating the continuation of the theater use on this site will help to preserve an important arts institution that significantly contributes to the identity of the area and to the gateway aspect of the site.

The porte-cochère is an existing element that supports the building's ongoing theater use by facilitating access for patrons of varying mobility capabilities. This porte-cochère allows for theater patron drop-off and pick-up and is only in use during the brief temporal windows before and after performances. During those brief times, the porte-cochère serves as a vehicle area where pedestrian conflict could occur. However, these pre- and post- performance time periods are when theater goers are often gathered on the sidewalk in large numbers. Their clear presence will slow the approach of any vehicle into the drop-off area and also call attention to the active theater event which should alert pedestrians to the likelihood of cars picking up and dropping off in front of the theater. As a part of the building utilized primarily for events, it is not in frequent use, but during those events serves a particular purpose.

The roofed inset portion of the building at the porte-cochère also provides weather protection to people walking along SW Morrison that might need to take shelter and also creates a transitional space between the building and the public realm made up of the sidewalk, MAX line and street.

It should also be noted that this project, as phase one of a two phase larger project that will result in the new tower building, temporarily removes overall building frontage along two other property lines, SW 16th Ave and SW Alder St. However, when the second phase is completed, the building line standard will be met on two frontages where it is not currently met, SW Alder St and SW 15th St and will continue to be met on SW 16th Ave. Thus, three out of four frontages will meet the standard, whereas right now only two out of four frontages currently meet it. The only frontage where it will not be met at the end of the two-phase project is along SW Morrison. However, an anticipated remodel of the Artist Repertory Theater at a later date will likely also bring SW Morrison into compliance.

Were the porte-cochère filled in at this time without a major building redesign, it would diminish the building's coherency. A change to the southern façade of this scale will require a larger project that is part of an overall remodel of the existing building and should not be done as a patch job just to meet the building line standard triggered by the tower project. The Artist Repertory Theater does plan to do a larger remodel in the near future and are already working with an architect on this project.

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: The purpose of the standard is to promote a vibrant street character with active uses, pedestrian movement areas and stopping and gathering places. In containing an active theater use, the existing building already adds to the character of the neighborhood and enriches the street life of SW Morrison. Some of this enrichment is on a temporal basis when theatrical productions are underway, but the theater's frontage along SW Morrison also supports street character when there is not an active event by offering signage and information about upcoming theater programming which is interesting to passersby. The red paint scheme emulating a theatrical curtain along SW Morrison St also builds on street character. In addition, the porte-cochère offers a covered area at the front of the building where stopping and gathering can take place. The design of the existing building generally meets the purpose of the standard.

Therefore, this Modification merits approval.

Modification #2: Ground Floor Window Standards, 33.510.220 - reduce the required width percentage of wall area occupied by windows from 40% to 0% of the ground level wall area from 2' to 10' above the finished grade along SW Morrison, 0% along SW 15th Ave,

and 0% along SW 16th. Optional artwork proposed per 33.510.220.B.3 as an alternative to the ground floor window requirements.

Purpose Statement: In the Central City plan district, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; • Avoid a monotonous pedestrian environment; and
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

Standard: 33.510.220.B, ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area or use artwork as an alternative to the ground floor window requirements. Artwork and displays relating to activities occurring within the building are encouraged.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: As with the Modification to required building line, the Modification to Ground Floor Windows standards better meets Design Review guidelines related to neighborhood context and character as well as Guideline A-6 (which promotes reuse/retention of existing buildings). A theater use tends to require a building configuration with largely opaque walls. Because theaters are valuable additions to neighborhood character and identity, allowing their unique form is necessary to having a theater locate in a given area. To make room for this special circumstance, the Ground Floor Windows standard allows optional artwork as an alternative to the ground floor window requirements (33.510.220.B.3). The applicant proposes public artwork for the building via the Regional Arts and Culture Council (RACC) process in lieu of the required Ground Floor Windows. The art itself will contribute to the neighborhood identity and in its capacity as part of the Modification will also allow for the preservation of an important cultural institution in the district.

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: The purpose of this standard is to avoid blank walls on the ground level of buildings to foster vibrant pedestrian environments with active uses and to connect the activities occurring within the building to the sidewalk zone. The addition of public art on the building's exterior will meet this purpose. The Zoning Code allows for this in Subsection B(3) where it outlines that the utilization of optional artwork is appropriate in buildings with "uses which by their nature are not conducive to windows (such as theaters)."

With the following condition of approval this Modification merits approval:

The public art that is proposed in lieu of the required ground floor windows along SW Morrison St, SW 15th Ave, and SW 16th Ave, as allowed by 33.510.220.B.3, must be approved by the Regional Arts & Culture Council (RACC) by December 31, 2020. The RACC approved art must be installed in a location(s) determined by RACC by June 30, 2022.

The following must occur, and documentation submitted to BDS, before approval of the main building permit for the development approved by this decision:

1. *The applicant must transfer a base amount of \$30,000 to RACC's Public Art Trust Fund to fund the public art.*

2. *The applicant must record a covenant, consistent with Section 33.700.060, Covenants with the City, stating that the public art must be approved and installed by the dates specified in this condition and that \$30,000 base amount must be transferred to RACC before approval of the main building permit. The covenant must also ensure the installation, preservation, maintenance, and replacement of the public art.*

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written notice seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 feet of the site. There is also an opportunity to appeal the administrative decision at a local hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland

took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. *In this case, the scope of the project does not warrant review by the Bureau of Environmental Services; Goal 6 is not applicable.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City’s Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since approval of this application will enable an increase in the City’s housing supply, the proposal is consistent with Goal 10.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City’s public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City’s public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.

Goal 12: Transportation

Goal 12 seeks to provide and encourage “safe, convenient and economic transportation system.” Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City’s TSP aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” The extent to which a proposal affects the City’s transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings for Goals 16, 17, 18 and 19: Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.

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 requirements of Title 11 can be met, and 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

The purpose of the design review process is to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. While introducing a change to the building’s overall mass and building footprint, the proposed renovation will not detract from its general character or coherency and will integrate with the building’s overall design. The proposed alterations are well integrated with the building’s architecture and will maintain the building’s existing character as well as its connection to the Goose Hollow district. This project creates space for a vibrant, new, mixed-use tower building to be constructed on the north half of the block which will bring added activity and high quality architecture to the area while retaining an important arts and culture institution on the south half of the block. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the Artists Repertory Theater located in the Goose Hollow Subdistrict of the Central City Plan District, per the approved site plans, Exhibits C-1 through C-8, signed and dated October 15, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-227947 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. The public art that is proposed in lieu of the required ground floor windows along SW Morrison St, SW 15th Ave, and SW 16th Ave, as allowed by 33.510.220.B.3, must be approved by the Regional Arts & Culture Council (RACC) by December 31, 2020. The RACC approved art must be installed in a location(s) determined by RACC by June 30, 2022.

The following must occur, and documentation submitted to BDS, before approval of the main building permit for the development approved by this decision:

1. The applicant must transfer a base amount of \$30,000 to RACC’s Public Art Trust Fund to fund the public art.

2. The applicant must record a covenant, consistent with Section 33.700.060, Covenants with the City, stating that the public art must be approved and installed by the dates specified in this condition and that \$30,000 base amount must be transferred to RACC before approval of the main building permit. The covenant must also ensure the installation, preservation, maintenance, and replacement of the public art.

D. No field changes allowed.

Staff Planner: Tanya Paglia



Decision rendered by: _____ **on October 15, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 17, 2018

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 August 28, 2018, and was determined to be complete on September 11, 2012.

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 August 28, 2018.

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. Unless further extended by the applicant, **the 120 days will expire on: January 9, 2018.**

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 October 31, 2018** at 1900 SW

Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **November 1, 2018** by the Bureau of Development Services.

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

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:

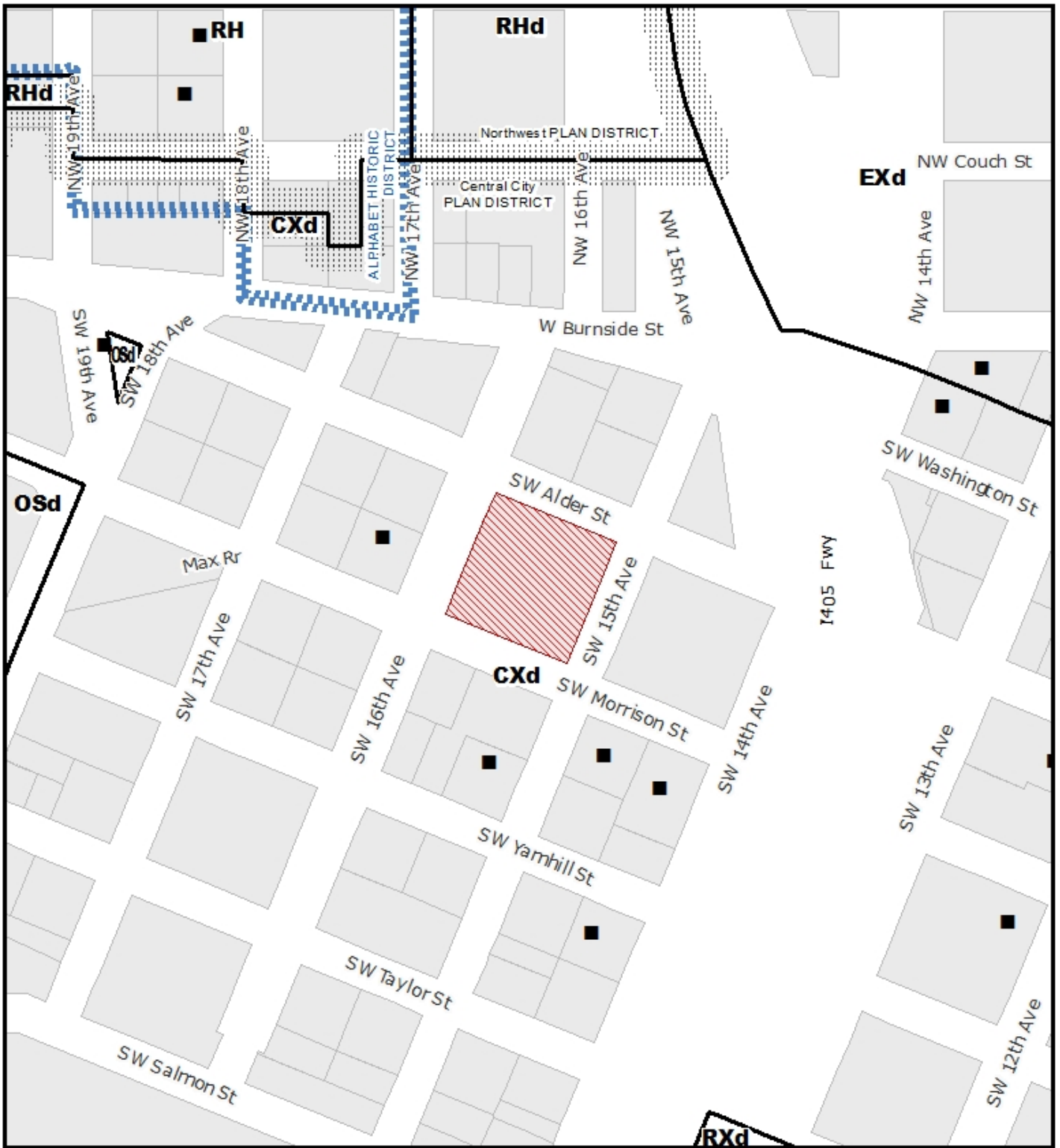
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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


EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's project narrative including project description and response to approval criteria, August 24, 2018
 - 2. Site aerial photo
 - 3. Existing garage door interior photo
 - 4. Product cut sheets
 - 5. Original plan set before final revisions, reduced size – NOT APPROVED/reference only
 - 6. Original plan set before final revisions, large scale – NOT APPROVED/reference only
 - 7. Letter from applicant regarding public art project, 10/3/2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan - existing
 - 2. Site Plan – proposed (attached)
 - 3. Parking Level 1
 - 4. Parking Level 2
 - 5. Exterior Elevations – existing (attached)
 - 6. Exterior Elevations Color – proposed
 - 7. Exterior Elevations – proposed (attached)
 - 8. Roof Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Life Safety Division of the Bureau of Development Services
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Regional Arts and Culture Council, Art Substitute for Ground Floor Windows Guidelines

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  NORTH

THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 GOOSE HOLLOW SUBDISTRICT

-  Site
-  Historic Landmark

File No.	LU 18-227947 DZM
1/4 Section	3028
Scale	1 inch = 200 feet
State ID	1N1E33DC 1700
Exhibit	B Aug 29, 2018

ARTISTS REPERTORY THEATRE

1515 SW MORRISON STREET
 PORTLAND, OR 97205

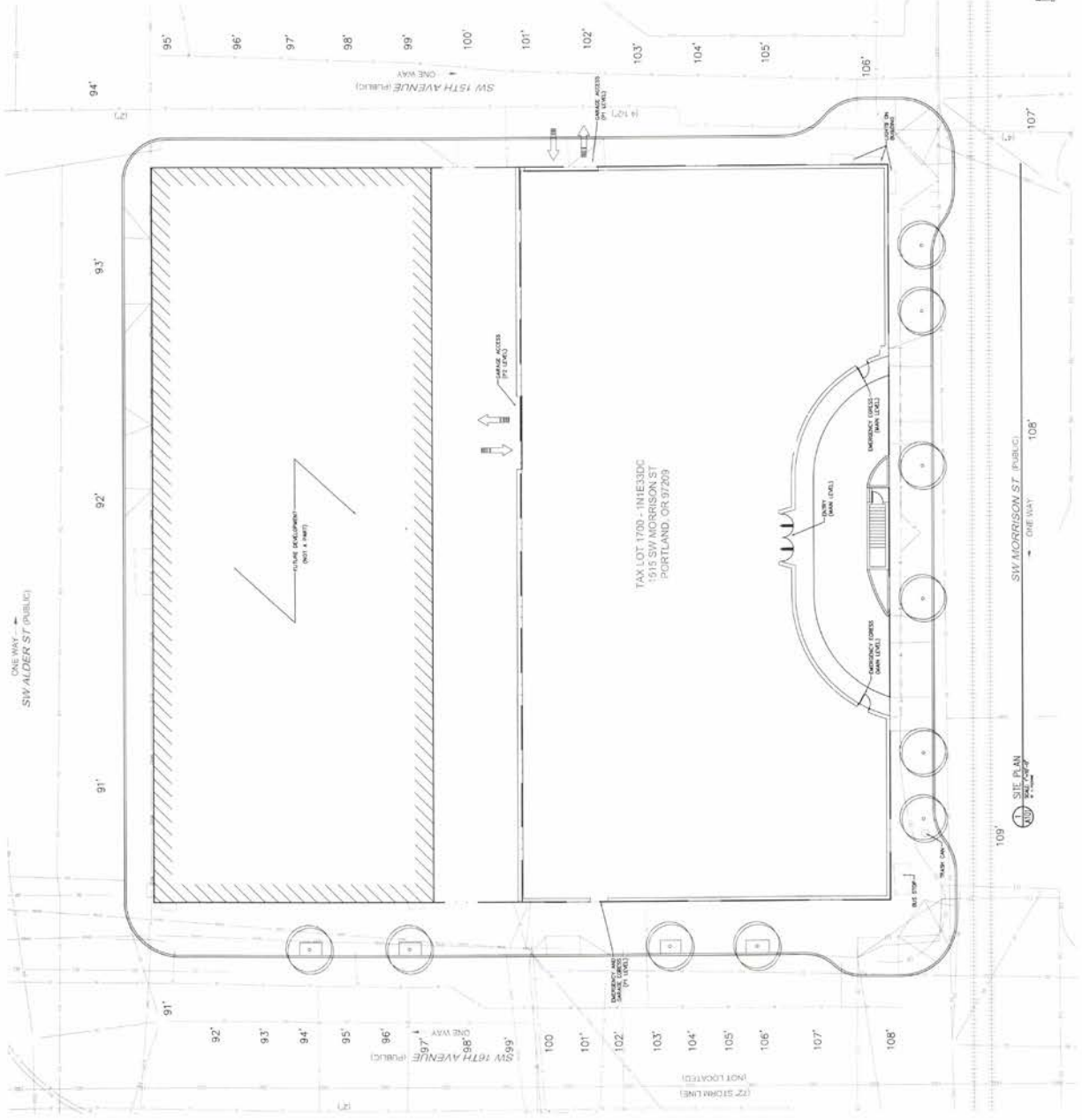
**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

DATE: _____
 DESIGNED BY: _____
 CHECKED BY: _____

SITE PLAN
 DRAWN BY: _____
 CHECKED BY: _____

LV 18-227447 D24

A101
 LAND USE



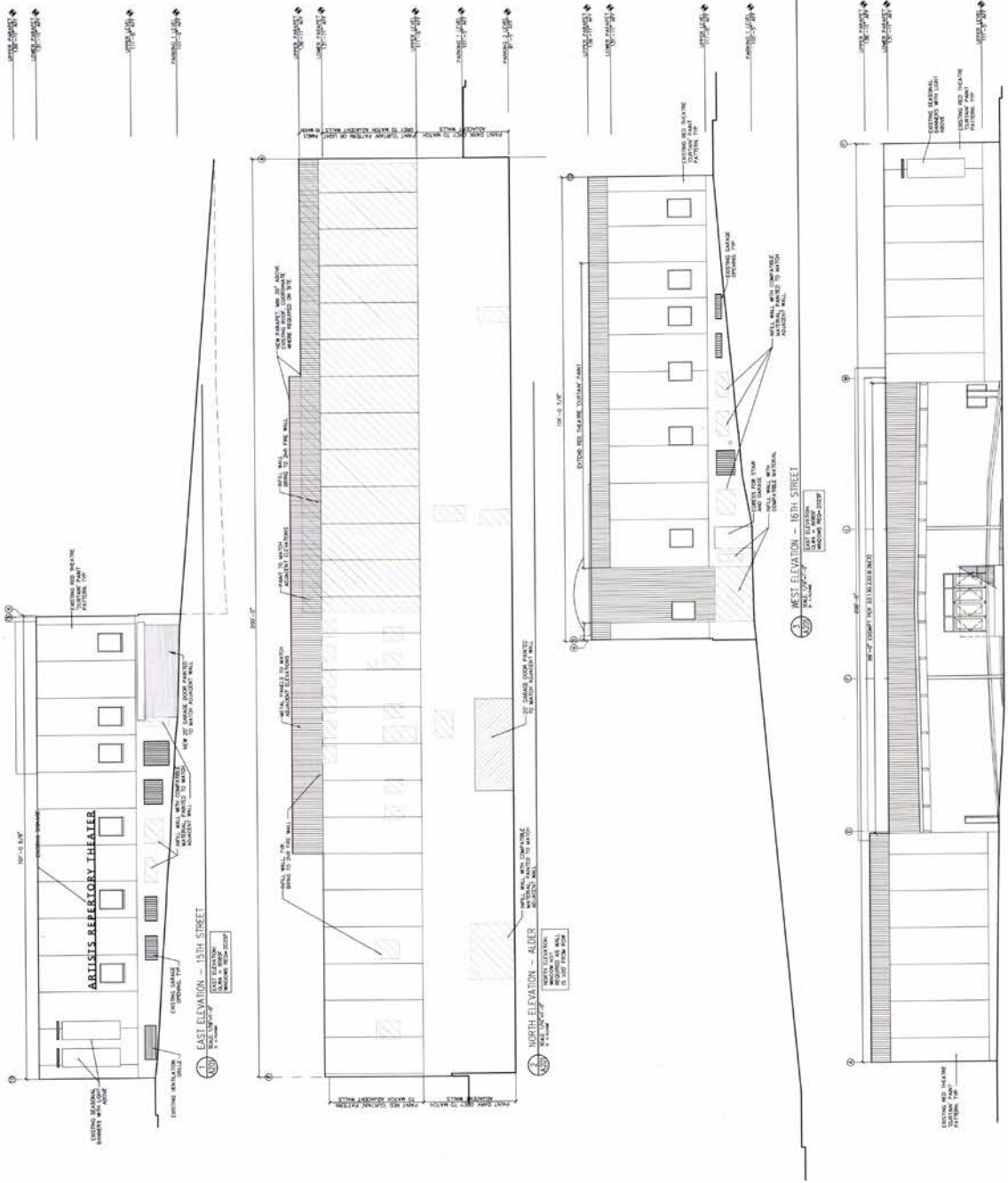
Approved
 City of Portland - Bureau of Development Services
 Date: 10/15/2018
 Reviewer: _____
 Comments of approval apply only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

ISSUED / PERIOD DATE

OWNER: MORRISON THEATRE
 ARCHITECT: BAYNINGER PARTNERS ARCHITECTURE

EXTERIOR ELEVATION
 LV 18-22747 D24
 A201
 LAND USE



City of Portland - Bureau of Development Services
 Approved
 Date: 10/15/2018
 Approval is granted only to the reviews requested and is subject to all applicable codes and rules. Additional zoning requirements may apply.

SOUTH ELEVATION - MORRISON (NO CHANGE THIS ELEVATION)
 MORRISON STREET - 15TH STREET
 MORRISON STREET - 15TH STREET
 MORRISON STREET - 15TH STREET