



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 24, 2018
To: Interested Person
From: Grace Jeffreys, Land Use Services
503-823-7840 / Grace.Jeffreys@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 18-132552 DZ – EXTERNAL LIGHTING, PREVIOUS LUR APPROVAL REQUIREMENT

GENERAL INFORMATION

Applicant: Greg Mitchell | LRS Architects
720 NW Davis St., Suite 300 | Portland OR, 97209
503.265.1525 | gmitchell@lrsarchitects.com

Owner: Morrison Development LLC
621 SW Alder St., #800 | Portland, OR 97205

Owner's Representative: Jordan Menashe | Menashe Properties
621 SW Alder St., #800 | Portland, OR 97205

Site Address: **1127-1139 SW MORRISON ST**

Legal Description: BLOCK 257 LOT 5&6, PORTLAND
Tax Account No.: R667728520
State ID No.: 1N1E33DD 03900
Quarter Section: 3028
Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - West End
Zoning: **RXd**, Central Residential with Design overlay
Case Type: **DZ**, Design Review
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks **Design Review** approval to determine the intensity of exterior lighting for a newly constructed building located in the West End Subarea of the Downtown Subdistrict of the Central City Plan District.

This design review is required to address a Condition of Approval of the Type III design review approval (LU 15-239803 DZ, AD) for the new six-story building. The relevant Condition of Approval, (D), stated:

A follow-up Type 2 design review is required to determine the intensity of the lighting, including the perimeter LED strip lighting that illuminates the wood soffits on levels 1 and 6, and the perimeter LED strip lighting that illuminates the frit glazing on levels 2-5.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Design Review, 33.825

ANALYSIS

Site and Vicinity: The 10,000 square foot quarter-block site is located at the northeast corner of SW Morrison Street and SW 12th Avenue. The site is developed with a newly constructed six-story office building with ground floor retail and no loading or parking. The current proposal relates to the proposed building.

Surrounding development consists of a mix of commercial, office, and residential. The site is located across SW 12th from the First Presbyterian Church, a historic landmark, and diagonally across the intersection of SW 12th and SW Morrison from the Terminal Sales Plaza, another historic landmark.

The site is located within the Downtown Pedestrian District. The city's Transportation System Plan classifies the streets as follows:

- SW Morrison is a designated Regional Transitway, Major Transit Priority Street, a Pedestrian Transit Street and a Local Service Street for all other modes.
- SW 12th Avenue is a designated City Walkway and a Local Service Street for all other modes.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

Because the site is also located in the West End Subarea of the Downtown Subdistrict of the Central City Plan District, it is subject to further Use Regulations for Specified Sites in the West End Subarea per PZC 33.510.118. The purpose of this standard is to encourage an infill pattern of development in the West End Subarea to preserve the Central Residential zone while encouraging a wider range of nonresidential uses. These provisions limit redevelopment pressure on existing housing. According to Planning and Zoning Code Section 33.510.118 and Map 510-14, this is designated a Type A site. On Type A sites where the site occupies less than one full block, up to 100 percent of the net building area may be in Household Living, Retail Sales and Service, Office, Schools, Parks and Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare uses.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 West End Subarea of the Downtown Subdistrict of this plan district.

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

- LU 16-207155 AD: Adjustment approval to waive the one (1) required type “A” loading space.
- LU 15-239803 DZM, AD: Design review approval for a new, six-story, quarter-block office building with ground floor retail, one Standard “A” loading space and no parking. Approval of a Design Exception to oriel window standards and Adjustment to reduce the number of required Standard “A” onsite loading spaces from two (2) to one (1).
 - Condition of Approval “D”: A follow-up Type 2 design review is required to determine the intensity of lighting, including the perimeter LED strip lighting that illuminates the wood soffits on levels 1 and 6, and the perimeter LED strip lighting that illuminates the frit glazing on levels 2-5.
- ZC 4684: Zone change for large area of west Portland. No additional documentation of this case was found in the log book or microfiche record.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **March 20, 2018**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS (Exhibit E.1)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **March 20, 2018**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dr. Noel Snodgrass, March 26, 2018, wrote in support of building lighting (Exhibit F.1).

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

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.

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.

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: Above the ground level, this building includes a large amount of lighting designed to illuminate the exterior at night. At the December 17 hearing for the Type III Design Review for the building (LU 15-239803 DZ, AD), the Design Commission noted concern that this large amount of lighting may not comply with design guidelines related to being sensitive to the building's impact on the skyline at night. The applicant advised that lighting at the base, the top and the lantern was comprised of closely spaced LEDs, which will be dimmable. However, because this lighting had the potential to have a dramatic impact on the surrounding area, to demonstrate compliance with this design guideline, at the January 21, 2016 hearing the Design Commission requested that the following condition of approval be added:

- *A follow-up Type 2 design review is required to determine the intensity of the lighting, including the perimeter LED strip lighting that illuminates the wood soffits on levels 1 and 6, and the perimeter LED strip lighting that illuminates the frit glazing on levels 2-5.*

This review is intended to satisfy that condition. During this review, lighting levels of the following building elements were studied:

- *Ground and top floors.* At the ground floor recessed retail base and the top floor terrace, exterior linear LED fixtures located just below the soffits are intended to highlight the horizontal wood surfaces. This external lighting is augmented by interior retail lighting which spills out through the clear ground floor glazing.
- *Lantern.* At office levels 2 through 5, internal linear LED fixtures recessed in the ceiling on the perimeter are intended to spill out through the fritted glazing to provide a glowing lantern effect.
- *Stair/lobby tower.* At the mid-block stair/lobby tower on the south elevation, up- and down-lighters at the landing edges are intended to highlight the horizontal mullions and the verticality of the tower.

After two on-site viewings where different levels of lighting were reviewed (March 20, 2018 - Exhibit G.2, October 15, 2018 – Exhibit C.4), the following percentages were agreed to be appropriate levels to maintain the intention of the lighting scheme but not overly light the building or the night sky (Illustrated in Exhibit C.4):

- *Ground level and top floor.* 60% intensity, achieved by the dimmer switches, provides enough lighting to create a well-lit streetscape at the at the pedestrian level and the level 6 terrace, without creating overly lit conditions.
- *Lantern.* 60% intensity, achieved by the dimmer switches, provides enough lighting to create the glowing lantern effect that expresses the buildings main architectural theme, without being overly-lit for the context.
- *Mid-block Lobby.* 50% intensity, achieved by removing the up-lighters and using only downlighters at the landing edges, provides enough lighting to express the vertical effect of the stair/lobby tower without too much conflict with the lantern. Less intensity might have been preferable; however, because these fittings do not have dimmer controls, the removal of the uplighters provided a sufficient reduction in intensity that is supportable.

These intensity levels strike a balance between the intended architectural effect of the lighting, and concerns over there being too much illumination. The proposed lighting is intended to highlight the building's architecture, while being sensitive to its impacts on the skyline at night.

This guideline is therefore met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed exterior lighting to the existing quarter-block building celebrates its corner location and enhances the pedestrian environment, while being sensitive to its impacts on the skyline at night. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the intensity of exterior lighting for a newly constructed building at 1127 SW Morrison, per the approved site plans, Exhibits C-1 through C-4, signed and dated October 22, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 18-132552 DZ." 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. No field changes allowed.

Staff Planner: Grace Jeffreys

Decision rendered by:  on **October 22, 2018.**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 24, 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 March 9, 2018 and was determined to be complete on **March 15, 2018.**

- On April 30, 2018, applicant requested an extension of time and for application to be put on hold (Exhibit A.4).
- On October 3, 2018, applicant advised they were now ready for review (Exhibit A.5).

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 9, 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 requested that the 120-day review period be extended 245 days as stated with Exhibit A.3. Unless further extended by the applicant, **the 120 days will expire on: March 11, 2019.**

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 November 7, 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 8, 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:

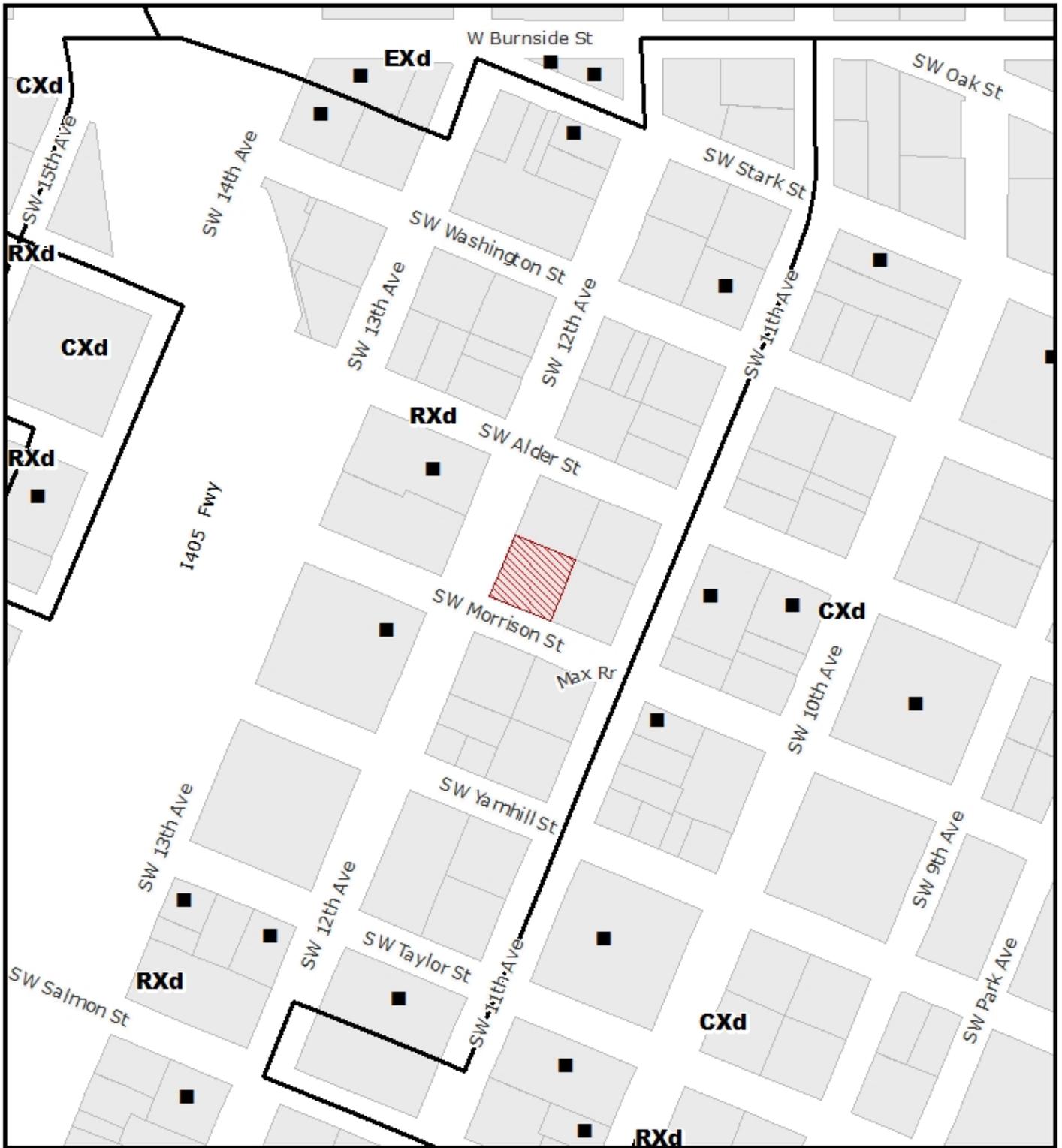
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Initial submittal
 - 2. Revised submittal, 3/14/18
 - 3. Applicant response to staff email regarding scope of review, 3/10/18
 - 4. Request for an Extension of 120-Day Review Period to resolve issues, 4/30/18
 - 5. Confirmation lighting was now ready for viewing, 10/3/18
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West Elevation (attached)
 - 3. South Elevation (attached)
 - 4. Lighting intensities photo
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
- F. Correspondence:
 - 1. Dr. Noel Snodgrass, March 26, 2018, wrote in support of building lighting.
- G. Other:
 - 1. Original LU Application
 - 2. Staff response and photos from site visit on March 20, 2018
 - 3. Staff request that stair lighting be included in this review, April 19, 2018

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



THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 WEST END SUBAREA



Site



Historic Landmark

File No.	LU 18-132552 DZ
1/4 Section	3028
Scale	1 inch = 200 feet
State ID	1N1E33DD 3900
Exhibit	B Mar 14, 2018



GENERAL NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND.
 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND.

LEGEND:
 [Symbol] CONCRETE
 [Symbol] FINISH
 [Symbol] PAINT
 [Symbol] METAL
 [Symbol] GLASS
 [Symbol] WOOD
 [Symbol] OTHER

PROJECT NAME:
 1127 SW Morrison
 Mixed Use

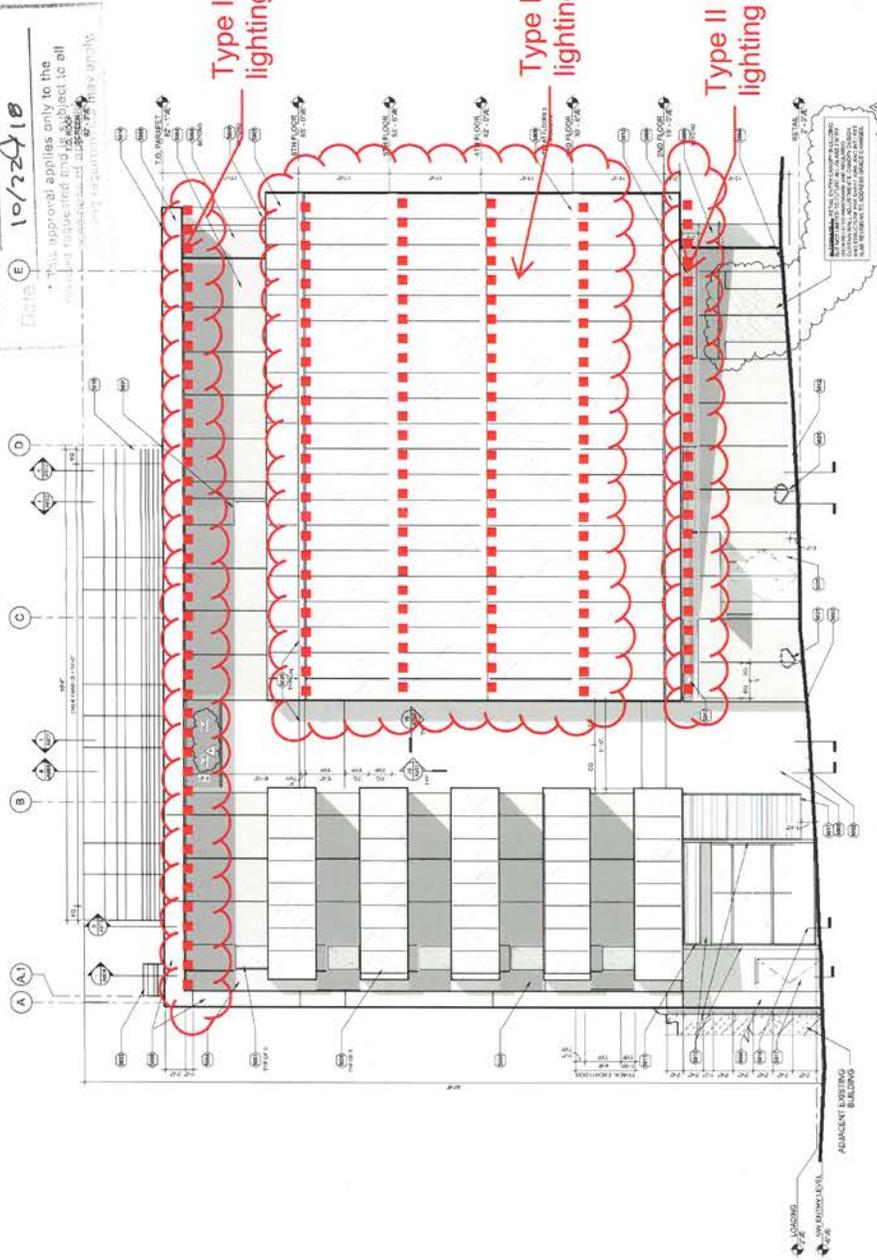
KEYED NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND.
 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PORTLAND.

1127 SW Morrison
 Street, Oregon
 97205

WEST EXTERIOR ELEVATION

DATE:
 10/22/18

Approved
 City of Portland
 Bureau of Development Services
 Planner
 Date: 10/22/18
 This approval applies only to the project as shown and is subject to all applicable requirements of the City of Portland. Any other requirements may apply.



Type II DR Scope of soffit / cove lighting

Type II DR Scope of L-2 thru L-5 lighting

Type II DR Scope of soffit / cove lighting

WEST EXTERIOR ELEVATION
 SCALE: 1/8" = 1'-0"

A501

EXH. C.2

