



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: January 21, 2020
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@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 19-238166 DZM AD *ARTIST REPERTORY THEATER ALTERATIONS*

GENERAL INFORMATION

Applicant: Doug Sheets | Lever Architecture
4713 N Albina Ave, Fourth Floor | Portland, OR 97217
doug@leverarchitecture.com | (503) 928-6040

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

Site Address: SW ALDER STREET

Legal Description: PORTLAND, BLOCK 316, LOT 5-7 TL 1703, PORTLAND, BLOCK 316, LOT 2-4 TL 1702

Tax Account No.: R667733420, R667733440

State ID No.: 1N1E33DC 01702, 1N1E33DC 01703

Quarter Section: 3028

Neighborhood: Goose Hollow, contact 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 503-823-4212.

Plan District: Central City - Goose Hollow

Zoning: CXd - Central Commercial zone

Case Type: DZM AD - Design Review with Modifications and an Adjustment

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 in the Goose Hollow Sub District of Central City. Portions of the building were removed

(18-227947 DZM) to make way for new residential tower on the north half of the block. The current proposal:

- Removes the vehicle drop off area along SW Morrison and infills the area with a new lobby (approximately 8,530 SF) and entry with stairs, a ramp and benches.
- Adds approximately 7,180 SF of new floor area on the 2nd floor which includes a projecting bay to the 2nd floor that will extend up to 3' in the Morrison and 2' into 15th rights-of-way (sidewalk).
- Adds new rooftop mechanical units.
- Adds news signs on the south and east elevations (south elevation sign is optional).
- Replaces and adds windows on the 3 street facades and infills openings into the garage on the east and west elevations.
- New exterior finishes include metal cladding in 3 profiles (flat, ribbed and V-profile); aluminum storefront and architectural glazing.

The proposal includes the following Modification requests:

1. *Ground Floor Active Uses* – To not meet the 25' depth or 12' ground floor height requirements (Section 33.510.255).
2. *Windows Above the Ground Floor* – To not meet the 15% glazing requirement for windows above the ground floor on the east and west facades (Section 33.510.221).

The proposal includes the following Adjustment request:

1. *Loading* – To not provide one Standard A loading space on the site required for commercial projects with more than 20,000 SF of floor area (Section 33.266.310.C).

The proposal includes the following Exception request:

1. Exception to Standards F of Window Projection into Public Right-of-Way (IBC/32/#1) - To increase the width of oriel windows projecting into the public rights-of-way from 12' to 80' on SW Morrison.

It should be noted that the Design review in 2018 (18-18-227947 DZM) modified the Required Building Line (33.510.215) and Ground Floor Window Standards (33.510.220), therefore this review does not address modifying these standards.

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 | ▪ Goose Hollow District Design Guidelines |
| ▪ Oregon Statewide Planning Goals | ▪ 33.825.040 Modification Criteria |
| | ▪ 33.825.040 Adjustment 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).
- LU 18-227947 DZM – Design Review with Modifications approval to demolish 19,927 SF of the building and associated exterior alterations.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 8, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (see Exhibit E.1)
- Bureau of Transportation Engineering and Development Review (see Exhibit E.2)
- Water Bureau (see Exhibit E.3)
- Fire Bureau (see Exhibit E.4)
- Life Safety Plans Review Section of BDS (see Exhibit E.5)
- Site Development Review Section of BDS (see Exhibit E.6)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 8, 2019. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) Design Review - Chapter 33.825

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.

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.

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.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

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.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

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.

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.

B6-1. Provide Outdoor Lighting at Human Scale. Provide outdoor lighting at a human scale to encourage evening pedestrian activity.

C1-2. Integrate Signs and Awnings. Integrate signs and awnings to be complementary and respectful of a building's architecture. This guideline may be accomplished by any or all of the following:

- a. Placing signs and awnings to fit with and respect a building's architecture.
- b. Avoiding large, excessively illuminated or freestanding signs that contribute to visual clutter; or
- c. Integrating with a building's design an exterior sign program/system for flexible sidewalk level space that accommodates changing tenants.

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.

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings: The alterations and addition to the existing theater meets these guidelines in the following ways:

- The 80' long, tapered projecting oriel window will serve as a new marquee for the building, befitting a theatre and an arts institution in the Goose Hollow Neighborhood. Like theatre marquees throughout Portland, the projection provides added weather protection along the sidewalk, and for the elongated benches beneath it as well, and opportunities for lighting and signage.
- The depth of the projecting window allows for the installation of light fixtures at the pedestrian level that are integrated into the building façade. These lights, approximately 13' above grade, will illuminate theatre posters in the display case and add to the sense of arrival along Morrison Street. Additional linear lighting is integrated into the steps and ramp as well within the soffit of the 2nd level cladding and building signage.
- The height above the sidewalk and tapered depth of the projecting window along Morrison ensures it will not feel heavy or oppressive along the pedestrian realm as it is a well-integrated encroachment.
- The entry experience into the theatre and along the sidewalk is transformed by the removal of a recessed porte-cochere and two curb cuts with automobile access. The existing porte-cochere will be replaced with a shallow recess into the building at the ground level. This allows for stairs, an all access ramp, and a long, tiered bench at the sidewalk edge enhancing the public environment by providing pedestrian scaled elements and amenities and contributing to its vibrancy.
- Replacing the vehicle drop-off with a new entry closer to the street improves the visual and physical access to the light rail station that occurs on Morrison Street.
- The more prominent entry and pedestrian amenities (weather protection, places to sit and illuminated sidewalks) complement and support the pedestrian elements that characterize Goose Hollow.
- Infilling the openings into the garage will limit views of the partially subgrade parking. Furthermore, the public art murals that will cover most of the east and west facades will provide interest on the rather solid walls.

- The optional signage on the projecting bay on Morrison is well-integrated and pedestrian scaled. The “Theater” sign on the east façade is rather large at 4’ tall x 23’-6” long. However, it sits up high on the parapet and supports the theater use. Of the two sign options proposed, neon and edge lit letters, Staff is supportive of the neon as this type of sign is thin and at this scale is not overwhelming as a more solid sign or letters would be. Therefore, a condition of approval has been added for this sign to be neon letters only and that future changes to the sign are limited to neon letter or require design review.

With the condition of approval for neon type signage on the east façade “Theater” sign, these guidelines are 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.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building’s overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City’s skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The project meets these guidelines in the following ways:

- The addition of the projecting tapered volume complements the nondescript building by juxtaposing its rectilinear boxy form and adding interest and visual transparency.
- The exterior cladding materials are all of high quality and long-lasting. In particular the different types of metal panel are all of a thickness or profile that will prevent “oil-canning”.
- The rooftop mechanical units are setback from the roof edges which will limit views and most often obscured by parapets or screening.
- All of the buildings components (materials, lighting signage, etc) have been thoughtfully considered to result in a coherent composition.

These guidelines are met.

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 IIX 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 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. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *Staff finds the proposal is consistent with Goal 6.*

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 this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.*

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. *Therefore, the proposal is consistent with Goal 11.*

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). As discussed earlier in this report, PBOT evaluated this proposal and found it meets the approval criteria for the Loading Adjustment. *Therefore, the proposal is consistent with Goal 12.*

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: *Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.*

(2) Modifications Through Design Review – Section 3.825.040

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 - To not meet the 25' depth or 12' ground floor height for the Ground Floor Active Use requirement (Section 33.510.255).

Purpose Statement: The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.

Standard: 33.510.255 - Areas designed to accommodate active uses must have a distance from the finished floor to the bottom of the structure of at least 12 feet, must be at least 25 feet deep, designed to accommodate a single tenant or multiple tenants, meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code and must include windows and doors.

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

Findings: The purpose of this standard is to reinforce the continuity of pedestrian-active ground-level building uses. This design brings the main entry and lobby much closer to the sidewalk edge and creates significantly more visibility into the lobby space meeting guideline A8 (Contribute to a Vibrant Streetscape). *This approval criterion is met.*

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 project meets most of the criteria for this standard. However, due to existing floor level conditions and theater heights, the first-floor height at its lowest point is 10' rather than the required 12'. The intent of the 12' is to allow flexibility for use of the space and ensure a taller ground floor condition along the sidewalk. The height of the 1st floor as experienced from the sidewalk (exterior) is actually 13', so the pedestrian experience is as intended. The interior space, and building in general, are designed specifically for the theater use so the likelihood of a different use is small. Extensive new glazing and linear benches and a ramp at the back of the sidewalk together will provide the active ground level that provide pedestrian interest and amenities along the sidewalk. *This approval criterion is met.*

Modification #2 - To not meet the 15% glazing for the Windows Above the Ground Floor requirement on the east and west facades (Section 33.510.221).

Purpose Statement: Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.

Standard: 33.510.221 - Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 10 feet above the finished grade.

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

Findings: The intent of the standard is to ensure opportunities for active uses and add interest to the built environment. The Second Floor facing Morrison Street contains a common space and breakout space for rehearsal rooms. The window facing 15th Avenue allows views into the building at its most prominent corner, and the murals will add vibrancy along the public realm meeting guidelines A5-6 (Incorporate Works of Art), A8 (Contribute to a Vibrant Streetscape), and C7 (Design Corners that Build Active Intersections). *This approval criterion is met.*

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 existing building is out of conformance on all three street-facing facades. The alterations to the south façade add window area that far exceeds the standard (629 SF required / 1,210 SF provided). Two large windows are being added to the east façade, however, both the east and west will not meet the minimum window area required as follows:

West (16th) Elevation: 334 SF required / 114 SF provided

East (15th) Elevation: 308 SF required / 236 SF provided

The use of the building (theater) is somewhat limiting in terms of adding glazing. While glazing is a welcome element in common areas, it does not benefit the theater spaces, which have special lighting conditions. Under the 2018 design review, the ground floor window modification included public art mitigation on both the east and west elevations. The applicant and owner are working with the Regional Arts and Cultural Council (RACC) on selecting mural artists to cover most of the east and west elevations, not just the ground level of the facades (see diagram in Appendix exhibits). Having the murals extend up the walls will add interest to the building façade which is situated on Light Rail line in SW Morrison. *This approval criterion is met.*

(3) Adjustment Review – Chapter 33.805

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

Adjustment #1: Loading – To not provide one Standard A loading space on the site required for commercial projects with more than 20,000 SF of floor area (Section 33.266.310.C).

33.805.040 Approval Criteria

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

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

Findings: Per 33.266.310.C, buildings with at least 20,000 SF in uses other than Household Living must provide one Standard A loading space. The proposal is to not provide any on-site loading. Upon PBOT's review of the Loading Demand Analysis (dated 10/2/19), the two parking garage door entrances along SW 15th and subsequent parking levels do not have the vertical clearance to accommodate a vehicle for either Standard A or B loading space, the SW 16th driveway and garage door entrance is proposed to be closed,

and the porte-cochere closure on SW Morrison St also removed the availability of on-site loading. Therefore, no on-site loading space is available in the current building design.

The applicant has proposed to utilize both existing Truck Loading Zones (TLZs) in the surrounding area and by acquiring multi-day permits through PBOT's Temporary Street Use Permits (TSUPs). BDS & PBOT Staff acknowledge the challenges of adding loading to the site and conclude utilizing existing Truck Loading Zones in the immediate area and acquiring multi-day permits through PBOT's Temporary Street Use Permits (TSUPs) will provide adequate loading areas that can serve the development, thereby meeting the purpose of the loading standards.

The approval criterion is met.

- B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area.

Findings: Since the loading activities will occur along the frontage or nearby streets within in existing vehicle areas it will not alter the existing conditions on the site or use of the streets. Therefore, it is consistent with street classifications and does not impact the character of the area. *The approval criterion is met.*

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

Findings: Only one Adjustment is proposed. *This criterion does not apply.*

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

Findings: The site does not contain, nor will the changes proposed, impact any City-designated scenic resources and historic resources. *This criterion does not apply.*

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

Findings: There is no approved mitigation for the Adjustment. The loading will be provided along the street frontage and in designated loading zones in the immediate area. *This criterion does not apply.*

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

Findings: The site is not in an environmental zone. *This criterion does not apply.*

(4) Window Projections into the Public Right-of-Way

The Bureau of Development Services and the Bureau of Transportation have adopted the standards for windows which are allowed to project into public right-of-way.

Exception #1: *Exception to Standards F of Window Projection into Public Right-of-Way (IBC/32/#1) - To increase the width of oriel windows projecting into the public rights-of-way from 12' to 80' on SW Morrison.*

- A. Projection.** Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings: The maximum projection for any element of the projecting volume is 3' on SW Morrison and 2' on SW 15th. *This Criterion is met.*

B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2004 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

Findings: Minimum clearance above grade is 12'-9" on SW Morrison and 13'-6" on SW 15th and the maximum projection is 3'. *This Criterion is met.*

C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.

Findings: The maximum wall area of all windows on the SW Morrison projection is 31% of the overall wall area and 3% on the SW 15th projection. *This Criterion is met.*

D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

Findings: The projecting window element on the SW Morrison elevation is 40% of the south wall length. The projecting window element on the SW 15th elevation is 6% of the east wall length. *This Criterion is met.*

E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides. Required side windows must be a minimum of 10% of side walls.

Findings: On the SW Morrison elevation, windows occupy 78% of the projection with the side wall containing close to 75% glazing. The projection on SW 15th is 87% glazed with no side wall window requirement given its 2' depth. *This Criterion is met.*

F. Width. Maximum width of 12 feet for each projecting window element. When approved through Design Review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

Findings: The projection on SW 15th is 6' wide. However, the projection on SW Morrison is 80' wide. The wider projecting bay:

- Complements the nondescript, boxy building by adding interest and visual transparency. The scale of the projection complements the proportions of the new lobby below. Furthermore, the large scale of the projection reflects the "drama" of the building's use.
- Highlights the theater entry acting as a contemporary marquee with signage and integrated lighting. The width also complements the linear entry sequence east of the entry doors.
- Provides weather protection on a building where currently none exists. It also provides shelter for the elongated bench that occurs between the sidewalk and ramp.
- The height above the sidewalk and tapered depth along Morrison ensures it will not feel heavy or oppressive along the pedestrian realm.

This Criterion is met.

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall

does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

Findings: There are only single projections on the south and east elevations. *This Criterion is 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 proposal meets the applicable design guidelines and Modification and Adjustment criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations & an addition to the Artists Repertory Theater including:

- Removal of the vehicle drop off area along SW Morrison and infills the area with a new lobby (approximately 8,530 SF) and entry with stairs, a ramp and benches.
- Adding approximately 7,180 SF of new floor area on the 2nd floor which includes a projecting bay to the 2nd floor that will extend up to 3' in the Morrison and 2' into 15th rights-of-way (sidewalk).
- Adding new rooftop mechanical units.
- Adding news signs on the south and east elevations (south elevation sign is optional).
- Replacing and adding windows on the 3 street facades and infills openings into the garage on the east and west elevations.
- New exterior finishes include metal cladding in 3 profiles (flat, ribbed and V-profile); aluminum storefront and architectural glazing.

Approval of the following Modifications:

1. *Ground Floor Active Uses* – To not meet the 25' depth or 12' ground floor height requirements (Section 33.510.255).
2. *Windows Above the Ground Floor* – To not meet the 15% glazing requirement for windows above the ground floor on the east and west facades (Section 33.510.221).

Approval of the following Adjustment:

1. *Loading* – To not provide one Standard A loading space on the site required for commercial projects with more than 20,000 SF of floor area (Section 33.266.310.C).

Approval of the following Exception:

1. *Exception to Standards F of Window Projection into Public Right-of-Way (IBC/32/#1)* - To increase the width of oriel windows projecting into the public rights-of-way from 12' to 80' on SW Morrison.

Per the approved site plans, Exhibits C-1 through C-28, signed and dated 1/17/20, 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 19-238166 DZM AD." 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 "Theater" sign on the east elevation is only approved with neon type letters. A change to different type of sign letters requires Design Review.
- D. No field changes allowed.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on 1/17/20**
By authority of the Director of the Bureau of Development Services

Decision mailed: 1/21/20

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 October 9, 2019, and was determined to be complete on November 6, 2019.

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 October 9, 2019.

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 30 day (Exhibit G.3). Unless further extended by the applicant, **the 120 days will expire on: 4/4/2020.**

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 2/4/20** 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 after **2/4/20** 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:

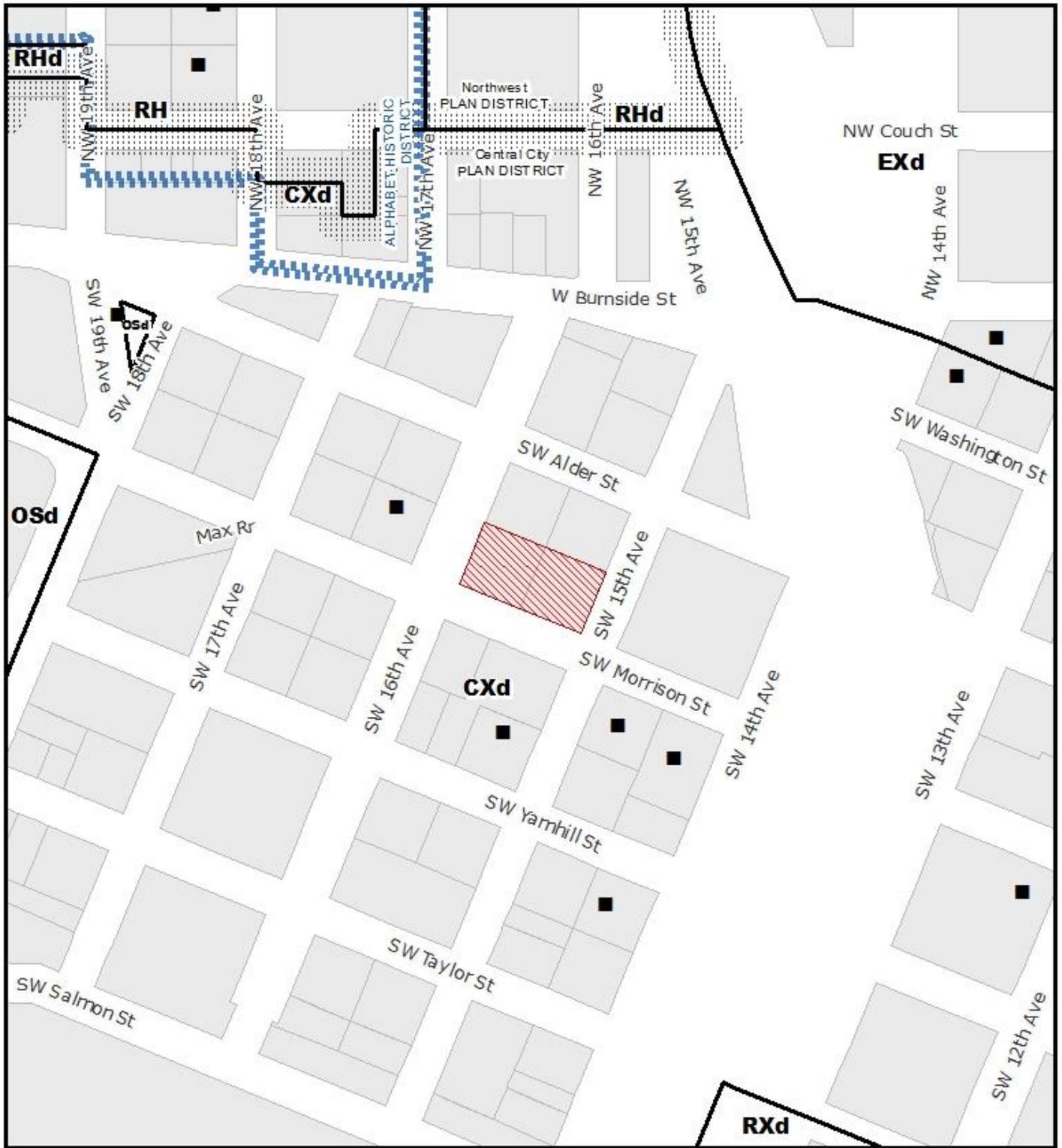
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Project Code Compliance Summary dated 10/8/19
 2. Original drawings dated 10/8/9
 3. Traffic Scope Approval Form
 4. Memo dated 10/2/19 to PBOT regarding Loading Zone Study
 5. Project Code Compliance Summary & Approval Criteria responses dated 10/31/19
 6. FAR Transfer Covenants
 7. Revised drawing set dated 10/31/19
 8. Projection in the ROW narrative & approval criteria response dated 11/26/19
 9. Oriel Window Projection in ROW diagram dated 10/31/19
 10. Appendix sheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. through 27 (C.1, C.3-C.7, and C.9 attached)
 28. Cutsheets
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Life Safety Plans Review Section of BDS
 6. Site Development Review Section of BDS
- F. Correspondence:
- G. Other:
 1. Original LU Application
 2. Incomplete Letter dated 10/22/19
 3. Sign 120-Day Extension form
 4. BDS Staff comments in email dated 11/19/19

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).

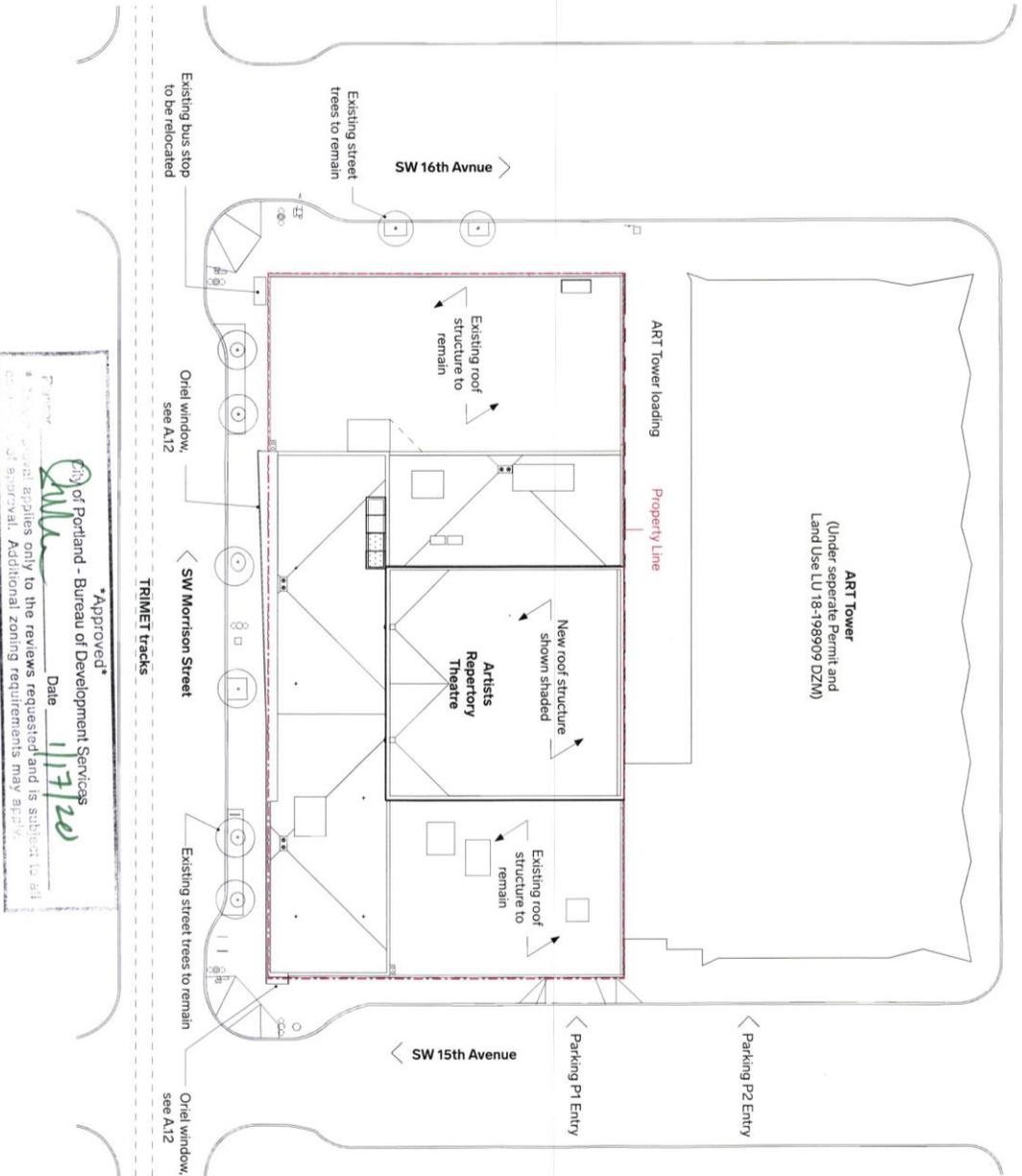


ZONING 
 CENTRAL CITY PLAN DISTRICT
 GOOSE HOLLOW SUB DISTRICT

 Site
 Historic Landmark

File No.	LU 19 - 238166 DZM
1/4 Section	3028
Scale	1 inch = 200 feet
State ID	1N1E33DC 1702
Exhibit	B Oct 24, 2019

Site Plan



City of Portland - Bureau of Development Services
 Approved*
 Date 11/7/20
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LEVER



Artists Repertory Theatre

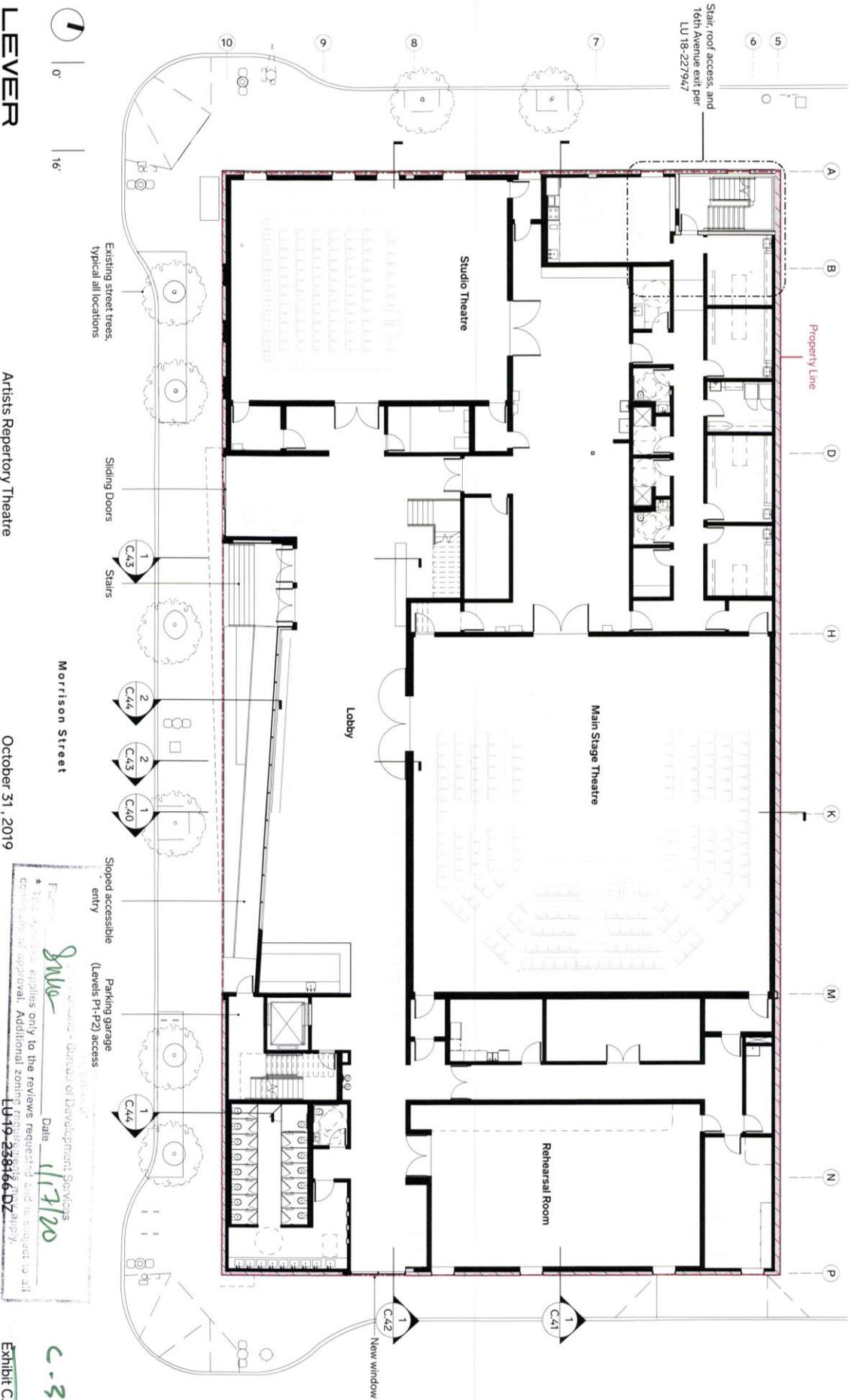
October 31, 2019

LU 19-238166 DZ

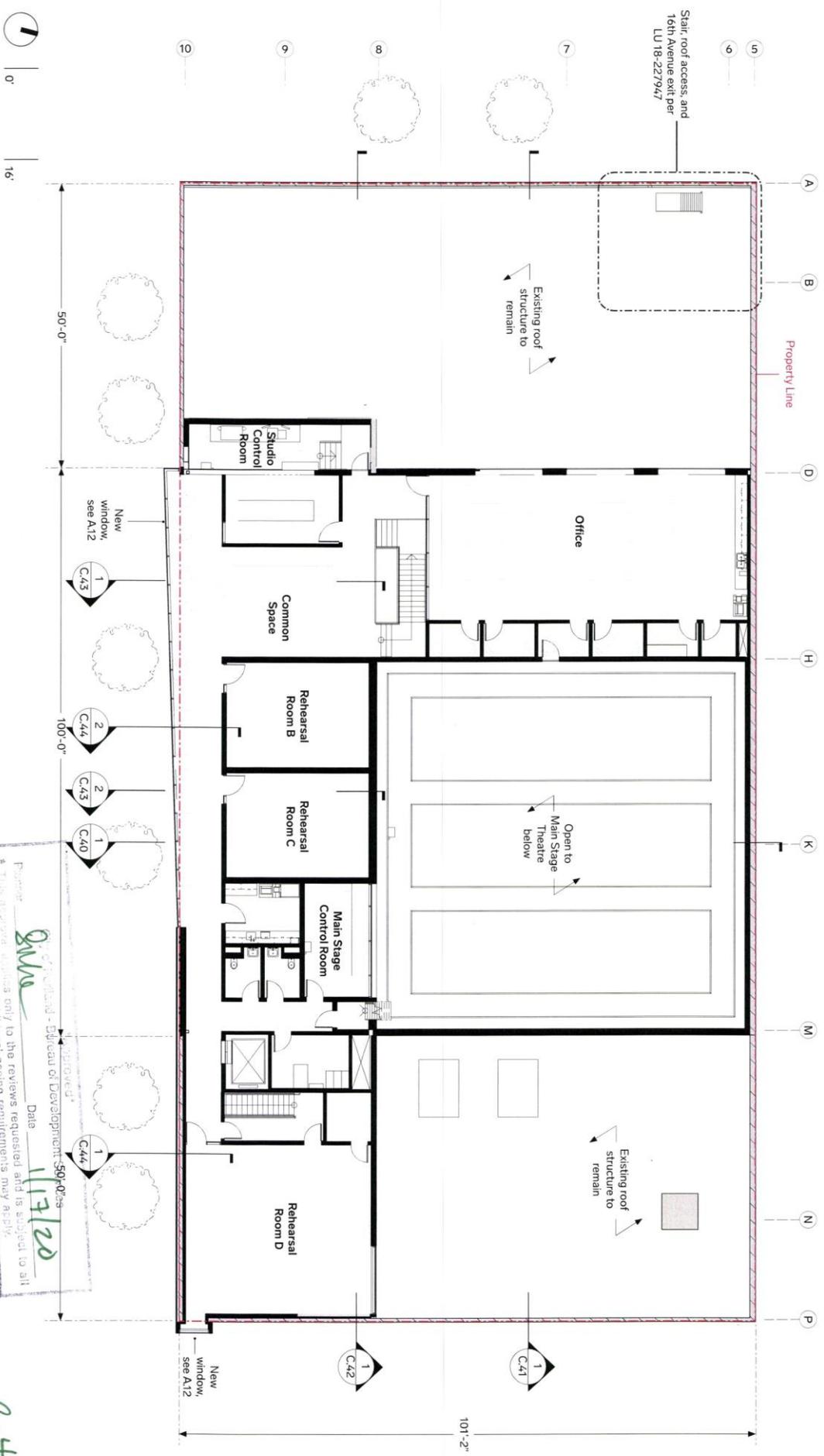
Exhibit G-01

2.1

Ground Floor Plan



Second Floor Plan



LEVER

Artists Repertory Theatre

October 31, 2019

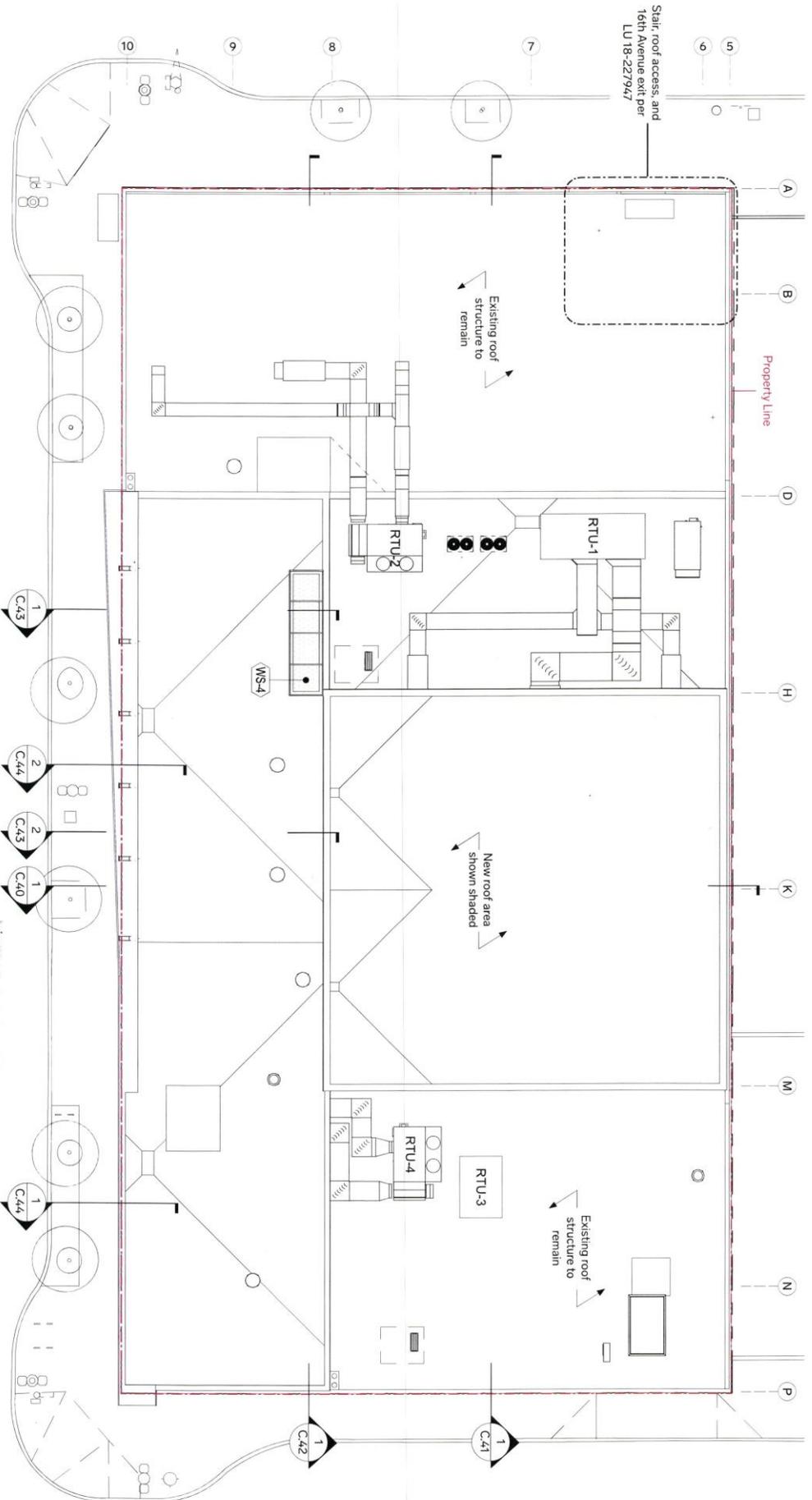
LU 19-238166 DZ

Exhibit C-2a

Project: *SW*
 Date: *11/7/20*
 Bureau of Development: *501-02a*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

C-4

Roof Plan



LEVER

Artists Repertory Theatre

October 31, 2019

LU 19-238166 DZ

APPROVED

City of Portland - Bureau of Development Services

SKM

Date: 11/7/20

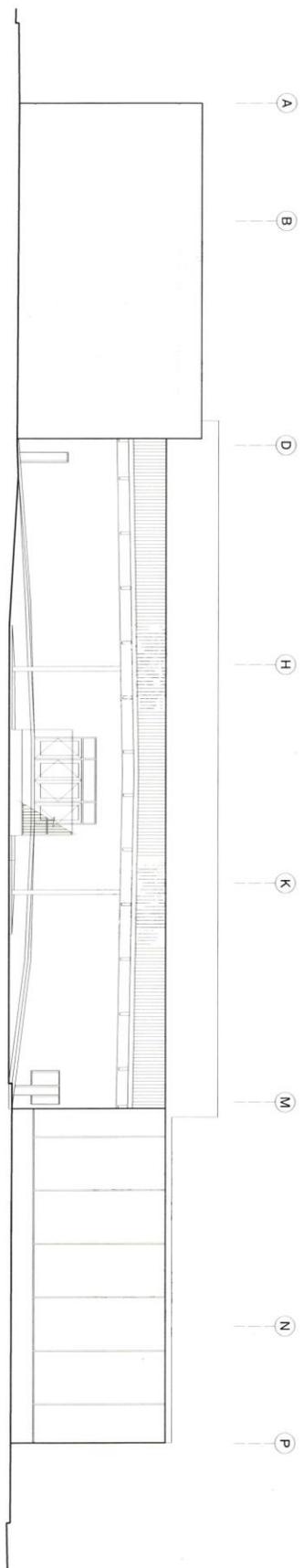
5. This approval applies only to the reviews requested and its withdrawal does not constitute approval. Additional zoning requirements may apply.

C.5

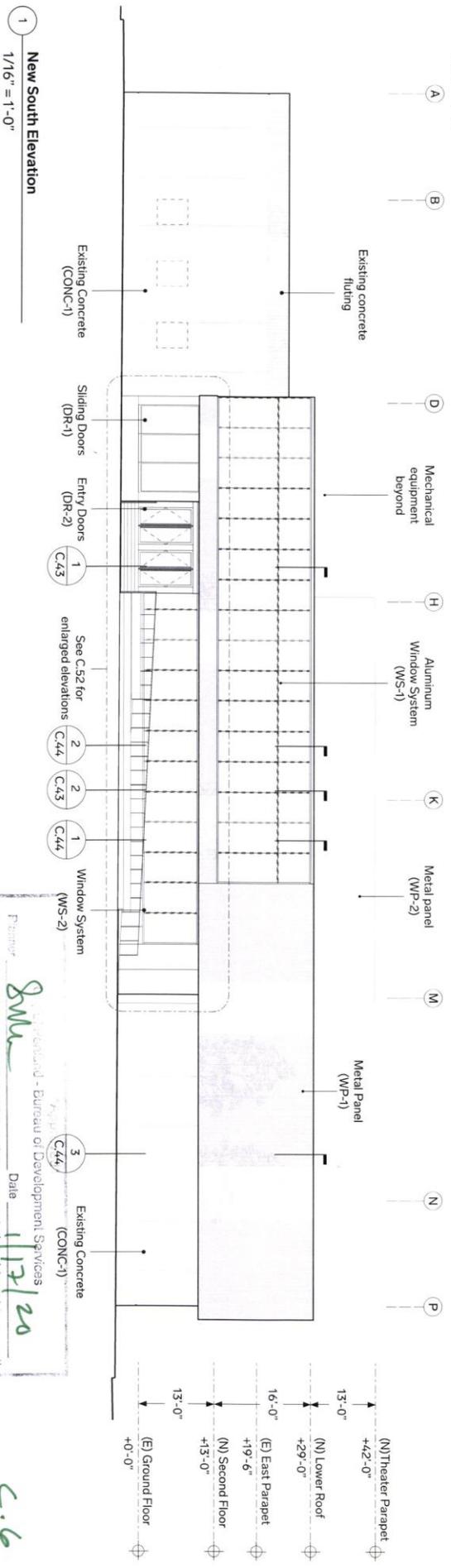
Exhibit C.23

South Elevation

Morrison Street



2 Existing South Elevation
1/16" = 1'-0"



1 New South Elevation
1/16" = 1'-0"

Artists Repertory Theatre

October 31, 2019

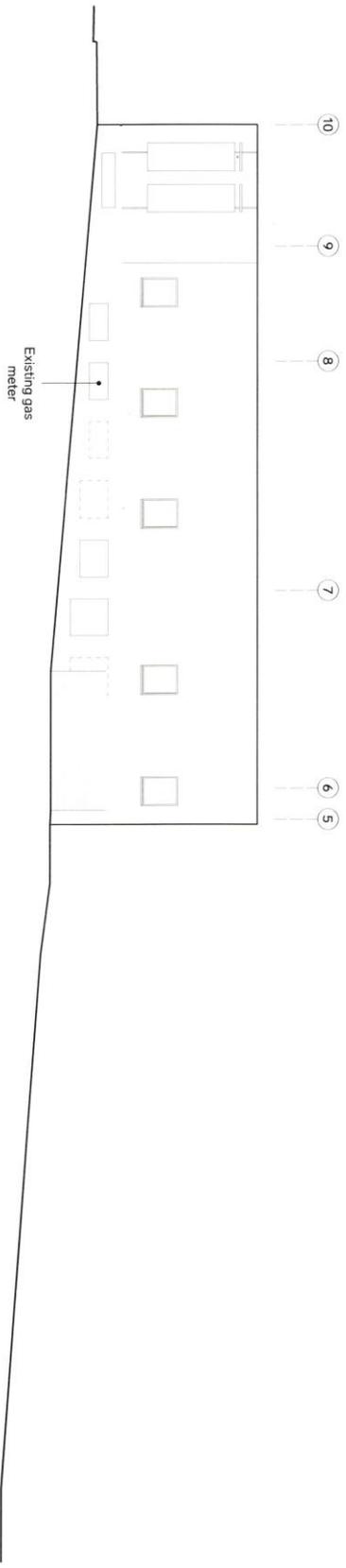
LU 19-238166 DZ

Permit
* This application is subject to the reviews requested and is subject to all
conditions of the local zoning requirements may apply.

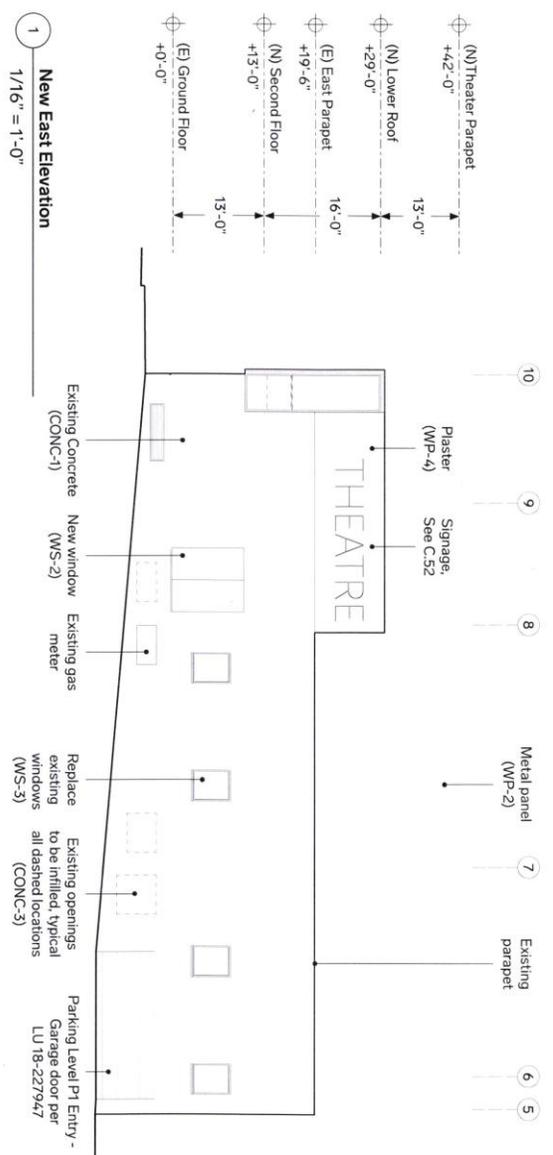
Approved - Bureau of Development Services
Date 11/2/20
C-6

Exhibit C.30

East Elevation 15th Avenue



2 Existing East Elevation
1/16" = 1'-0"

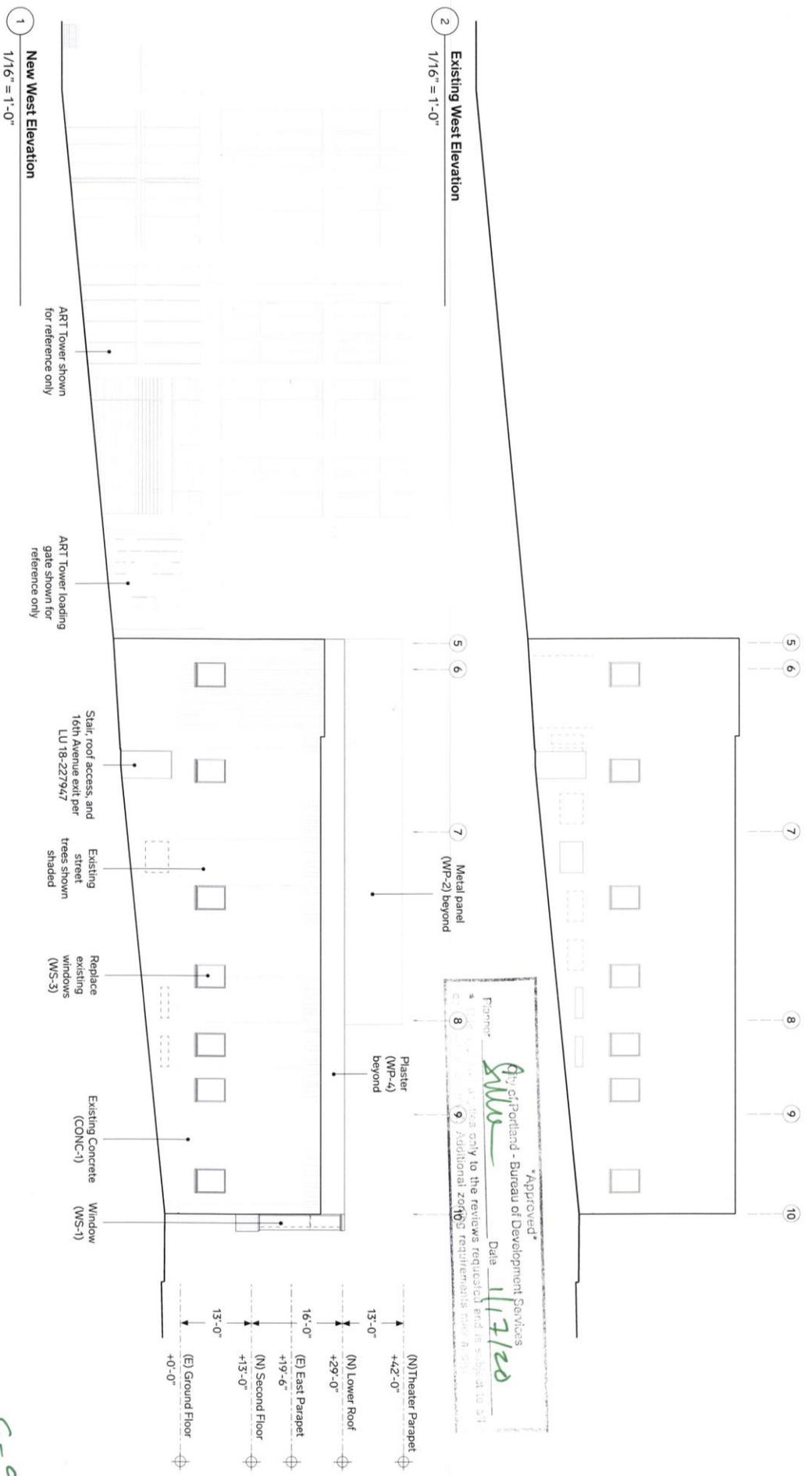


1 New East Elevation
1/16" = 1'-0"

City of Portland - Bureau of Development Services
 Approved by: Gavin Date: 4/17/20
 Approved
 I hereby approve the project to the reviews requested and its submission to the City of Portland. Additional zoning requirements may apply.

West Elevation

16th Avenue



LEVER Artists Repertory Theatre October 31, 2019 LU 19-238166 DZ **EXHIBIT C.33**

C-9