



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: July 23, 2008
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@ci.portland.or.us

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

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

CASE FILE NUMBER: LU 08-136738 DZ
PARK BLOCK 5 CAFÉ BUILDING REVISIONS & STREETScape IMPROVEMENTS

GENERAL INFORMATION

Applicant: Thomas P Moyer, Listed Owner
805 SW Broadway #2020
Portland, OR 97205

Portland Parks And Recreation, Future Owner
Attn: Allison Rouse
1120 SW 5th Avenue, Suite 1302
Portland, ORegon 97204

Representative: Ron Stewart, Architect
Zimmer Gunsul Frasca Architects Llp
320 SW Oak St, Suite 500
Portland, OR 97204

Site Address: 815 SW PARK AVENUE and 811 SW Taylor Street
[full block bounded by SW Taylor, Yamhill, Park and 9th]

Legal Description: PORTLAND PARK BLOCKS LOT 1 BLOCK 5, PORTLAND; PORTLAND PARK BLOCKS LOT 2&3 BLOCK 5, PORTLAND; PORTLAND PARK BLOCKS LOT 4 BLOCK 5, PORTLAND

Tax Account No.: R667743420, R667743440, R667743460
State ID No.: 1S1E03BB 05400, 1S1E03BB 05500, 1S1E03BB 05300
Quarter Section: 3129
Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.

Plan District: Central City - Downtown
Zoning: CXd: Central Commercial with design overlay
Case Type: DZ
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant requests design review approval for some façade changes to the Park Block 5 café building. [The café building was previously approved by the Design Commission in November 2007, LU 07-143667 DZM.] The east and west elevations are 3'-6" longer to accommodate a Code required 2nd interior bathroom. To accommodate this requirement, the proposal includes a slight increase to the size of the limestone panels at the east and west elevations. Also, slight window and door patterning changes are proposed on all four elevations.

The applicant also requests design review approval for some non-standard improvements in the rights-of-way. The paving pattern and material approved for the Park ground surface will be extended into a portion of the adjacent rights-of-way – from back of adjacent sidewalk curb to back of adjacent sidewalk curb at both SW Park Avenue and SW 9th Avenue. Atypical street lights are proposed at the adjacent sidewalks along SW Park Avenue and SW 9th Avenue – each of the 2 block faces will receive five 14'-tall LED full cut off light fixtures.

Approval Criteria:

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

- Chapter 33.420 Design Overlay Zone
- Chapter 33.825 Design Review
- Central City Fundamental Design Guidelines

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. This application was submitted on June 12, 2008 and determined to be complete on June 20, 2008.

ANALYSIS

Site and Vicinity: The 20,000 square foot site takes up an entire city block in Portland's Downtown, bounded by SW Yamhill Street and SW Taylor Street to the north and south, and SW Park Avenue and SW 9th Avenue to the east and west. SW Taylor is a designated Traffic Access Street and a City Bikeway. The eastbound MAX light rail line runs along SW Yamhill, which is a designated Regional Transitway/Major Transit Priority and Central City Transit Pedestrian Street. SW 9th Avenue and Park Ave are both designated City Walkways. The site is within the Downtown Pedestrian District.

The site is part of the downtown Park Blocks, which run north-south between Park Avenue and 9th Avenue. The site slopes about 11' from the southwest corner down to the northeast corner. Construction for an underground parking garage [and its associated exit pavilions] that is connected below SW Park Avenue to the Fox Tower's underground parking garage was recently completed. Construction for the surface of South Park Block 5 block is just underway. Existing buildings that surround the site include the Dental Arts Building and Mercantile Building to the north (both slated for demolition to accommodate the future Park Avenue West mixed-use tower), the Fox Tower to the east, the Paramount Hotel to the south, and the Studio Building and Pythian Building to the west.

Whereas the South Park Blocks run through the University District and Cultural District, and the North Park Blocks extend north from W Burnside Street to NW Glisan Street in the Pearl District neighborhood, the subject site is located in the area known as the Midtown Park Blocks, which extends from SW Salmon Street to W Burnside. Portland's Park Blocks were platted for public use in the late 1840s by Daniel H. Lownsdale and William Chapman. While their original concept to create 25 contiguous public blocks for parks, schools, and public markets extending north to south was never fully realized, the existing 18 blocks remain a defining element of Portland. As the city has developed around them, each block has taken on its own distinct identity. Unlike the park blocks to the north and south, the Mid-town Park Blocks have primarily been developed, except for South Park Block 5, O'Bryant Square and Ankeny Plaza.

Analysis of the Midtown Park Blocks is still underway, with a current increase in City-led efforts, to improve O'Bryant Square, Ankeny Plaza, and SW Park and 9th Avenues. There exist concept designs for O'Bryant Square and Ankeny Plaza. In July 2007 a Charette and Technical Evaluation of right-of-way improvements for SW Park and 9th Avenues was held. Public and private review and analysis of an implementation strategy for these streets continues. The future plan for Park and 9th at South Park Block 5 may include curbless streets with the granite pavers of the park extending from building face to building face.

Zoning: The Central Commercial Zone (CX) 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 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.

Land Use History: City records indicate ten prior land use reviews for this site. Six related to prior proposals that were never built at this site. Those relevant to the proposed park and this specific building include:

1. LU 05-141016 PR: Approval of Central City Parking Review for a new underground parking garage, to be constructed as an extension of the existing Fox Tower parking garage, directly east. No new access proposed; access remains from existing entry and exit in Fox Tower on SW Taylor Street. The new garage contains 606 Visitor stalls and 71 Preservation stalls.
2. LU 06-163144 DZ: Approval of Design Review for location of stair and mechanical shaft near corner of SW Yamhill Street and 9th Avenue, and stair, elevator lobby, and mechanical shaft along SW Park Avenue about 53' from SW Taylor Street property line, associated with underground parking approved under LU 05-141016 PR.
3. LU 07-136525 DZM: Approval of Design Review for the design of two parking pavilion structures [locations approved under LU 06-163144 DZ.]
4. LU 07-140633 MS, DZM, AD: Approval of Design Review for Park Avenue West, a new 33-story mixed-use building at Park Block 4 directly north of the subject site.
5. LU 07-143667 DZM: Approval of Design Review and Modifications for the park café building.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 27, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services responded with the following comment: Per BES Development Review, who is reviewing the building permit for this project (permit #07-177008-CO), the proposed additional work does not appear to impact BES sanitary sewer connection or stormwater management requirements for this project. Therefore, BES has no objections to the request for Design Review approval.

The Site Development Section of BDS responded with the following comment: Site Development has confirmed with BES that the changes proposed in the Revised Notice do not conflict with permits submitted for this project. Please refer to comments from BES regarding stormwater requirements pertaining to this project..

The Bureau of Transportation Engineering had not yet responded as of the date of this report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 27, 2008. 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 (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the Central City, the applicable approval criteria are listed in the Central City Fundamental Design Guidelines.

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

A4. Use Unifying Elements.

A5. Enhance, Embellish, and Identify Areas.

C2. Promote Quality and Permanence in Development.

B1. Reinforce and Enhance the Pedestrian System.

B3. Bridge Pedestrian Obstacles.

D1. Park Blocks.

B2. Protect the Pedestrian.

B5. Make Plazas, Parks, and Open Spaces Successful.

C6. Develop Transitions Between Buildings and Public Spaces.

Findings: The previous design review approved the granite pavers to extend building face to building face across both SW Park and 9th Avenues. This design concept is still

a goal to be achieved, however the final decisions to move forward with that scope of work have not yet been made. This modified version of back of curb to back of curb at the very least maintains the spirit of the park area spilling into the right-of-way, maximizing the feeling of open space, and also could be the beginning of the full project being realized. The grades across both SW Park and 9th Avenues have been studied in detail so that this proposal would not hinder the building face to building face scheme from happening. The proposal actually allows easy removal of the curbs and the simple extension of the pavers for a curbsless environment along the full rights-of-way at SW 9th and Park for this block frontage.

The proposed streetlights, too, may be the beginning of the realization of the Park Avenue Vision, which calls for special street improvements along SW Park and 9th from Salmon to Burnside. The streetlights proposed are appropriately pedestrian-scaled for these special narrow streets. Though the goal is to extend these lights several blocks, if there were to just be limited to this block, as proposed currently, they are purposeful for Park Block 5 with [1] their pedestrian orientation and [2] their design integration with the architecture of the park.

These guidelines are therefore met.

C5. Design for Coherency.

B7. Integrate Barrier-Free Design.

Findings: The café building remains accessible with the proposed change to bathrooms. The minor revision to the café building results in a building not too dissimilar to what was previously approved. The panel patterning of the facades remains coherent and the additional wall area will be clad in the same limestone found elsewhere on the building. These guidelines are therefore met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

All approval criteria have been met.

ADMINISTRATIVE DECISION

Approval of design review for some façade changes to the Park Block 5 café building. *[The café building was previously approved by the Design Commission in November 2007, LU 07-143667 DZM.]* The east and west elevations are 3'-6" longer through a slight increase to the size of the limestone panels at the east and west elevations. Also, slight window and door patterning changes are proposed on all four elevations.

Approval of design review for some non-standard improvements in the rights-of-way. The paving pattern and material approved for the Park ground surface will be extended into a portion of the adjacent rights-of-way – from back of adjacent sidewalk curb to back of adjacent sidewalk curb at both SW Park Avenue and SW 9th Avenue. Atypical street lights are proposed at the adjacent sidewalks along SW Park Avenue and SW 9th Avenue – each of the 2 block faces will receive five 14'-tall LED full cut off light fixtures.

Approval per the approved plans, Exhibits C-1 through C-8, signed and dated July 18, 2008, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-136738 DZ. No field changes allowed."

Decision rendered by: _____ **on July 18, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 23, 2008

Staff Planner: Kara Fioravanti

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 June 12, 2008, and was determined to be complete on June 20, 2008.

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 June 12, 2008.

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

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 6, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3

p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **August 7, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

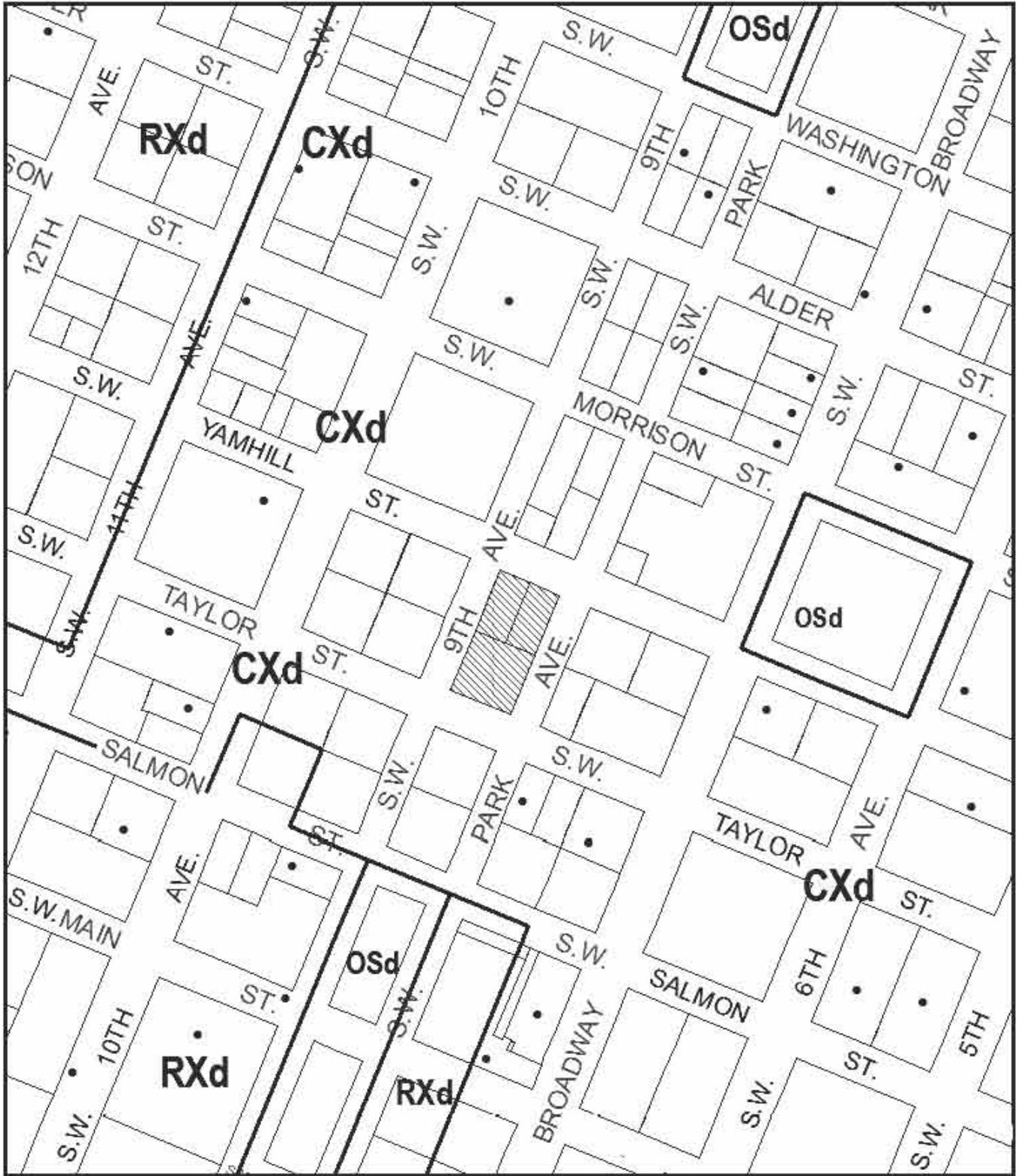
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's submittals
 - 1. Original narrative
 - 2. Transmittal for new rendering
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Café Plan
 - 3. North and South elevations
 - 4. East elevation [attached]
 - 5. West elevation [attached]
 - 6. Roof Plan
 - 7. Street lighting information [5 pages]
 - 8. Streetscape rendering of SW Park Avenue
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
responses summarized in this report
- F. Correspondence:
none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

| | |
|-------------|-------------------|
| File No. | LU 08-136738 DZ |
| 1/4 Section | 3129 |
| Scale | 1 inch = 200 feet |
| State_Id | 1S1E03BB 5500 |
| Exhibit | B (Jun 20, 2008) |



333 NW Oak Street, Suite 300
Portland, Oregon 97204
503 222 2400
503 222 2400

CLIENT
LANDSCAPE ARCHITECTS
ON PROJECT

STRUCTURAL/MECHANICAL/ELECTRICAL
ARCHITECTURE
ON PROJECT

FOUNTAIN DESIGN
ON PROJECT

ASSOCIATE ARCHITECT
ON PROJECT

SPECIAL CONSULTANTS
ON PROJECT

**SOUTH PARK
BLOCK FIVE
PHASE 2 - PARK
IMPROVEMENTS**

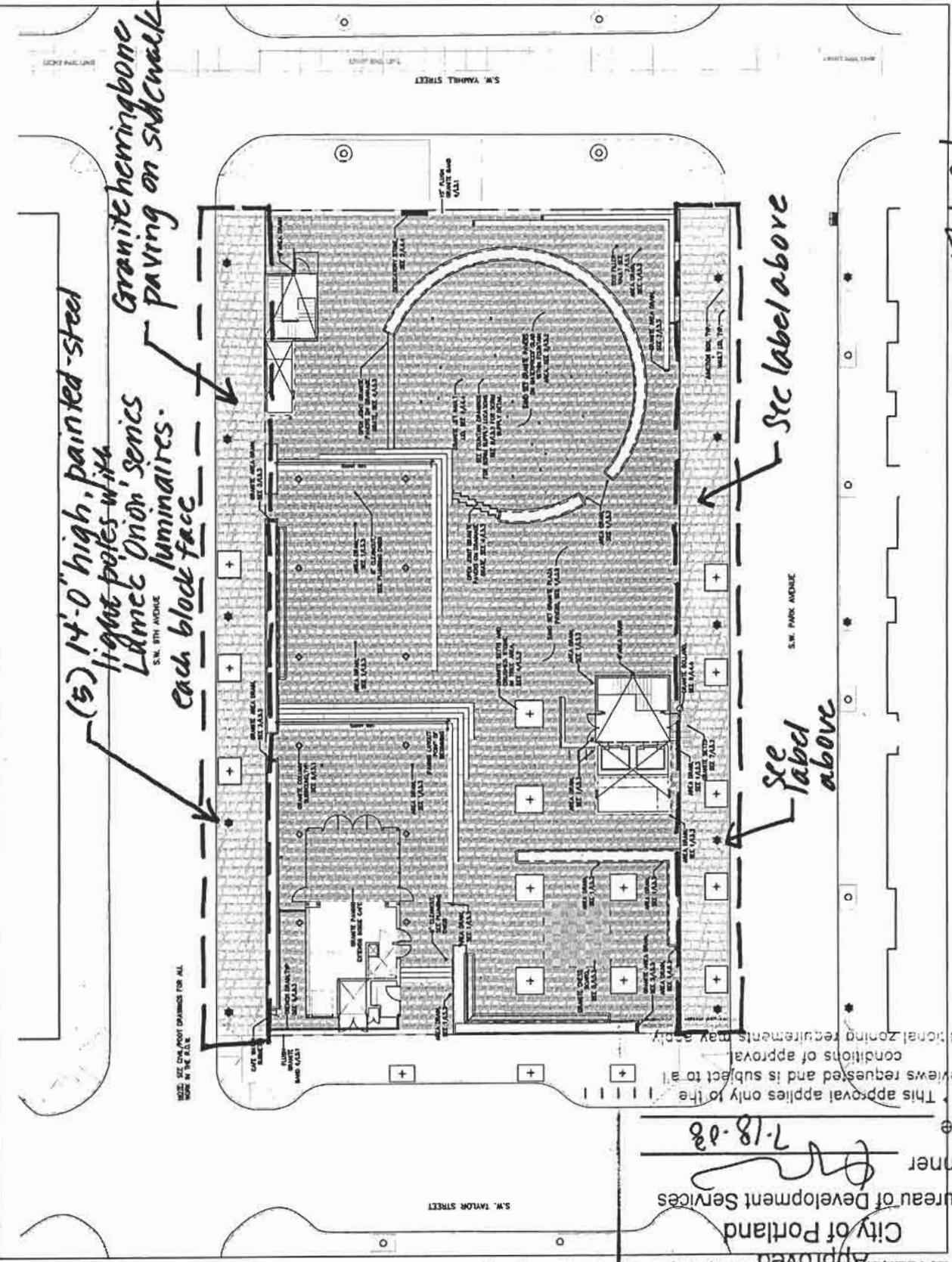
Portland, Oregon
Drawing No.
PAVING PLAN



Scale: 1/8" = 1'-0"
1" = 10'-0"

L4.1

Construction Documents



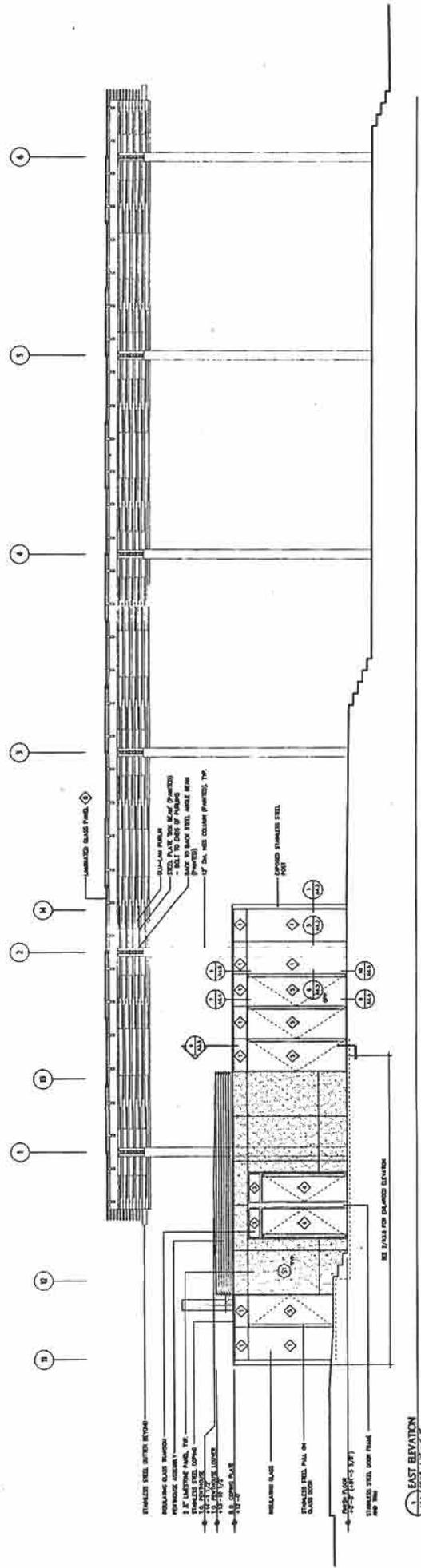
EXHC.1
08-136738

This approval applies only to the reviews requested and is subject to all additional zoning requirements that may apply.

City of Portland
Bureau of Development Services
Planner
Date: 7-18-08

Approved

Approved
 City of Portland
 Bureau of Development Services
 Planner
 Date 7.8.08
 * This approval applies only to reviews requested and is subject to conditions of approval.
 Additional zoning restrictions may apply.



ENC. 4
 08-136738

