



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

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** July 6, 2012  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
503-823-5892 / [Kara.Fioravanti@portlandoregon.gov](mailto:Kara.Fioravanti@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 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 12-138787 DZ**  
**(PIONEER PLACE SKYBRIDGE DEMOLITION)**

**GENERAL INFORMATION**

**Applicant:** Association of Unit Owners  
700 SW 5<sup>th</sup> Avenue / Portland, OR 97204  
  
Pioneer Place Limited Partnership  
PO Box 617905 / Chicago, IL 60661-7905  
  
Mark Witte, General Growth Properties  
110 North Wacker Drive / Chicago, IL 60606

**Representative:** Todd Kimball, DLR Group  
421 SW 6<sup>th</sup> Avenue, Suite 1212 / Portland, OR 97204

**Site Address:** 710 SW 5<sup>TH</sup> AVENUE and 850 SW 5<sup>TH</sup> AVENUE  
**Legal Description:** LOT 1, PIONEER PLACE CONDOMINIUM; LOT 2, PIONEER PLACE CONDOMINIUM  
**Tax Account No.:** R659800020, R659800040  
**State ID No.:** 1S1E03BB 90001, 1S1E03BB 90002  
**Quarter Section:** 3129  
**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - Downtown  
**Zoning:** CXd, Central Commercial with design overlay  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**PROPOSAL:** The applicant seeks Design Review approval to fully remove the existing skybridge over SW Yamhill Street between SW 4th and 5th Avenues. As part of this scope of work, the building openings where the skybridge is received will be infilled with a curtain wall system to match the existing surrounding curtain wall. (Please note: A pending Type III Design Review, LU 12-142348, proposes to redevelop a portion of the building that is to the south of SW Yamhill between 4th and 5th. If that redevelopment occurs, which includes a new one-story

retail building for a portion of the block, then the only curtain wall infill to occur will be at the building to the north of SW Yamhill between 4th and 5th.)

**RELEVANT APPROVAL CRITERIA:** In order to be approved, this proposal must comply with the relevant approval criteria, which are the Central City Fundamental Design Guidelines.

## ANALYSIS

**Site and Vicinity:** The site is part of a 3 block retail and office development called Pioneer Place. The subject block to the north is bound by SW Yamhill, SW Morrison, SW 5<sup>th</sup> and SW 4<sup>th</sup>. The subject block to the south is bound by SW Yamhill, SW Taylor, SW 5<sup>th</sup> and SW 4<sup>th</sup>. The third block of Pioneer Place includes the block east of SW 4<sup>th</sup> and north of SW Yamhill. All 3 blocks are connected underground and via two existing skybridges. The skybridge proposed for demolition spans SW Yamhill. The first 2 buildings of Pioneer Place, which are connected by the subject skybridge, were built in the early 1990's. The third building, the building at SW Yamhill, Morrison, 3<sup>rd</sup>, and 4<sup>th</sup> was built in 2004.

Pioneer Place is a major urban retail shopping center in downtown Portland, with the majority of retailers within the buildings that comprise the northern two blocks. The southernmost block includes an office tower at the south end of the block, with the office lobby at the SW corner.

Surrounding the multi-block site are significant Portland buildings and systems. SW 5<sup>th</sup> and 6<sup>th</sup> comprise Portland's Transit Mall, with light rail and bus service running north-south; the east-west light rail couplet includes SW Yamhill and Morrison; Pioneer Courthouse, an important Historic Landmark is to the northwest; Pioneer Courthouse Square, "Portland's Living Room" is a couple of blocks to the northwest. The general vicinity includes a variety of retailers large and small, office buildings, hotels and parking garages. The Willamette River, with park area and a bike/pedestrian greenway trail system is 4 blocks to the east.

**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 Design Overlay [d] zone 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 the following pending land use reviews for the Pioneer Place multi-block development:

- There is 1 current Type II Design Review under consideration for the southernmost Pioneer Place building. LU 12-119910 DZ proposes to install new canopies and storefront at the west elevation of this building in between this proposed building and the building's SW office tower entry. The work proposed is to allow for a new restaurant tenant, Yardhouse.
- There is 1 current Type III Design Review under consideration for the southernmost Pioneer Place building. LU 12-142348 DZ proposes to demolish a portion of the existing building, the northern 55' of the building. The applicant seeks design review approval to construct a new single story building for retail and a ground floor plaza.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed June 7, 2012. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Bureau of Transportation Engineering

The Bureau of Development Services responded with the following comment (Exhibit E.1)

*“A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.”*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 7, 2012. No written responses have been received in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

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

#### Section 33.825.055 Design Review Approval Criteria

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

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

### Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven 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.*

- A8. Contribute to a Vibrant Streetscape.**
- B1. Reinforce and Enhance the Pedestrian System.**
- C2. Promote Quality and Permanence in Development.**
- C3. Respect Architectural Integrity.**
- C5. Design for Coherency.**
- C10. Integrate Encroachments.**

**Findings:** Skybridges are discouraged in Portland's downtown. Skybridges are encroachments that block views and significantly affect street character and identity. They detract from the pedestrian environment by taking activity off the street. The proposal to remove a skybridge is completely in line with the guidance of A8, B1, C10. The holes resulting from the skybridge removal will be infilled with storefront that exactly matches the high quality storefront surrounding where the building receives the skybridge today. These guidelines are 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**

The approval criteria are met.

## **ADMINISTRATIVE DECISION**

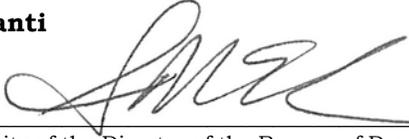
Approval of Design Review to fully remove the existing skybridge over SW Yamhill Street between SW 4th and 5th Avenues. As part of this scope of work, the building openings where the skybridge is received will be infilled with a curtain wall system to match the existing surrounding curtain wall. (Please note: A pending Type III Design Review, LU 12-142348, proposes to redevelop a portion of the building that is to the south of SW Yamhill between 4th and 5th. If that redevelopment occurs, which includes a new one-story retail building for a portion of the block, then the only curtain wall infill to occur will be at the building to the north of SW Yamhill between 4th and 5th.)

Approval per the approved plan, Exhibit C-1, signed and dated July 2, 2012, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C.1. The sheets on which this information appears must be

labeled, "Proposal and design as approved in Case File # LU 12-138787 DZ. No field changes allowed."

**Staff Planner: Kara Fioravanti**

**Decision rendered by:**  **on July 2, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: July 6, 2012**

**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 May 23, 2012, and was determined to be complete on **June 6, 2012**.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on May 23, 2012.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: October 4, 2012.**

**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 July 20, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing

the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the 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 **July 23, 2012**.
- 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;

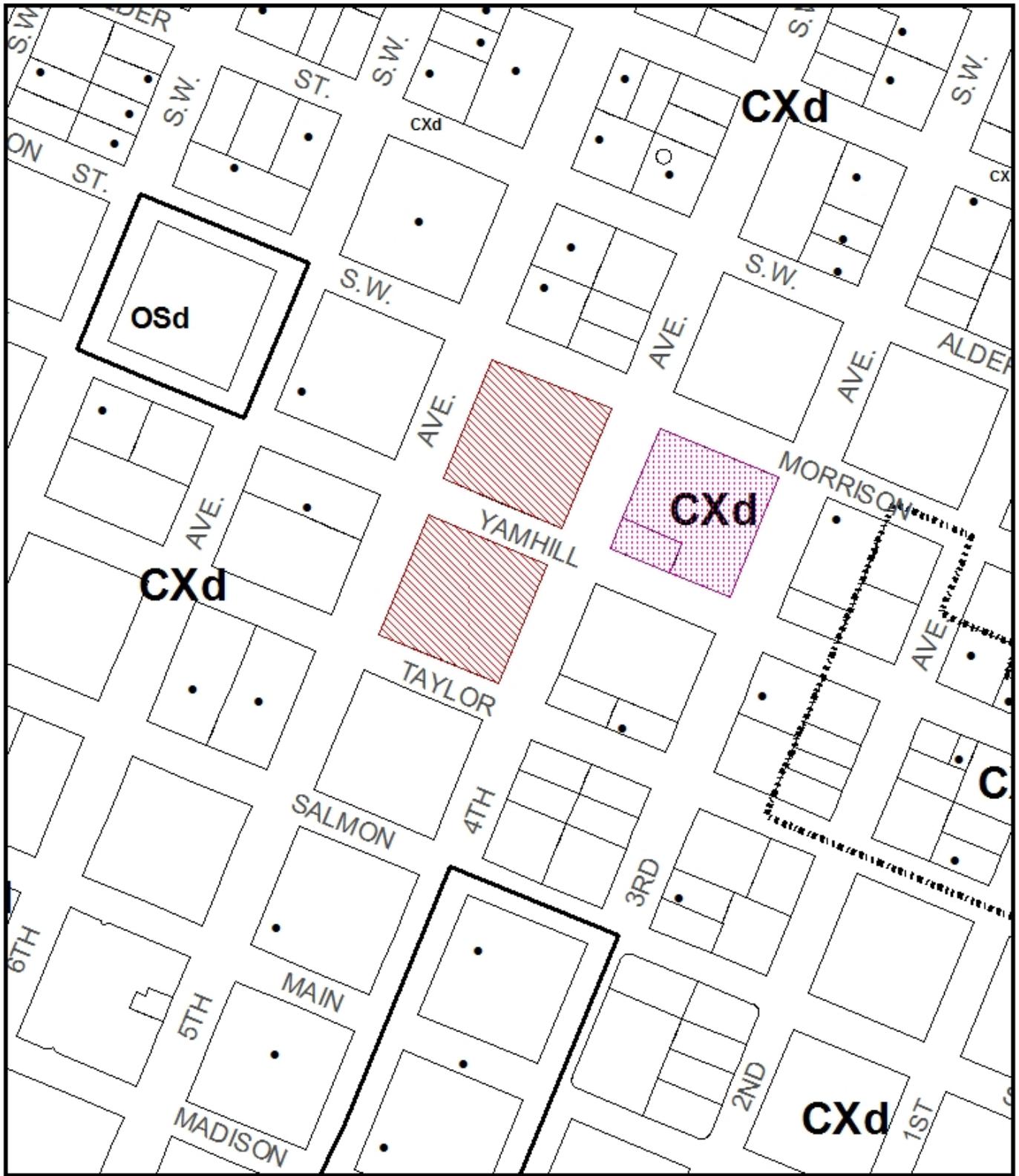
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Development Services, Life Safety
- F. Correspondence:
  - none received
- G. Other:
  - 1. Original LU Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

-  Site
-  Also Owned
-  Historic Landmark

This site lies within the:  
CENTRAL CITY PLAN DISTRICT



File No.	LU 12-138787 DZ
1/4 Section	3129
Scale	1 inch = 200 feet
State_Id	1S1E03BB 90000
Exhibit	B (Jun 04,2012)

# PIONEER PLACE TOWER

Portland, OR

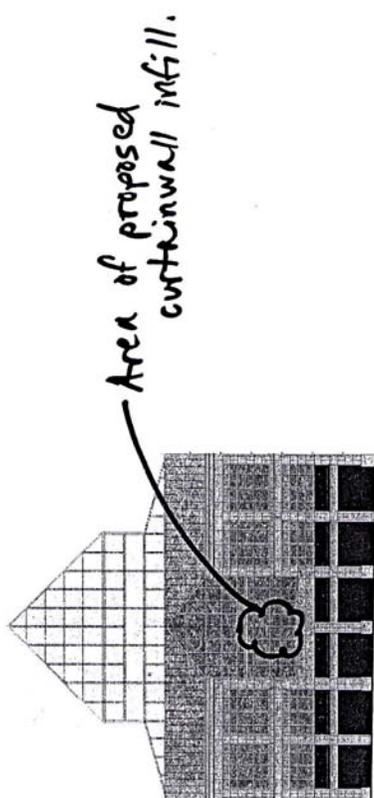
Phase 3

Design Review: May 1, 2012

Proposed Elevations

existing lamp post, planters, and  
landscape not shown for clarity

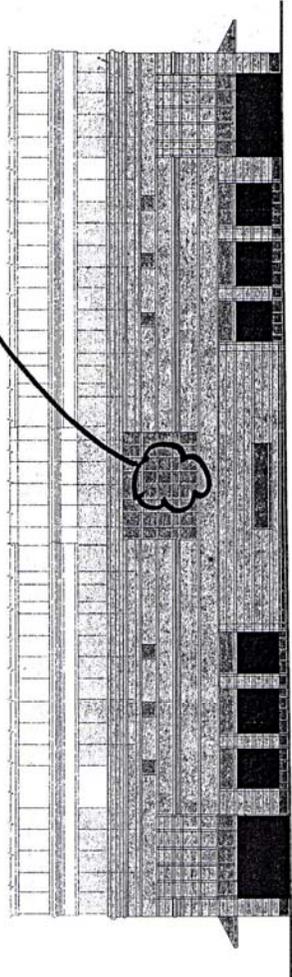
<b>*Approved*</b> City of Portland - Bureau of Development Services	
Planner 	Date <u>7.2.12</u>
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.	



Area of proposed  
curtainwall infill.

proposed elevation of south facade of pavillion building  
note: this is the final elevation for this facade

Area of proposed  
curtainwall infill



\* note: the changes to this elevation are carried as an alternate because later phases demolish of the entire 2-story facade shown. LV 12-142348 DZ is pending & includes the request to demolish this facade.

LV 12-138787  
ETH c-1 3