



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

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**Date:** May 23, 2013  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Chris.Caruso@portlandoregon.gov](mailto:Chris.Caruso@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 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 13-137419 DZ** **COMFORT STATION RENOVATIONS FOR TICKET KIOSK**

**Contact:** Donald Gardner/Gardner Consulting LLC  
908 NE 33rd Ave/Portland, OR 97232

**Applicant:** Lisa Selman/Shiels Obletz Johnsen, Inc  
1140 SW 11th Ave Ste 500/Portland OR 97205

**Representative:** Portland Mall Management, Inc  
1140 SW 11th Ste. 500/Portland, OR 97205

**Site Address:** NE corner of SW 6<sup>th</sup> and Yamhill Right-of-Way

**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 for exterior alterations to one comfort station at the corner of SW 6<sup>th</sup> and Yamhill in the Downtown Subdistrict of the Central City Plan District. The proposed alterations include removing cast iron wall panels, transom window spindles, and a metal gate, and replacing them with four changing image information displays on the west facade, one ticket vending machine and surround on the south facade, and one solid metal access door in the north facade. The removed wall panels, spindles, and gate will be stored in the existing comfort station basement so that they can be reinstalled if the kiosk elements are ever removed.

Non-standard improvements, including installing new building elements in the public right-of-way, require approval through design review. Signs less than 32 SF in area, which include all the signs in this proposal, are exempt from design review, and Ordinance #183697 applies to

these comfort station structures. The Ordinance says: "Any signage on the structures must comply with the requirements of the Portland Sign Code as if the structure was located on private property. No freestanding signs or "A-board signs" are allowed." The Ordinance can be accessed at this online location:

<http://efiles.portlandoregon.gov/webdrawer.dll/webdrawer/rec/3776295/view/City%20Auditor%20-%20City%20Recorder%20-%20Council%20Ordinance%20-%20183697%20Portland%20Transit%20Mall%20significant%20structure%20permits%20ordinance.PDF>.

#### **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
- Title 32 Sign Code

## **ANALYSIS**

**Site and Vicinity:** The subject property, one of two similar structures sheltering the entries to underground public "comfort stations", is located in the public right-of-way. The two shelters and an associated tall vent/drinking fountain structure date to the early Twentieth Century and are highly intact, but have no designation as historic resources. They are located at the intersection of SW 6<sup>th</sup> Avenue and Yamhill Street to the southwest of the Pioneer Courthouse. The subject station faces the MAX line running north on SW 6<sup>th</sup> Avenue.

The area is one of intense public use. Public transportation in the form of light rail and bus routes is highly focused in the blocks surrounding this location and pedestrian use is very high as well. Commercial and office uses dominate the vicinity, as well as the public open space of Pioneer Square, Portland's so-called "living room" which is across SW 6<sup>th</sup> Avenue to the west.

**Zoning:** The site is in the public right-of-way and as such has no zoning.

**Land Use History:** City records indicate there are prior land use reviews for this site, including:

- LU 11-154604 DZ – Approval for wall panel removal for a new kiosk. This proposal was never constructed.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed on April 26, 2013.

**Agency Review:** The following notified Bureau responded with no issues or concerns.

- Life Safety Review Section of BDS (Exhibit E-1)

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

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

#### **Section 33.825.055 Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design 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 addressed only those applicable to this proposal.*

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

**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.

**Findings for A6 & C3:** The proposal is for the adaptive reuse of a small publicly-owned structure in the right-of-way that has long been vacant owing to the difficulties of providing accessibility to and maintaining the underground facility it serves. The building, like its nearby twin, is made up of a kit of modular cast iron pieces bolted to a steel frame and to one another. This construction system lends itself very well to the proposed alteration because, with Condition of Approval B that the removed parts be retained and Condition of Approval C that all conduit be hidden from view, the complete original configuration is easily and precisely recoverable. The proposed signs and vending machine also respect the structure's original architectural character by employing the size modulus of the cast iron wall and window sections for the new infill panels. Because only one of the entry shelters is proposed for alteration, an adjacent intact example that will be repaired and repainted (activities that are exempt from design review) will be available to understand the original configuration. *With Conditions of Approval B and C,*

*these guidelines are therefore met.*

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

**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.

**B5. Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

**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.

**Findings for B1, B4, B5 & C7:** The proposed reuse of an existing but long vacant "comfort station" entry shelter in the sidewalk right-of-way into a public ticket event and location map kiosk will add interest and activity to an already very lively setting. None of the proposed sign panels or the vending machine will project beyond the outer edge of the remaining cast iron wall panels, so the sidewalk will remain unobstructed by new building elements. The area around the ticket kiosk station is one of the most active sidewalk environments in the City and features generous open spaces where people can stop, rest, or socialize. Because of its adjacency to Pioneer Square and major mass transit stops, with many public attractions already in place, few locations in the city lend themselves better to such an adaptation than this one. The shelter structures have already been in place for close to 100 years and as such they help define the pedestrian circulation system. The vending machine and sign panels will further enliven this corner by adding visually dynamic, changing images to what are currently blank, painted over facades. *These guidelines are therefore met.*

**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.

**Findings:** The proposed sign panels and sign above the proposed vending machine are integrated into the architectural bay system present on the structure. The signs will also not project beyond the outer cast iron wall panels, and Condition of Approval C requires all conduit be located inside the structure, not visible from public rights-of-way. With these scale and placement choices, the proposed signs will not visually obstruct remaining original design features. All of the signs will be at pedestrian level and will not affect the city skyline. The comfort station does not have a primary building wall because there is an old gated entrance that is no longer available to the public. A strict reading of the Primary Building Wall definition in [Title 32 Sign Code](#) includes having "public" entrances. However, Table 32.32-2 in [Title 32 Sign Code](#) includes a provision for "minimum guaranteed sign area for a ground floor tenant space". This proposal creates a new ground floor tenant space which is accessed for maintenance through the new north façade steel door. This allows the renovated comfort station ticket kiosk to achieve up to 32 square feet of sign area for their business, which they show on the west and south facades. *With Condition of Approval C, this guideline is therefore met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 adaptive reuse of the comfort station for a ticket vending and map information kiosk allows for a new use that serves the public and enlivens this location. With retention of original cast iron parts as required in Condition of Approval B, this alteration is fully reversible in the future. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of design review for exterior alterations to one comfort station at the corner of SW 6<sup>th</sup> and Yamhill in the Downtown subdistrict of the Central City Plan District that includes the following:

- Removing cast iron wall panels, transom window spindles, and one metal gate;
- One ticket vending machine and surround on the south façade; and
- One solid metal access door in the north façade

Approved per the approved plans, Exhibits C-1 through C-6, signed and dated May 20, 2013, subject to the following conditions (A-C):

- 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 Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-137419 DZ. No field changes allowed."
- B. All removed original material will be stored in the basement of the altered comfort station.
- C. All conduit will not be visible from surrounding public rights-of-way.

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on May 20, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: May 23, 2013**

**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 April 9, 2013, and was determined to be complete on April 24, 2013.

*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 April 9, 2013.

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: August 23, 2013.**

**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 June 6, 2013** 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 **June 7, 2013**.
- 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 & Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Demolition Elevations
  3. Elevations (attached)
  4. Display at Screens
  5. Sections
  6. Repair Notes & Images
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Life Safety Review Section of BDS

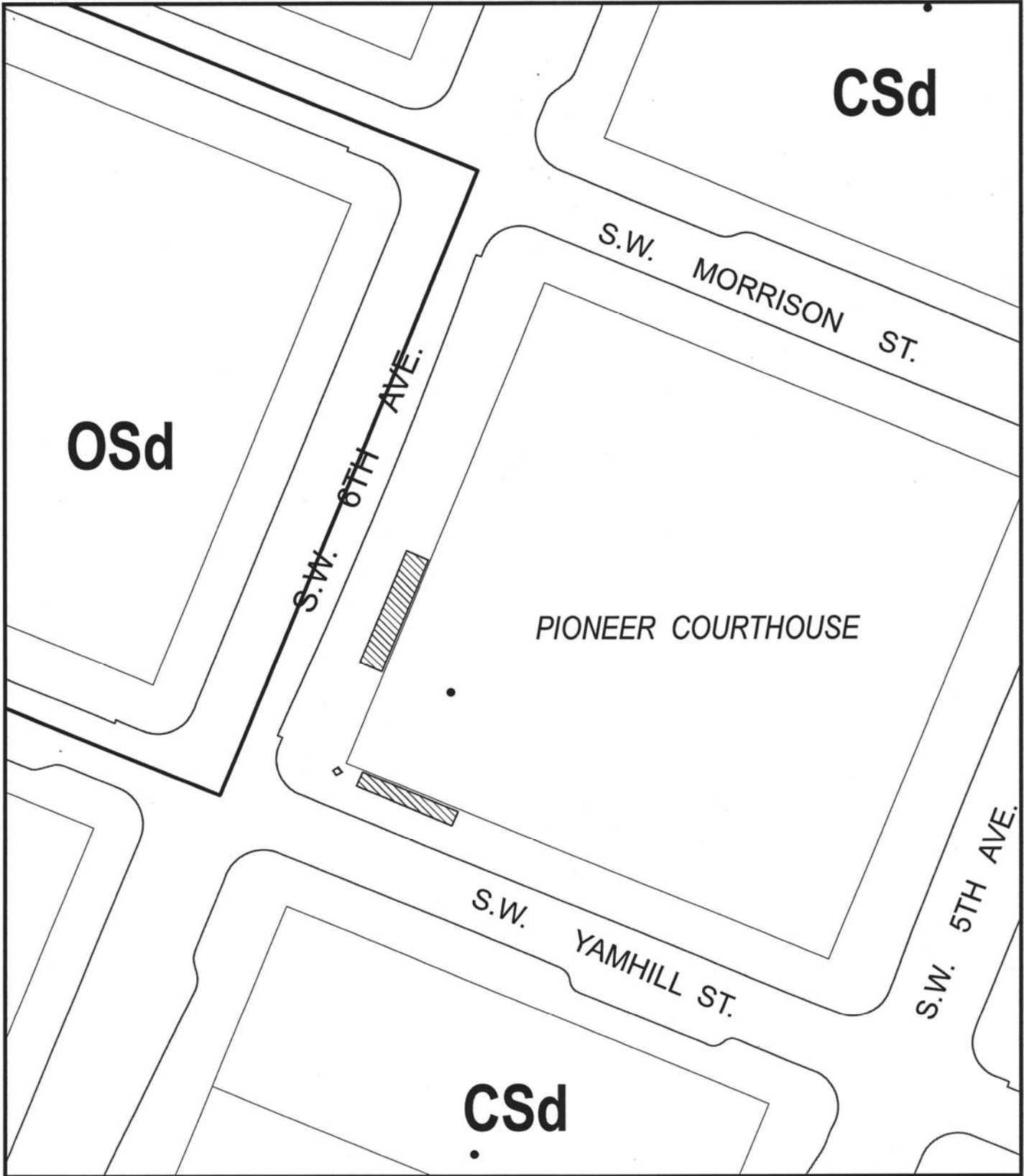
F. Correspondence: none received

G. Other:

1. Original LU Application
2. Incomplete Letter

**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

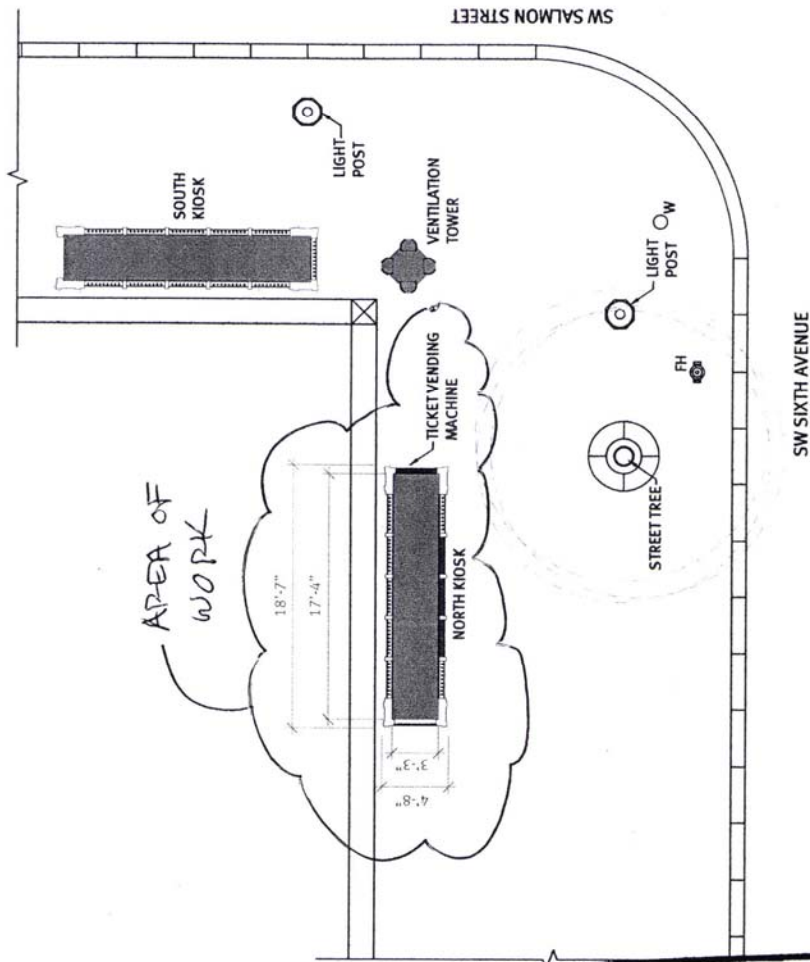
 Site

 Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT  
DOWNTOWN

File No. LU13 -137419 DZ  
 1/4 Section 3129  
 Scale 1 inch = 50 feet  
 State\_Id NONE  
 Exhibit B (Apr 11, 2013)



EXISTING SITE PLAN

Pioneer Courthouse Kiosk | Proposed Design | 14 March 2013

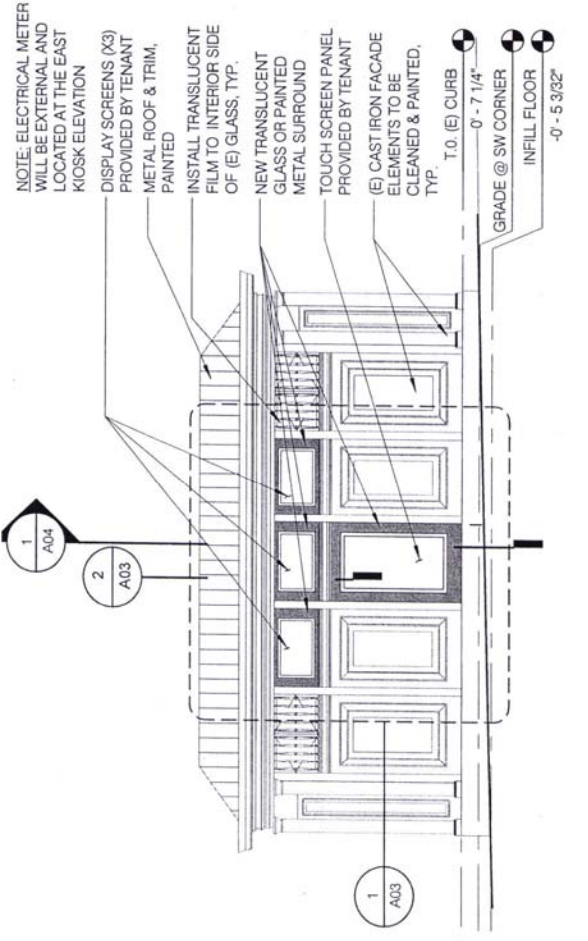
**\*Approved\***  
**City of Portland**  
 Bureau of Development Services  
 Planner *CC*  
 Date 5/20/13

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

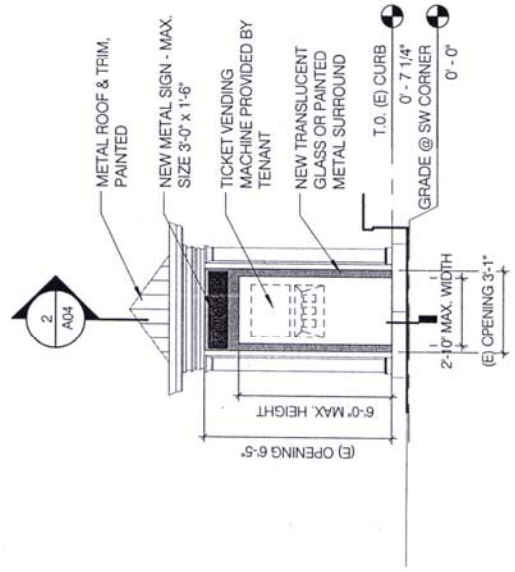
LW13-137419 D2

Hennebery Eddy Architects

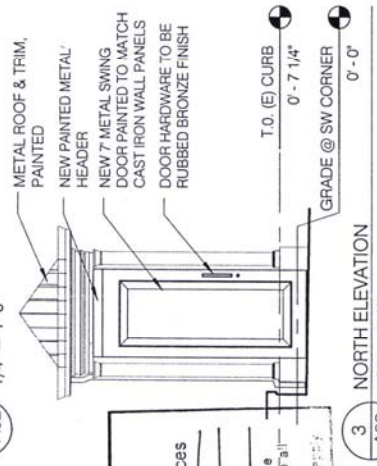
EXH. C-1



1 WEST ELEVATION  
A02 1/4" = 1'-0"



2 SOUTH ELEVATION  
A02 1/4" = 1'-0"



3 NORTH ELEVATION  
A02 1/4" = 1'-0"

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner \_\_\_\_\_  
Date 5/20/13

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NOTE: ELECTRICAL METER WILL BE EXTERNAL AND LOCATED AT THE EAST KIOSK ELEVATION

DISPLAY SCREENS (X3) PROVIDED BY TENANT

METAL ROOF & TRIM, PAINTED

INSTALL TRANSLUCENT FILM TO INTERIOR SIDE OF (E) GLASS, TYP.

NEW TRANSLUCENT GLASS OR PAINTED METAL SURROUND

TOUCH SCREEN PANEL PROVIDED BY TENANT

(E) CAST IRON FACADE ELEMENTS TO BE CLEANED & PAINTED, TYP.

T.O. (E) CURB 0' - 7 1/4"

GRADE @ SW CORNER 0' - 0"

INFILL FLOOR -0' - 5 3/32"

METAL ROOF & TRIM, PAINTED

NEW METAL SIGN - MAX. SIZE 3'-0" x 1'-6"

TICKET VENDING MACHINE PROVIDED BY TENANT

NEW TRANSLUCENT GLASS OR PAINTED METAL SURROUND

T.O. (E) CURB 0' - 7 1/4"

GRADE @ SW CORNER 0' - 0"

2'-10" MAX. WIDTH (E) OPENING 3'-1"

6'-0" MAX. HEIGHT

(E) OPENING 6'-5"

METAL ROOF & TRIM, PAINTED

NEW PAINTED METAL HEADER

NEW 7' METAL SWING DOOR PAINTED TO MATCH CAST IRON WALL PANELS

DOOR HARDWARE TO BE RUBBED BRONZE FINISH

T.O. (E) CURB 0' - 7 1/4"

GRADE @ SW CORNER 0' - 0"

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**Hennebery Eddy Architects Inc.**

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**PIONEER COURTHOUSE KIOSK**  
SW 6th and SW Yamhill Street  
Portland, Oregon 97203

HEA Project no. 08073

DATE: 06 May 2013  
DESIGN REVIEW

EXH. C-3

13-137419 D2 A02

**ELEVATIONS - IMPROVEMENT OF 6TH AVENUE KIOSK DESIGN REVIEW**