



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

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Date: February 17, 2017
To: Interested Person
From: Arthur Graves, Land Use Services
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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 15-276333 DZ: EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Nina Raey | RSI Group, Inc
3187 Airway Ave Suite A | Costa Mesa, CA 92626

Owner: Pioneer Place Limited Partnership
PO Box 617905 | Chicago, IL 60661-7905

Site Address: 888 SW 5th Avenue

Legal Description: LOT 3, PIONEER PLACE CONDOMINIUM
Tax Account No.: R659800060
State ID No.: 1S1E03BB 90003
Quarter Section: 3129
Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City, Downtown (Sub-District)
Zoning: CXd: Central Commercial (CX) with Design (d) overlay
Case Type: DZ: Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review for the following alterations to the west elevation ground floor between the existing doors (to the north) and the recessed entry at the southwest corner:

- Remove the existing dark tile in the bay containing the oval “Yard House” sign, to be replaced with new dark bronze aluminum framing with clear glazing in the same location.
- Remove existing oval “Yard House” sign in front of existing tile, to be replaced with new sign of in approximately the same location.
- Installation of solid black metal panel to existing steel canopy in compliance with prior Design Review: LU 12-119910 DZ.

Per Portland Zoning Code (PZC) Section 33.420.041.B, Design Review is required for non exempt proposals to exterior alterations to existing development.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity:

The site is located within the Central City Plan District and Downtown Sub-district. The site is bounded by SW 5th Avenue to the west, SW 4th Avenue to the east, SW Taylor Street to the south and SW Morrison Street to the north.

The surrounding area is a mix of retail and commercial, institutional, community service, and open space uses. Amenities around the site include Pioneer Courthouse and Pioneer Courthouse Square to the west, the Yahmill Historic District to the east, Pioneer Place Mall to the north and the Multnomah County Courthouse to the south.

Regarding transportation amenities, the site is easily accessible by public transit: including bus and light rail. MAX light rail lines are located west of the site on SW 5th and 6th Avenues, and north of the site on SW Mill and SW Morrison Streets. Current bus routes are located on SW 5th and 6th Avenues as well as south of the site on SW Salmon and SW Main Streets. SW 2nd and 3rd Avenues are designated as City Bikeways in the Transportation Service Plan (TSP). The site is also within the Downtown Pedestrian District.

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 that prior land use reviews include the following:

- Case # HL 40-83. City records indicate this was a review of 3 proposals.
- Case # HL 30-84. Conceptual Approval for new plans for Morrison St. Project.
- Case # DZ 78-84. City records indicate this presentation was approved.
- Case # HL 29-87. Approval for Phase I of construction of a new building with retail, office, and department store.
- Case # DZ 47-87. Approval for Phase I of a retail, office, and department store.
- Case # DZ 99-89. A request for Transit Mall art changes.
- Case # DZ 118-89. Approval for exterior signage.
- Case # CU 064-84. Approved with four conditions a Conditional Use for off-street parking.
- Case # CU 102-86. Approved with several conditions for [1] renewal of prior conditional use approval (CU 64-84) and [2] a new conditional use for a surface parking lot.

- Case # CU 071-90. Was a request for a renewal of CU 102-86 for surface parking.
- LUR 03-111281 DZ. Approved exterior alterations for a tenant space at the ground level of the Pioneer Place building at the block bound by SW Yamhill, Morrison, 4th and 5th.
- LUR 03-121739 DZ. Approved exterior alterations for a new 12' diameter satellite dish on the top of the Pioneer Place Tower Roof.
- LUR 12-119910 DZ. Approved exterior alterations for exterior exhaust louvers, storefront, canopies and signs.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 26, 2016**.

1. Bureau of Development Services Life Safety / Building Code Section: Natalie Davis: November 14, 2016. No concerns: Boilerplate information provided. (Exhibit E-1).
2. Fire Bureau: Dawn Krantz: November 16, 2016. No concerns: Boilerplate information provided. (Exhibit E-2).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 26, 2016. 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 focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City’s districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City’s districts and the

- Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
 7. Provide for the humanization of the Central City through promotion of the arts;
 8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
 9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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.

Findings: The proposed clear glazing provides views into and out of building, while the addition of the lighting scheme to illuminate the clear glazing provides additional streetscape interest and vibrancy at night. *This criterion is 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.

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.

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.

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.

Findings for B1, B2, B4, B5 and B6: The proposed storefront alterations to the west elevation removes existing dark tile, replacing it with clear glazing that can be internally lighted. Additional improvements includes infilling the existing metal canopies with 1/8 inch solid aluminum metal panel to come into compliance with LU 12-119910 DZM. The proposed alterations provide improved visual connections into the building and canopies that provide additional weather protection and comfort for those in the sidewalk right-of-way. Collectively, these improvements will provide greater area in the adjacent sidewalk right-of-way for pedestrians to stop, view, and socialize. Ultimately, the effect of the improvements will support increased sidewalk use and comfort, helping to facilitate a more successful streetscape and public space in the Downtown Central City. *These criterion are therefore met.*

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.

Findings: The proposed alterations to the portion of the bay on the west elevation of the building currently containing dark tile will remove the tile (which is not a feature used

elsewhere on the building) and replace the majority of the area with clear glazing. The portion of the tiled area horizontally in-line with the lower section of existing spandrel glazing (below the existing tile) will add spandrel glazing that will fully match the adjacent spandrel glazing on either side. Clear glazing will replace the remaining dark tile in this area. The addition of increased clear glazing will allow enhanced view opportunities into and out of the existing building, providing enhanced and improved visual connections. *This criterion is therefore 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.

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

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.

Findings for C2, C3, C4 and C5: The proposed new dark aluminum storefront system with clear glazing will match the existing storefront system on this elevation, providing increased architectural coherency and consistency at the pedestrian level on this façade. The existing dark tile will be removed and replaced with spandrel glazing at the lower portion that is consistent with the adjacent spandrel glazing. The remaining dark tile will be replaced with clear glazing consistent with clear glazing on this façade. Due to the weight of the proposed sign in this area additional mullions are proposed. Horizontal datum lines from the existing adjacent mullions are respected and matched in the placement of the new storefront system's mullions. *These criterion 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 existing "Yard House" sign will be removed and replaced in approximately the same location with a new sign that is similar in appearance and construction. Currently, the proposed sign is approximately 38 square feet in size. The new sign is approximately the same size, shape and dimension. *This criterion 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 proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the west elevation ground floor storefront area located between the existing doors (to the north) and the recessed entry at the southwest corner.

Approval, per the approved site plans, Exhibits C-1 through C-6, signed and dated Wednesday, February 15, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-276333 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Arthur Graves

Decision rendered by:  **on Wednesday, February 15, 2017.**
By authority of the Director of the Bureau of Development Services

Decision mailed: Friday, February 17, 2017.

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 December 11, 2015, and was determined to be complete on October 21, 2016.

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 December 11, 2015.

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 the maximum allowed extension, see Exhibit A-5. Unless further extended by the applicant, **the 120 days will expire on: June 8, 2017.**

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 Friday, March 03, 2017** 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 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 **Monday, March 06, 2017 – (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:

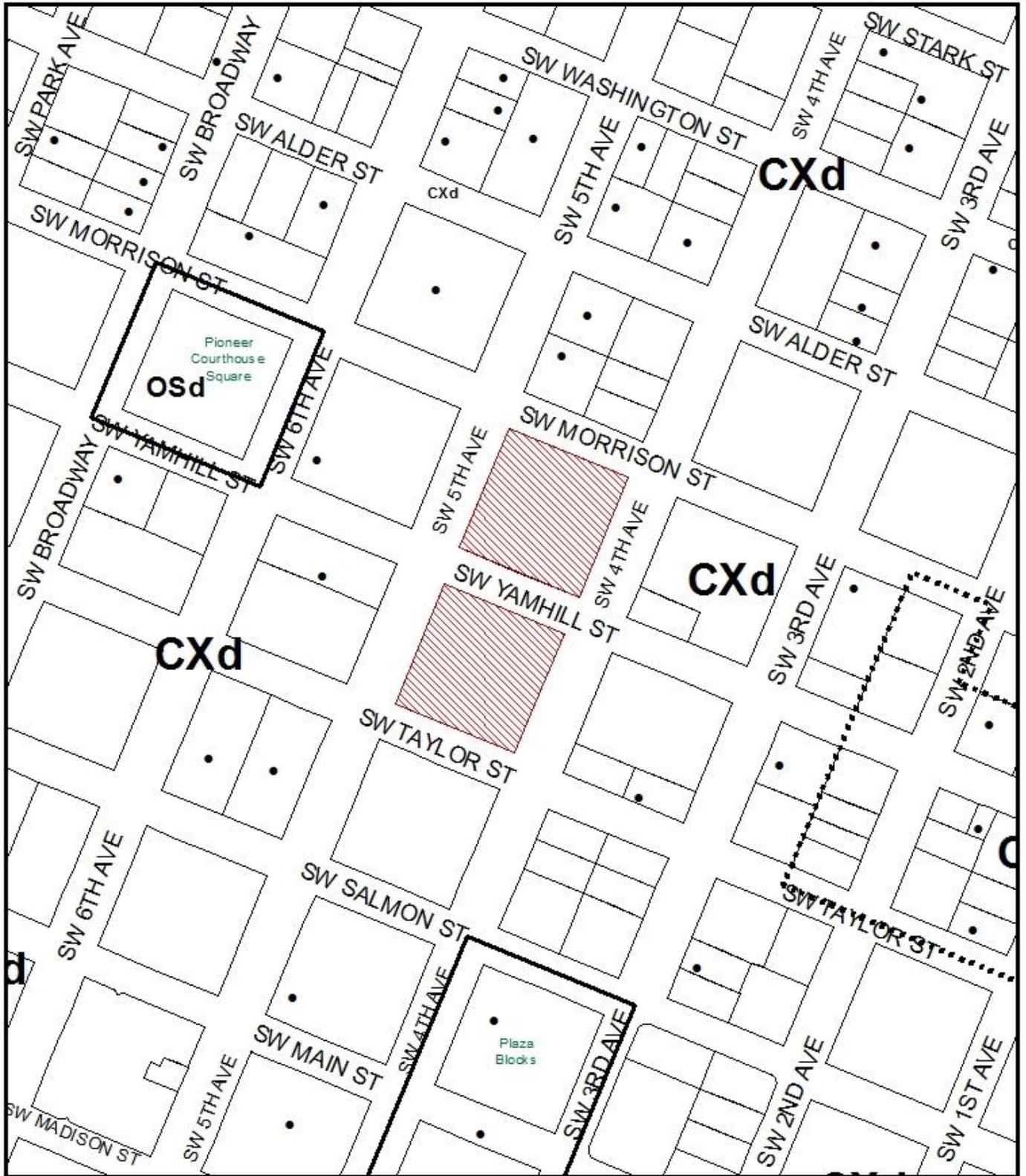
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Original Applicant's Statement
 2. Site Photos
 3. Original Drawing Set (superseded)
 4. Revised Drawing Set: May 11, 2016 (superseded)
 5. Extension Waiver: June 08, 2016
 6. Glazing/Lighting Schematics and Image
 7. Lighting Schematic drawing
 8. Revised Drawing: December 01, 2016 (superseded)
 9. Revised Drawing: January 27, 2017 (superseded)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Title Sheet
 2. Site Plan (attached)
 3. Existing, Proposed and Demolition Plan
 4. Elevation, Section and Details (attached)
 5. Details
 6. Sign Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Development Services Life Safety / Building Code Section: Natalie Davis: November 14, 2016.
 2. Fire Bureau: Dawn Krantz: November 16, 2016.
- F. Correspondence: None Received
- G. Other:
 1. Original LU Application
 2. Site Visit Photos
 3. Incomplete Letter: January 08, 2016
 4. Correspondence regarding completeness: May 10, 2016.
 5. Correspondence regarding putting the project on hold: June 08, 2016.
 6. Previous Design Review: LU 12-119910 DZM: August 31, 2012

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).



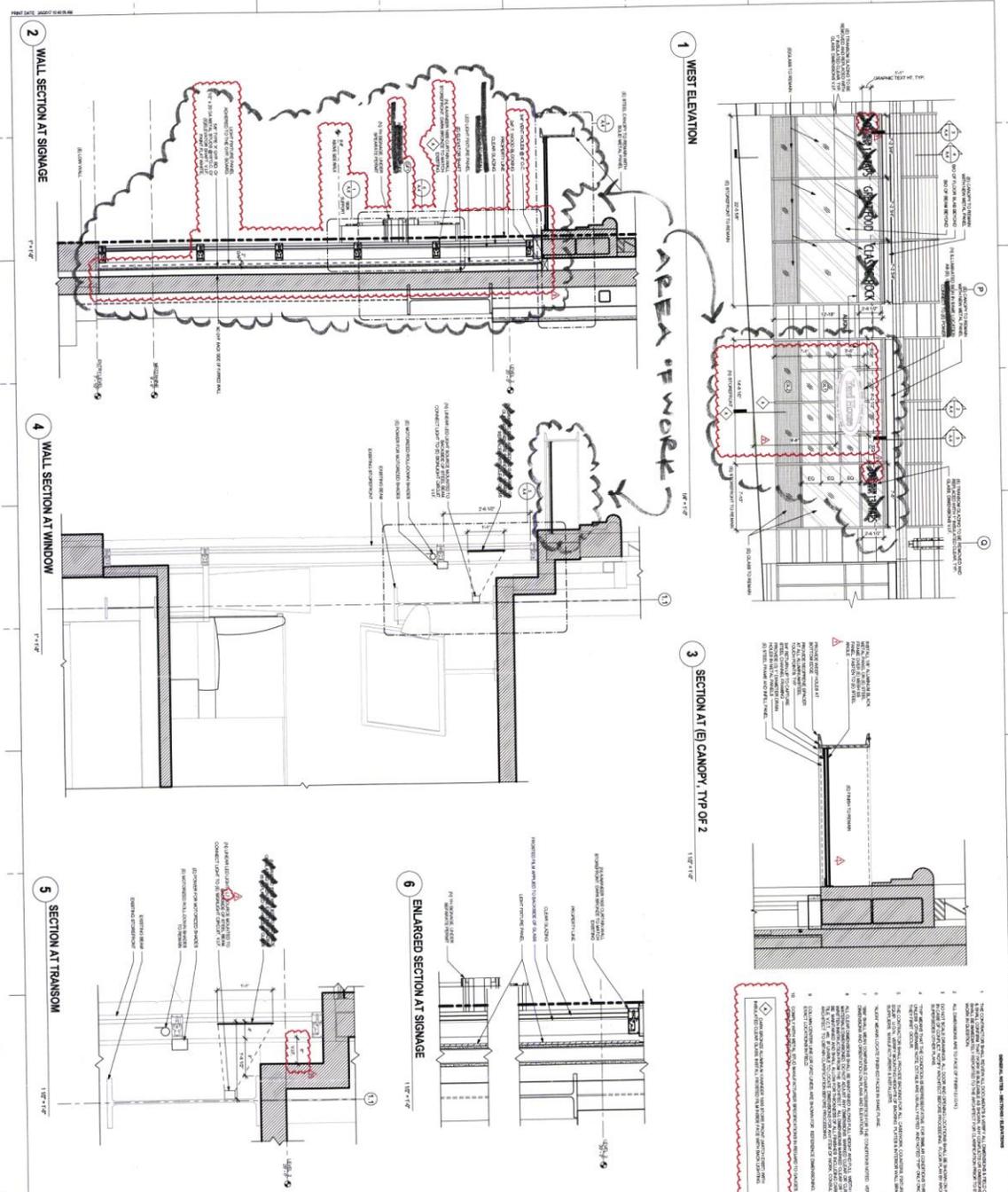
ZONING

-  Site
-  Historic Landmark

This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT



File No.	<u>LU 15-276333 DZ</u>
1/4 Section	<u>3129</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S1E03BB 90003</u>
Exhibit	<u>B</u> (Dec 16, 2015)



- REVISIONS**
1. REVISIONS TO THE ORIGINAL SUBMITTALS
 2. REVISIONS TO THE ORIGINAL SUBMITTALS
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 10. REVISIONS TO THE ORIGINAL SUBMITTALS

Approved
City of Portland
 Bureau of Development Services

Planner: _____
 Date: _____

* This approval applies only to the reviews requested and is subject to all conditions of the permit.



YARD HOUSE RESTAURANTS
POWELL PLACE
 SOUTHWEST 9TH AVENUE
 PORTLAND, OR 97204

NO.	DATE	DESCRIPTION
1	10/15/15	ISSUED FOR PERMIT
2	10/15/15	REVISIONS TO ORIGINAL SUBMITTALS
3	10/15/15	REVISIONS TO ORIGINAL SUBMITTALS

REVISIONS BY: _____

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

PROJECT: REVISIONS TO ORIGINAL SUBMITTALS

A4
 EXT C-4
 15-27633-02