



City of Portland, Oregon Bureau of Development Services Land Use Services

FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner Rebecca Esau, Interim Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868

www.portlandoregon.gov/bds

Date: 9/21/2017

To: Interested Person

From: Tanya Paglia, Land Use Services

503-823-4989 / Tanya.Paglia@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 17-127299 DZ – WINDOW REPLACEMENT ON A FAÇADE FACING PIONEER SQ.

GENERAL INFORMATION

Applicant: Melissa A. Stanton | Fluent Design

1931 SE Powell Blvd. Portland, Oregon 97202

503-432-8617

Owner: SFI 811 SW 6th Avenue LLC

260 California St. Ste. 300 San Francisco, CA 94111

Representative: Stacey Glenewinkel | Swift Real Estate Partners

115 SW Ash Street, Suite 350

Portland, OR 97204 503-454-6150

Site Address: 811-819 SW 6th Avenue

Legal Description: BLOCK 180 LOT 1&2, PORTLAND

Tax Account No.: R667718440, R667718440, R667718440

State ID No.: 1S1E03BB 02100, 1S1E03BB 02100, 1S1E03BB 02100

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

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:

Replacement of three inoperable, aluminum windows on the fourth floor of an eleven story building located in the Downtown subdistrict of the Central City plan district. The windows are

located on the north façade towards the northwest corner of the building and face onto Pioneer Courthouse Square. The operable windows proposed will be added as part of an amenity room being created for the use of building occupants. The operability-type proposed is sliding windows, designed as two side-by-side large glass panes to replicate the fenestration pattern found on the rest of the building above the ground floor. The finish of the window frames will be clear anodized aluminum to match the other existing windows.

Design review is required because the proposal is for exterior alterations in the Central City Plan District.

Relevant Approval Criteria:

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

Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The existing eleven-story office building, originally built in 1956, is constructed of a reinforced concrete frame with precast concrete panels. It is located adjacent to Pioneer Courthouse Square [south side]. The subject building is located on a 10,000 SF site at the southwest corner of the intersection of SW 6th Ave and SW Yamhill St in the heart of the downtown retail/office district and currently houses a branch of Chase Bank on the ground floor. The surrounding downtown area contains a variety of uses, including offices, retail storefronts, restaurants, cafés, theaters, public plazas, parking structures, and the central branch of the public library. Portland's Transportation Plan classifies SW 6th Ave and SW Yamhill St as major transit priority streets and both have Max light rail service. They are classified as central city pedestrian streets, local service bikeways, and community main streets. The site is within the Downtown Pedestrian District. Light rail also runs a block north on SW Morrison St and a block east on SW 5th Ave.

Zoning: The <u>Central Commercial</u> (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The <u>Central City Plan District</u> implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Downtown Subdistrict of this plan district.

Land Use History: City records indicate that prior land use reviews include the following:

- **DZ 17-77** Design Review was deferred and resumed under CU 67-79.
- **<u>DZ 50-83</u>** Design Review approval for signage.
- **DZ 1-85** Design Review approval for the conversion of steam heat to a boiler.
- **DZ 48-86** Design Review approval for signage.

- <u>CU 95-78</u> Conditional Use Review approval, with conditions, of a 19-story office building with drive-in banking, underground parking and ground floor parking. The case was first heard by the Planning Commission and then appealed to City Council.
- <u>CU 67-79</u> Conditional Use Review approval, with conditions, of a variance of 5,885 square feet.
- <u>VZ 251-81</u> Variance approved the request to increase the floor area ratio from 12.20:1 to 12.23:1 in order to add 1,066 square feet of office space to the mezzanine level of the Executive Building.
- **ADJ 10-90** Adjustment approval of a temporary banner.
- **LUR 91-00145 DZ** Design Review approval for a storefront removal and replacement with a take-out window.
- **LUR 91-00663 DZ** Design Review approval, with conditions, of a canopy over a take-out window.
- **LUR 93-00211 DZ** Design Review approval of a satellite dish.
- **LUR 96-00570 DZ** Design Review approval, with conditions, of a rooftop cooling unit.
- **LUR 97-00713 DZ** Design Review approval of new, transparent glazing at the existing ground floor wall openings of an office building to replace the existing reflective glazing.
- **LUR 01-00299 DZ** Design Review approval to install a new ATM in an existing storefront on the south elevation.
- **LU 09-142659 DZ** Design Review approval for signage.
- **LU 16-174919 DZ** Design Review approval for operable window in existing storefront.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 14, 2017**. The following seven Bureaus, Divisions and/or Sections responded with no objections and two of these included comments found in Exhibits E1-E2. A comment from ODOT can be found in E6:

- Fire Bureau (Exhibit E-1)
- Life Safety Division of the Bureau of Development Services (Exhibit E-2)
- Site Development Review Section of the Bureau of Development Services
- Bureau of Environmental Services
- Bureau of Transportation Engineering and Development Review
- Water Bureau
- The Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 14, 2017. 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.

- **A2. Emphasize Portland Themes.** When provided, integrate Portland-related themes with the development's overall design concept.
- **A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.
- **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.
- **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.
- **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.
- **C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.
 - **Findings for A2, A5, A8, B5, and C1:** The new windows will increase visual connections into the building's interior from adjacent sidewalks and the public realm. The subject building overlooks Pioneer Courthouse Square, one of the most important civic spaces in

the City, and the façade to be altered is highly visible from the square. The addition of operable windows looking out from a high volume amenity space inside the building and overlooking Pioneer Courthouse Square will open a two-way view opportunity where building occupants can look out onto the square, and people in the square can view the activity of people in the building, creating a transition from the public space to the building's private space. The addition of operable windows will connect the activity in the park with the activity in the amenity room and visually and physically open the building towards Pioneer Square.

When open, the new windows will offer greater visual interest to pedestrians, and when closed will not disrupt the rhythm of the building's regularized fenestration pattern to members of the public looking at the building. From Pioneer Square the new windows, when closed, will not be distinguishable from the existing windows to remain. The location of the window replacement, four stories up and across the street from the public square, is not close enough to reveal the small differences that operable windows will introduce. From the vantage point of Pioneer Square the area of the fourth floor where the windows will be located is also obscured by trees for much of the year. The proposed addition of operable windows will celebrate the public square and enhance the existing building's orientation towards the public realm overall.

These guidelines are met.

- **A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **A6.** Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.
- **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 A4, A6, C2, C3, C4, and C5**: The proposal will allow the existing building to retain its original architectural character while also incorporating a new amenity for building occupants, enhancing the building's visual appeal to pedestrians, and promoting greater interaction with the public square outside. The existing fenestration is composed of a regular grid of identical fixed pane windows. The three new windows will be the only operable windows on the building above the ground floor. The proposed windows are designed to match as exactly as possible the structure's existing fixed windows while also providing operability. The character and coherency of the original building will be maintained and the new windows will be well integrated with the existing urban fabric of the area.

The regularity of the fenestration is an existing unifying element across the building and one of its character defining features. The proposal is compatible with the architecture of the original building in maintaining this consistency by employing custom windows built to match the existing. The proposed replacement windows will be of quality materials and they will closely match the dimensions, finish and profile of the existing window frames. The detailing of the new aluminum framed operable window will match the existing fixed window detailing and will be compatible with the existing aluminum windows to remain in terms of materiality and profile. The proposed operable window respects the architectural integrity of the existing building maintaining the continuity of the fenestration vocabulary. By adding operability to three of the existing windows, the proposal will

further serve to activate the streetscape by increasing visibility into and out of the tenant space and providing a visual connection from the public realm into the building.

With a condition of approval that the glazing of the replacement windows shall exactly match the tint of the existing windows' glazing and the finish of the aluminum window frames shall match that of existing windows; and that the dimensions shown on C-6, C-7, C-9, C-11 shall be reflected in the building permit drawings 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 purpose of the design review process is to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed replacement of three fixed windows on the fourth floor of the existing building's façade to be replaced with three new operable sliding windows in a highly trafficked common area of the interior will create a greater connection between the building and the flurry of people around Pioneer Square, "Portland's living room." The new windows are well integrated with the building's architecture and appropriately detailed. The proposed materials are of a high quality and promote a sense of permanence while maintaining coherency with the existing building fenestration. The proposal meets the applicable approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of proposal to replace three inoperable, aluminum windows on the fourth floor of the north façade of an eleven story building located in the Downtown subdistrict of the Central City plan district with operable windows to match existing, per the approved site plans, Exhibits C-1 through C-12, signed and dated September 18, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 17-127299 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. The glazing of the replacement windows shall exactly match the tint of the existing windows' glazing and the finish of the aluminum window frames shall match that of existing windows; and the dimensions shown on C-6, C-7, C-9, C-11 shall be reflected in the building permit drawings.
- D. No field changes allowed.

Staff Planner: Tanya Paglia

Decision rendered by:

By authority of the Director of the Bureau of Development Services

Decision mailed: 9/21/2017

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 February 27, 2017, and was determined to be complete on March 29, 2017.

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 February 27, 2017.

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 122 days. Unless further extended by the applicant, **the 120 days will expire on: November 26, 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 October 5, 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 will be recorded with the Multnomah County Recorder.

• *Unless appealed*, the final decision will be recorded after **October 6, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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.

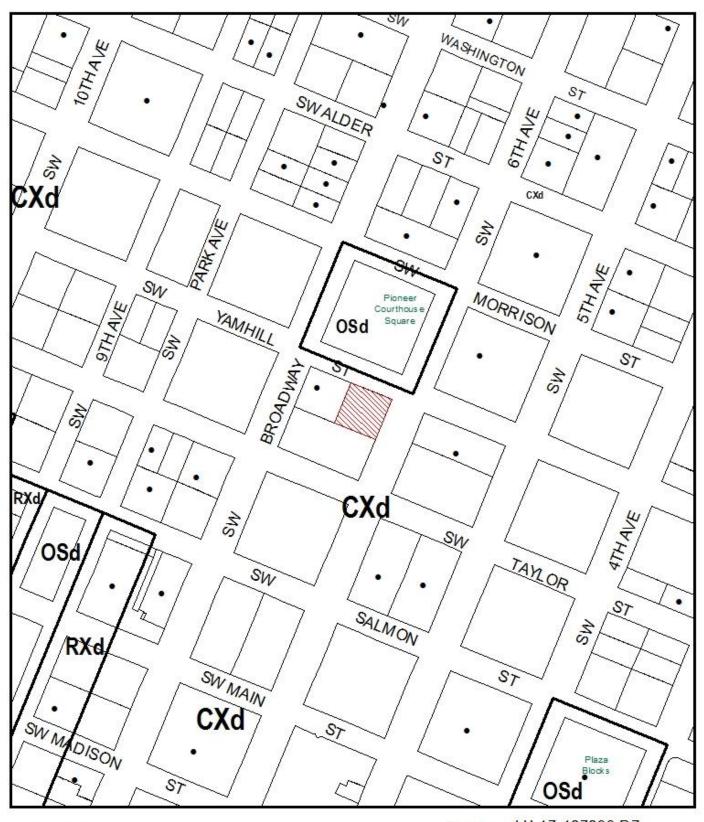
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Original Project Overview, Response to Approval Criteria
 - 2. Original plan set NOT APPROVED/reference only February 24, 2017

- 3. Applicant's Revised Project Overview, Response to Approval Criteria, April 28, 2017
- 4. Photos
- 5. Renderings
- 6. Request for Extension of 120-Day Review Period for 82 days dated July 27, 2017
- 7. Request for Extension of 120-Day Review Period for 40 days dated September 18, 2017
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Information
 - 3. North elevation (attached)
 - 4. Enlarged Elevation 3 Windows Existing Reference Only
 - 5. Enlarged Elevation 3 Windows Proposed (attached)
 - 6. Detailed Window Section Proposed
 - 7. Detailed Window Section Proposed
 - 8. Enlarged Window Elevation Existing Reference Only
 - 9. Enlarged Window Elevation Proposed
 - 10. Enlarged Window Elevation Isometric Existing Reference Only
 - 11. Enlarged Window Elevation Isometric Proposed
 - 12. Detailed Window Section Existing Reference Only
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Life Safety Division of the Bureau of Development Services
- 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



Historic Landmark

File No. LU 17-127299 DZ

1/4 Section 3129

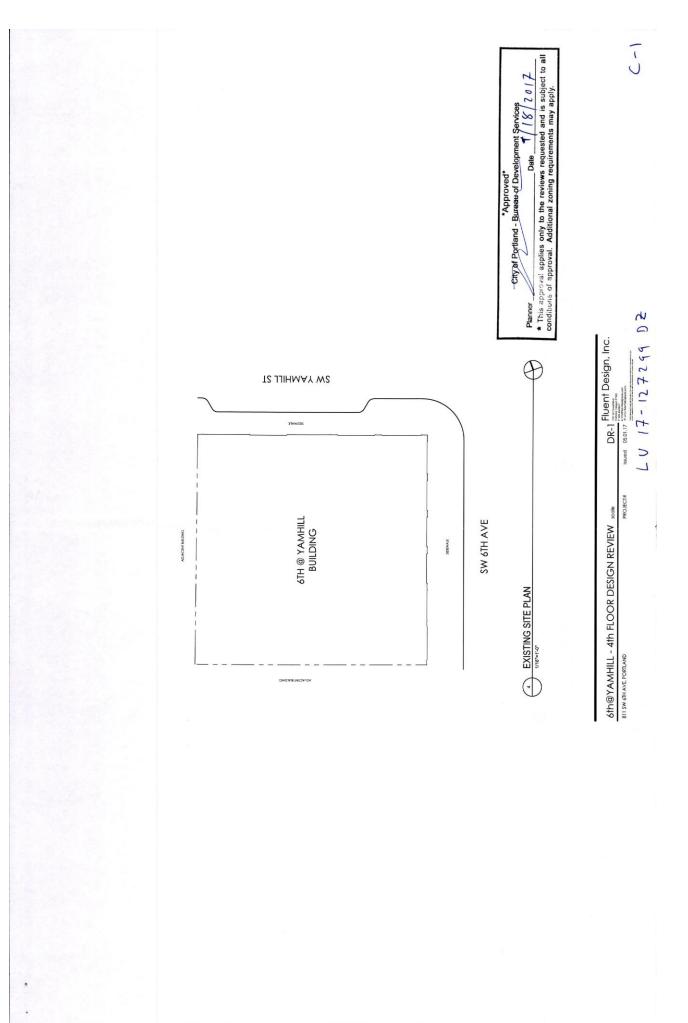
Scale 1 inch = 200 feet

State_Id 1S1E03BB 2100

Exhibit B (Mar 02, 2017)



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



City of Portland - Bureau of Development Services

Planner

Date 7 | 1/8 | 2 o 1 7.

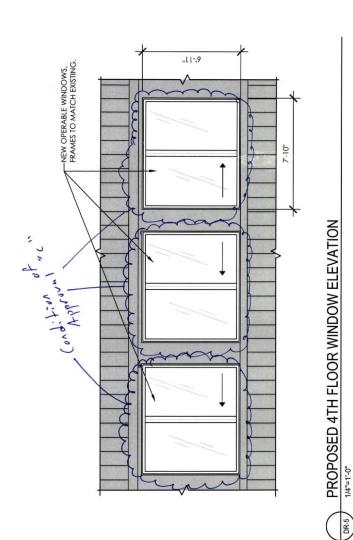
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

6th@YAMHILL - 4th FLOOR DESIGN REVIEW
811 SW 6TH AVE PORTLAND

LV 17-127299 DZ

DR-3 Fluent Design, Inc.

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City of Portland - Bureau of Development Services

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

6TH @ YAMHILL - 4TH FLOOR EXTERIOR WINDOWS

LV 17-12799 DZ

scale No Scale 150410-03

DR-5 INSTRUMENT Design, Inc. issued 05.01.2017 in www.miningprice.

811 SW 6th Avenue, Portland