



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

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**FINAL FINDINGS AND DECISION BY THE DESIGN**  
**COMMISSION RENDERED ON July 19, 2012**

**CASE FILE NUMBER: LU 12-142348 DZ (PC # 12-117731)**  
**New retail building at Pioneer Place**

**BUREAU OF DEVELOPMENT SERVICES STAFF:** Kara Fioravanti 503-823-5892 /  
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**GENERAL INFORMATION**

**Applicants:** Pioneer Place Limited Partnership  
PO Box 617905 / Chicago, IL 60661-7905  
  
General Growth Properties, Robert Buchanan  
888 SW 5<sup>th</sup> Avenue, #930 / Portland, OR 97204

**Site Address:** 850 SW 5TH AVENUE  
**Legal Description:** LOT 2, PIONEER PLACE CONDOMINIUM  
**Tax Account No.:** R659800040  
**State ID No.:** 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 III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

**Proposal:** The applicant proposes to demolish a portion of the existing building, the northern 55' of the building on the block bound by SW Yamhill, Taylor, 4<sup>th</sup> and 5<sup>th</sup>. The applicant seeks design review approval to construct a new single story building for retail and a ground floor plaza. The new building square footage is 7,212 SF (and the existing back of store area will be remodeled for a total gross area of 23,496 SF for this single retail tenant.) The height of the building will be 22'-6", with a 27'-6" stone wall adjacent to the existing building tower. The new building is fully glazed with clear glass; the north elevation includes 3 sets of double entry doors. An ecoroof is proposed for the roof of this new building. And, finally, the proposal includes a request for the stairs and handrails at the northeast corner of the site to encroach as much as 3'-2" into the public right-of-way.

**Approval Criteria:**

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

**ANALYSIS**

**Site and Vicinity:** The subject block is a full block site that is part of a 3 block retail and office development called Pioneer Place. The subject block is bound by SW Yamhill, SW Taylor, SW 5<sup>th</sup> and SW 4<sup>th</sup>. The other 2 blocks of Pioneer Place include the block immediately north of SW Yamhill and the block to the northeast. All 3 blocks are connected underground and via two existing skybridges (the skybridge connecting this block to the block north is approved to be demolished as part of a separate Design Review, LU 12-138787 DZ). The first 2 buildings of Pioneer Place (which include the subject building) were built in the early 1990's. The last 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 subject block includes an office tower at the south end of the block, with the office lobby at the SW corner. The portion of the building proposed for demolition used to include a single retailer, Saks Fifth Avenue.

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 land use reviews since 2000 for this one block of the Pioneer Place multi-block development:

- There are 2 recent Type II Design Reviews for this 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. This application is still pending. LU 12-138787 DZ approved the demolition of the skybridge that spans SW Yamhill between SW 4<sup>th</sup> and 5<sup>th</sup>.
- LU 03-121739 DZ approved a rooftop satellite dish at this building.

**Agency Review:** A "Request for Response" was mailed May 29, 2012. The following Bureaus have responded with no issue or concerns: Site Development and Bureau of Parks-Forestry Division.

The Bureau of Environmental Services (BES) responded with comments and issues in Exhibit E-1. Exhibit E.7 is the revised submittal from BES, which supported the Design Review application.

The Bureau of Transportation Engineering responded with the following comment: Exhibit E-2

*Portland Bureau of Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.*

#### **STREET CLASSIFICATION**

*The City's Transportation System Plan classifies these streets as follows:*

*SW 4th Ave = Traffic Access street, Local Service Transit street, Local Service Bike street, City Walkway and a Community Main street.*

*SW 5th Ave = Local Service Traffic street, Regional Transitway & Major Transit Priority street, Local Service Bike street, Central City Transit/ Pedestrian street and a Community Main street.*

SW Yamhill = Local Service Traffic street, Regional Transitway & Major Transit Priority street, Local Service Bike street, Central City Transit/ Pedestrian street and a Community Main street.

The site is also located within the Downtown Pedestrian District.

#### DESIGN REVIEW APPROVAL CRITERIA

There are no applicable transportation-related approval criteria associated with the proposed Design Review; accordingly, PBOT has no objections to the proposed project.

#### TITLE 17 REQUIREMENTS

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Improvements (Section 17.88.010)

It is typical Portland Transportation procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff may receive different information from the applicant's engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

According to City database sources, SW 4th Ave is improved with between 38-50-ft of paving within an 80-ft right-of-way (r.o.w.). This site frontage is also improved with a 0-15-0 and 0-21-0 (curb extension) sidewalk configuration. SW 5th Ave is improved with a variable width of paving (including light-rail tracks) within an 80-ft r.o.w. This site frontage is also improved with a 0-18-0 sidewalk configuration. SW Yamhill is improved with a 22.5-ft of paving (including light-rail tracks) within an 60-ft r.o.w. This site frontage is also improved with a 0-18-0 sidewalk configuration.

The City's Pedestrian Design Guide recommends a 12-ft pedestrian corridor (0.5-ft curb/ 4-ft planter area / 6-ft/sidewalk/ 1.5-ft setback to the property line) along the site's frontages. The existing 15-21-ft sidewalk corridors exceed the Guide's recommended width. There will be no need for property dedication in relation to the proposed project.

The proposed project includes improvements that will project beyond the site boundaries and into the public right-of-way along the site's SW Yamhill street frontage. Said projections include steps and hand rails. The applicant has already gone through the Design Exception process through PBOT for consideration of these encroachments. PBOT approved said Design Exception (12-137490 TR) in May of this year. The applicant will need to obtain an Encroachment Permit during the Building Permit process for said projections into the right-of-way.

The applicant is also proposing to provide additional street furniture (new bike racks and benches) and relocate some of the existing street furniture around the site. As of the writing of this response, the City Engineer has not yet made a determination on the location of the various proposed street furniture. PBOT staff expects to update the Design Commission about this matter at the time of the scheduled public hearing for the subject Design Review.

The applicant is advised that given the scope of the work, in proximity to the public right-of-way, and in relation to the removal and addition of numerous street furniture items, the surrounding sidewalk corridors will need to be reconstructed to the satisfaction of the City Engineer. Sidewalk reconstruction will need to include like material(s) consistent with the existing treatments. Said sidewalk corridor reconstruction will need to be reviewed/ approved through the City's Public Works Permitting process. This is a separate process from the Land Use and Building Permit processes. Additional information on this process can be found at the following link: <http://www.portlandonline.com/index.cfm?c=53147>

#### RECOMMENDATION

PBOT has no objections to the proposed Design Review.

The Water Bureau responded with the following comment: Exhibit E-3

*The Water Bureau has no concerns regarding the requested Design Review for the demolition of a section of the existing building and subsequent construction of an attached single story building in its place, for the property located at 850 SW 5th Ave.*

*There are four existing services which provide water to this location from the existing 24" CI water main in SW 4th Ave, and they are as follows:*

- 1. 2" metered service – Serial #31611070, Account #2961683300*
- 2. 3" metered service – Serial #6598822, Account #2995585700*
- 3. 4" metered service – Serial #5422445, Account #2995585600*
- 4. 6" metered fire service – Serial #X122503, Account #2996343000*

*The estimated static water pressure range for this location is 61 psi to 77 psi at the existing service elevation of 50 ft.*

*Conditions of Approval: None.*

The Fire Bureau responded with the following comment: Exhibit E-4

*A separate building permit is required for this proposal. Any applicable Fire Code requirements will be addressed through the building permit. Please contact the Fire Marshal's Office with any specific questions related to this proposal.*

The Bureau of Development Services, Life Safety responded with the following comment: Exhibit E-5

*The following comments are intended to provide the applicant with preliminary Building Codes information that could affect the Land Use Review and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal. The comments are based on The Oregon Structural Specialty Code, The Oregon Mechanical Specialty Code, or The Oregon Residential Specialty Code.*

*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.*

*2. It is recommended the applicant contact the plan review section at (503) 823-7301 to request a Preliminary Life Safety Meeting to verify building code requirements. More information is available at <http://www.portlandonline.com/bds/index.cfm?c=45054&a=94545>.*

*3. Alternative methods and materials may be approved by the Administrative Building Code Appeal Board. For information about the building code appeal process, please call (503) 823-1456, visit the Development Services Center, or view our web site at <http://www.portlandonline.com/bds/index.cfm?c=34196>. OSSC 104.10 and 104.11*

*4. At least one accessible route shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading and drop off zones, and public streets or sidewalks to an accessible entry. OSSC 1103.1*

*Walks paralleling vehicular ways shall be separated from the vehicular way. OSSC 1103.2.4.7*

*5. Doors and windows shall not open or project into the public right-of-way. OSSC 3202.2*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed June 29, 2012. Testimony was received at the July 19<sup>th</sup> hearing.

- Felicia Williams of the Downtown Neighborhood Association was "in favor of the proposal" and noted the pros and cons identified by the DNA Land Use subcommittee.
- Wendy Rahm was "in favor of the proposal" and "in opposition to the proposal". Her main concern was about the possibility of transferring unused FAR to the residential areas of downtown. Section 33.510.200 D.1. does not allow transfer of FAR beyond the identified site: *"If the site is within the Downtown subdistrict as shown on Map 510-1, floor area may be transferred between abutting lots within a site or sites being developed jointly provided the lots are within the same block. Floor area transfers across rights-of-way are prohibited in the Downtown subdistrict."*

- Cabel Sasser was “in favor of the proposal”.
- Candace Larson with the Audubon Society of Portland submitted written testimony after the close of the record. Exhibit F.1 includes the testimony.

**Hearing Summary:** The Commission supported the proposed glass being noted as very low iron to ensure clarity and transparency. Signage will be controlled as follows: signage is limited to interior only and will be above the entries only within the upper panels. The base plates at the handrails will be fixed and sturdy. If the eastern-most handrail can be eliminated, the Commission would be in support. The rain drain was noted as unfortunate with regard to the simple and spare design of the project, though with it being stainless steel it will be of an appropriate quality. The Commission suggested the importance of the designers being very careful with an intentional solution to trip/slip hazards. The Commission warned about the success of such a thin ecoroof and encouraged close coordination with the Bureau of Environmental Services. And, finally, the Commission also warned about ensuring subtle integration to skateboard deterrents. With regard to the request for all stainless steel bike racks in the right-of-way, the Commission had various comment – some comments encouraged standards to be adhered to support continuity among street corridors, and some comments supported all stainless steel (as it is an improved material, there are no racks across Yamhill, and this site would be cohesive in itself with stainless steel elements.) The final vote was 5 yes and 1 no. The one dissenting vote was focused on the following issues: tearing down a relatively new building and replacing with low FAR is bad policy for downtown, and the pedestrian realm is compromised - the 9'-wide strip between the building and the stairs is not a generous “plaza”, the door swing into the 9'-wide strip is a impediment, the stairs do not constitute a space/place for pedestrians, and the area between the property line and the building will not have a definitive program.

## APPROVAL CRITERIA

### 33.825.010 Purpose

Design Review ensures:

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

### 33.825.055 Design Review Approval Criteria

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

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

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

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

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

## SECTION A – PORTLAND PERSONALITY

### A3 – RESPECT THE PORTLAND BLOCK STRUCTURES

*Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.*

### 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 elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.*

**Findings for A3, C6:** The proposed building pulls back from the property line on all three sides and creates an area for exterior gathering. The plaza surrounding the proposed store extends the pattern of open space between full-block development established by the Central City Library, Director Park, Pioneer Square, and Pioneer Courthouse Square. Of course, these are all civic examples. However, the proposal is part of the Pioneer Place mall complex – a development that attracts large numbers of visitors daily. The new structure and surrounding perimeter plaza will enhance the retail core by providing needed outdoor gathering space and lacing together these multiple public spaces. It will, overall, add to the day and night activity along Yamhill Street and the transit mall – two significant corridors of Portland’s downtown core. This guideline is met.

#### *A4 – USE UNIFYING ELEMENTS*

*Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.*

#### *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.*

**Findings for A4, A5:** The immediate vicinity is Portland’s retail core. The proposed building is designed to accommodate a retail use and has the ability to truly activate the streetscape with its extensive glazing and generous steps for public use. The fabric of the sidewalk and street paving materials will be maintained along SW 4<sup>th</sup> and 5<sup>th</sup> Avenues, and along SW Yamhill Street. Street lighting, furniture, and street trees particular to the transit mall and light rail corridor will be utilized and/or maintained to unify the design of those routes and integrate the site within the Central City. The covered bike shelter at SW Yamhill is a SW 5<sup>th</sup> Avenue standard element, and as part of this review it will be moved to the SW 5<sup>th</sup> Avenue frontage. These guidelines are met.

#### *A7 – ESTABLISH AND MAINTAIN A SENSE OF URBAN ENCLOSURE*

*Define public rights-of-way by creating and maintaining a sense of urban enclosure.*

#### *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 for A7, A8:** The proposed retail store will greatly contribute to a vibrant streetscape. The transparency of the fully glazed pavilion building will allow passersby to see activity within the store and will energize the streetscape with increased pedestrian retail traffic. Though the proposal breaks Portland’s more typical downtown pattern of buildings built to (or close to) the property lines, the project maintains a strong urban edge in a different way. The building’s activity will extend beyond the retail use as people occupy the plaza to mingle, sit and observe. The plaza will contribute to the city’s diverse pedestrian experience by opening outward, both physically and visually; there will not be a disconnect between the building and the public sidewalk. During evening hours, the store will transform into an illuminated glass jewel in the city: a beacon revealing evening activity supportive of a 24-hour city. These guidelines are met.

## **SECTION B – PEDESTRIAN EMPHASIS**

#### *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.*

**Findings:** The access route for pedestrian travel will be preserved, even with the proposed encroachment at the northeast corner of the site. According to PBOT staff, the City’s Pedestrian Design Guide recommends a 12-ft pedestrian corridor along the site’s frontages. However, the existing sidewalk corridors at Yamhill, 4<sup>th</sup> and 5<sup>th</sup> all exceed the Guide’s recommended width (SW 4<sup>th</sup> is 15’-wide and Yamhill and 5<sup>th</sup> are 18’-wide). These wide sidewalks are being maintained in this proposal. The proposed encroachment runs approximately 30’ of the site frontage and is, at most, 3’-2” into the right-of-way corridor. (Exhibit E.6 describes PBOT’s acceptance of the encroachment request.) Street lighting, furniture, and street trees particular to the transit mall and light rail corridor will be utilized and/or maintained within the street furniture zone. This guideline is met.

## **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.*

**Findings:** As noted above, the project will maintain the wide 15'-18' wide sidewalks. The proposed building will be illuminated in the evening, and because the walls are floor to ceiling glass, the plaza area will be sufficiently lit by ambient lighting from the store and the adjacent street lighting. All mechanical equipment will be located within the existing Pioneer Place Building and will not detract from the pedestrian environment. This guideline is met.

## **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.*

## **C9 – DEVELOP FLEXIBLE SIDEWALK-LEVEL SPACES**

*Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.*

**Findings for B4, B5, C9:** The proposal is designed to encourage pedestrians to stop and enjoy an active urban space within the downtown core. The transparency of the glass retail pavilion will provide a visual connection to the activity within the store and energize the streetscape with increased pedestrian retail traffic. That energy will extend beyond the retail use as people occupy the plaza to mingle, sit and observe. Wide plaza steps descending toward the sidewalk will provide an inviting place to stop, socialize, and rest. These guidelines are met.

## **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:** The roof extends 7'-6" beyond the exterior walls of the building on each street-facing elevation. Rain protection is an important building feature and is adequately provided for people entering, exiting, or stopping near the store. The continuous overhang is consistent with the character of buildings throughout the Central City. This guideline is met.

## **B7 – INTEGRATE BARRIER-FREE DESIGN**

*Integrate access systems for all people with the building's overall design concept.*

**Findings:** The plaza is designed to mitigate existing slopes along SW 5<sup>th</sup> Avenue and SW Yamhill Street and provide barrier free entry and exit from the site at the northwest corner. In lieu of stepped floor elevations within the retail store (which exists in the current building), a consistent floor elevation is provided which removes obstacles and allows barrier free access throughout the store. This guideline is met.

# **SECTION C – PROJECT DESIGN**

## **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 facades that create visual connections to adjacent public spaces.*

**Findings:** The fully glazed walls will allow retail customers to view neighboring buildings and sites, including the historic Pioneer Square Courthouse. Additionally, views of city activity will be enjoyed by those using the plaza area. This guideline is met.

## **C2 – PROMOTE QUALITY AND PERMANENCE IN DEVELOPMENT**

*Use design principles and building materials that promote quality and permanence.*

## **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, C5:** The building can be broken down into three distinct pieces: the glass walls of the retail pavilion; the stone wall, which functions as the backdrop for all retail activity and as a sculptural plane

distinguishing the existing building from the new store; and the roof, which has been designed to appear to float over the dematerialized walls of the pavilion. The new glass façade is designed to dissolve the boundary between exterior and interior to connect the activity on the street and within the store. The elimination of visible glass fittings and use of low-iron laminated and insulated glass panels with silicone joints is intended to reinforce this connectivity. The roof shape, surface materials, and color have been carefully selected and detailed to create a floating effect and to maintain the building's overall design concept. The plane of the roof is a seamless continuation of the ceiling of the store, cantilevering 7'-6" beyond the glass walls of the pavilion and tapering to a minimal 4" dimension. The cantilevered portion of the roof and soffit are finished with stainless steel panels. The roof surface is kept free of mechanical equipment – all mechanical equipment will be located within the existing building. This allows for a continuous ecoroof for the entire flat portion of the roof.

The proposal is finely detailed and crafted from very high quality materials for permanence. Building materials will include: Colombino stone pavers, treads, and risers at the plaza; glass walls at the retail pavilion; stone at the rear wall of the store; and stainless steel columns, roof soffits, fascias, railings, trench drains, and door frames and fittings. Signs, mechanical and lighting are not proposed for the exterior. Score lines are carefully aligned. All of these stated components of the project add to the thoughtful coherency of this project overall.

These guidelines are met.

### *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:** The existing two-story retail podium is 40-ft tall and clad in precast concrete panels. The new single-story retail pavilion will replace a portion of the existing podium.

The transition between existing and new will be achieved by a 27'-6" tall stone wall, which complements the existing podium in mass while not competing in height. The new wall nestles in beneath the portion of the podium which remains, allowing for construction of a new parapet and cornice with precast panels to match the existing. This guideline is met.

### *C4 – COMPLEMENT THE CONTEXT OF EXISTING BUILDINGS*

*Complement the context of existing buildings by using and adding to the local design vocabulary.*

**Findings:** The proposed building will replace a portion of the two-story podium. The new retail store increases commercial intensity in this zone by replacing an inward-facing retail podium with a vibrant, outward facing retail pavilion. By providing a transparent and activated street face, along with an open urban plaza, a safe, attractive, and pedestrian-oriented environment will enhance the context of existing buildings in the area. This guideline is met.

### *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.*

### *C10 – INTEGRATE ENCROACHMENTS*

*Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.*

**Findings for C7, C10:** Primarily due to existing conditions, the minor encroachment proposed in this application for SW Yamhill (an 18'-2" wide sidewalk corridor in this location) can be supported.

Existing grade beams supporting the floor slab of the existing store along SW Yamhill Street and SW 4<sup>th</sup> Avenue are located above the level of the sidewalk. The submittal indicates that grade beams will be lowered at the east side of the site along grid line 7.9, between grid lines L and M. This work will occur over an unoccupied area and will not impact mall operations. Conversely, lowering the approximately 150 foot long grade beam that runs along the north side of the site, between grid lines 2.1 and 6.9 would require closure of (4) retail stores within the mall below, as well as a significant portion of the public concourse area. The food court would also be impacted due to the fact that an existing grease duct runs parallel to the grade beam and would require relocation if the grade beam is dropped. The Pioneer Place retail store design proposes to mitigate this issue by incorporating the existing beams that will not be relocated into a series of plaza steps, which will descend to the right-of-way and provide access to the retail store on all three street frontages. Based on the height of the beams, the difference in elevation will necessitate a minor encroachment of up to 3'-2" into the right-of-way. Intersections to the northwest



and northeast will be activated with pedestrian retail traffic and visitors who choose to stop, rest, and mingle on the wide plaza steps of the urban plaza. Street level access will be maintained at the northwest corner of the site.

Today, pedestrian access is limited to the northwest and northeast corners of the existing building, and only the northwest corner is accessible at grade (access to the northeast portion of the building is via stairs beyond the entry doors). Increased access, transparency and visual connections to activity within the store and on the plaza are key elements in the development of a pedestrian-oriented streetscape along SW Yamhill. The requirement for a 15-ft sidewalk corridor is maintained, as well as minimum curb, furnishing, and through-pedestrian zone dimensions due to the fact that the current corridor width is 18'-2". The plaza steps will be a light-colored stone to visually distinguish them from the brick paving of the adjacent sidewalks. An application has been approved by the Portland Bureau of Transportation for a Revocable Encroachment Permit to locate stairs in the right-of-way along SW Yamhill Street, between SW 5th and SW 4th Avenues. Another key element in the development of a vibrant streetscape is the removal of the skybridge above SW Yamhill Street (LU 12-138787 DZ, which was recently approved). This element will no longer obtrude on views of the street and beyond.

These guidelines are met.

#### *C11 – INTEGRATE ROOFS AND USE ROOFTOPS*

*Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.*

**Findings:** The roof has been designed to appear to float weightlessly over the dematerialized walls of the pavilion. The roof shape, surface materials, and color have been carefully selected and detailed to create this effect and to maintain the building's overall design concept. The plane of the roof is a seamless continuation of the ceiling of the store, cantilevering 7'-6" beyond the glass walls of the pavilion and tapering to a minimal 4" dimension. The cantilevered portion of the roof and soffit are finished with stainless steel panels. The roof surface is kept free of mechanical equipment – all mechanical equipment will be located within the existing. This allows for a continuous ecoroof for the entire flat portion of the roof. As designed, the roof is an integral part of the building design and appearance, both from the pedestrian level and from neighboring buildings above. This guideline is met.

#### *C12 – INTEGRATE EXTERIOR LIGHTING*

*Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.*

**Findings:** The proposed building will be illuminated in the evening. Because the pavilion's walls are floor to ceiling glass, the plaza area will be sufficiently lit by ambient lighting from the store and the adjacent street lighting. No exterior lighting is proposed. This guideline is 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:** Signage will be located indoors. Therefore, this guideline is not applicable.

## **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.

## DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve the Staff Report presented on July 19, 2012.

Design Review Approval to construct a new single story building for retail and a ground floor plaza in the Central City Plan District. The new building will comprise the northern 55' of the block bound by SW Yamhill, Taylor, 4<sup>th</sup> and 5<sup>th</sup>.

Design Review Approval for a minor encroachment for a portion of the SW Yamhill Street frontage. The encroachment includes stairs and handrails at the northeast corner of the site to encroach into SW Yamhill Street as much as 3'-2" into the public right-of-way.

Approvals per Exhibits C.1-C-22, signed, stamped, and dated July 19, 2012, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B) 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 12-142348 DZ. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** No field changes allowed.

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**By:** \_\_\_\_\_  
Guenevere Millius, Design Commission Chair

Application Filed: May 18, 2012

Decision Rendered: July 19, 2012

Decision Filed: day July 20, 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 18, 2012, and was determined to be complete on May 29, 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 18, 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 waived the 120-day review period, as stated with Exhibit (Exhibit # G.3).

**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. This report is the final decision of the Design Commission with input from other City and public agencies.

**Conditions of Approval.** This approval 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.

**Appeal of this decision.** This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on August 21, 2012 at 1900 SW Fourth Ave. Appeals can be filed on the first

floor in the Development Services Center Tuesday through Friday until 3 p.m. After 3 p.m. and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case at our office, 1900 SW Fourth Avenue, Suite 5000, Portland Oregon, 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

**Who can appeal:** You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

#### **Recording the final decision.**

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

- *Unless appealed*, The final decision may be recorded on or after **August 22, 2012 – (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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

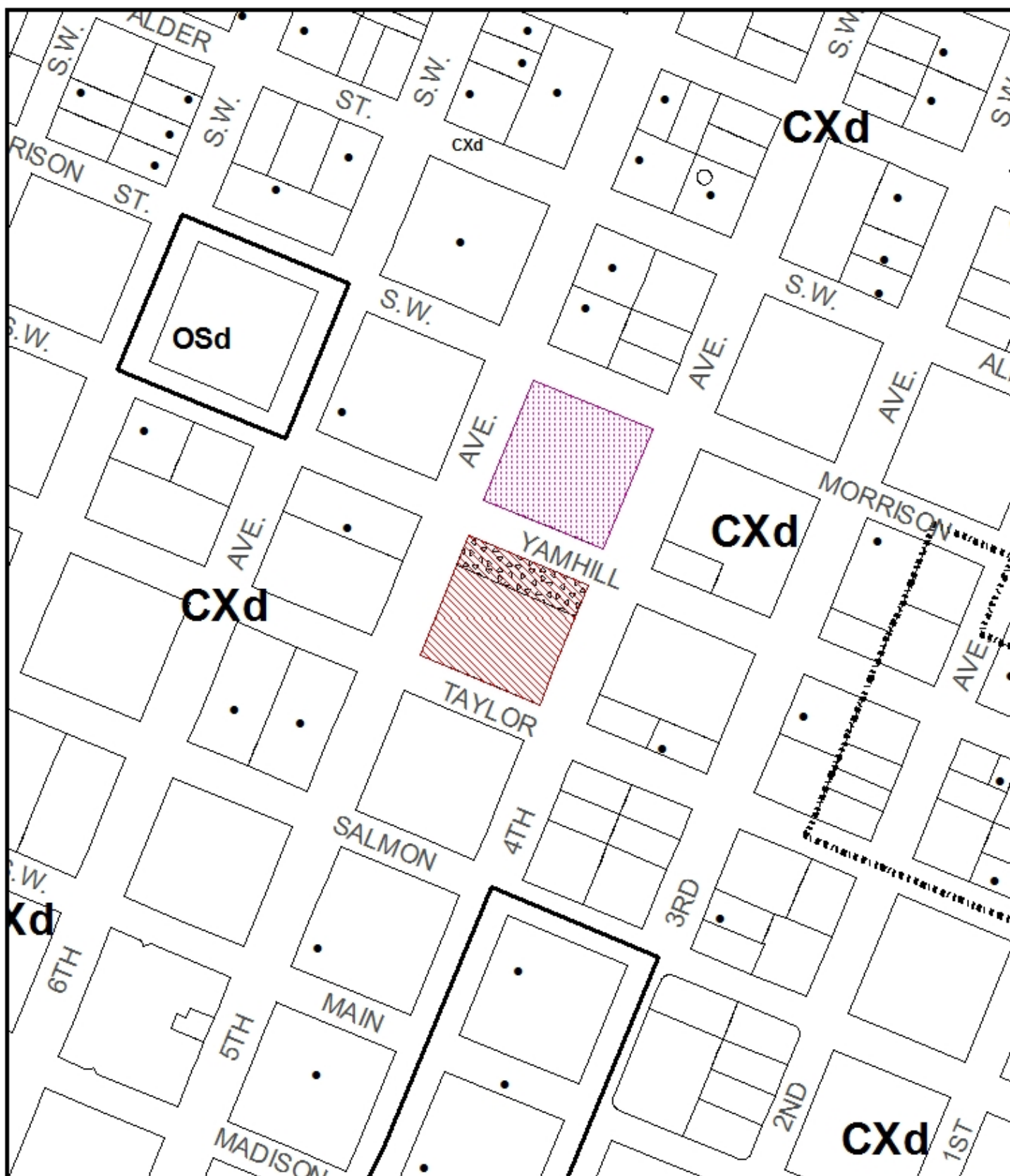
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's submittal
  - 1. Existing building plan
  - 2. Existing North elevation
  - 3. Existing East elevation
  - 4. Existing site photos
  - 5. Existing street view rendering
  - 6. Original drawings and narrative
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Street view rendering
  - 2. East perspective rendering – night view
  - 3. Material samples
  - 4. Site utility plan
  - 5. Vicinity plan
  - 6. Ground floor plan (attached)
  - 7. Ground floor reflected ceiling plan
  - 8. Roof plan
  - 9. North context elevation
  - 10. East context elevation
  - 11. North elevation (attached)
  - 12. East elevation (attached)
  - 13. Transverse section
  - 14. Site plan detail
  - 15. Stone wall details
  - 16. Plaza step details
  - 17. Plaza step details
  - 18. Storefront details
  - 19. Storefront details
  - 20. Roof section detail
  - 21. West context elevation
  - 22. West elevation
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailed notice
  - 6. Mailing list
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Bureau of Development Services, Life Safety
  - 6. Portland Transportation Private Encroachment Exception 12-137490 TR
  - 7. Revised BES comments 7-18-12
- F. Letters
  - 1. Audubon Society (received after close of the record on 7-19-12)
- G. Other
  - 1. Original LUR Application
  - 2. Site History Research
  - 3. Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 days
  - 4. Staff presentation at 7-19-12 hearing
  - 5. Staff notes from 7-19-12 hearing

cc: Applicants and Representatives

Neighborhood Associations  
Those who testified, orally or in writing  
City Auditor's Office  
Development Services Center  
BDS Staff for Bureau of Buildings  
BDS Staff for Commission Book



# ZONING

-  Site
-  Also Owned
-  Area of Work
-  Historic Landmark



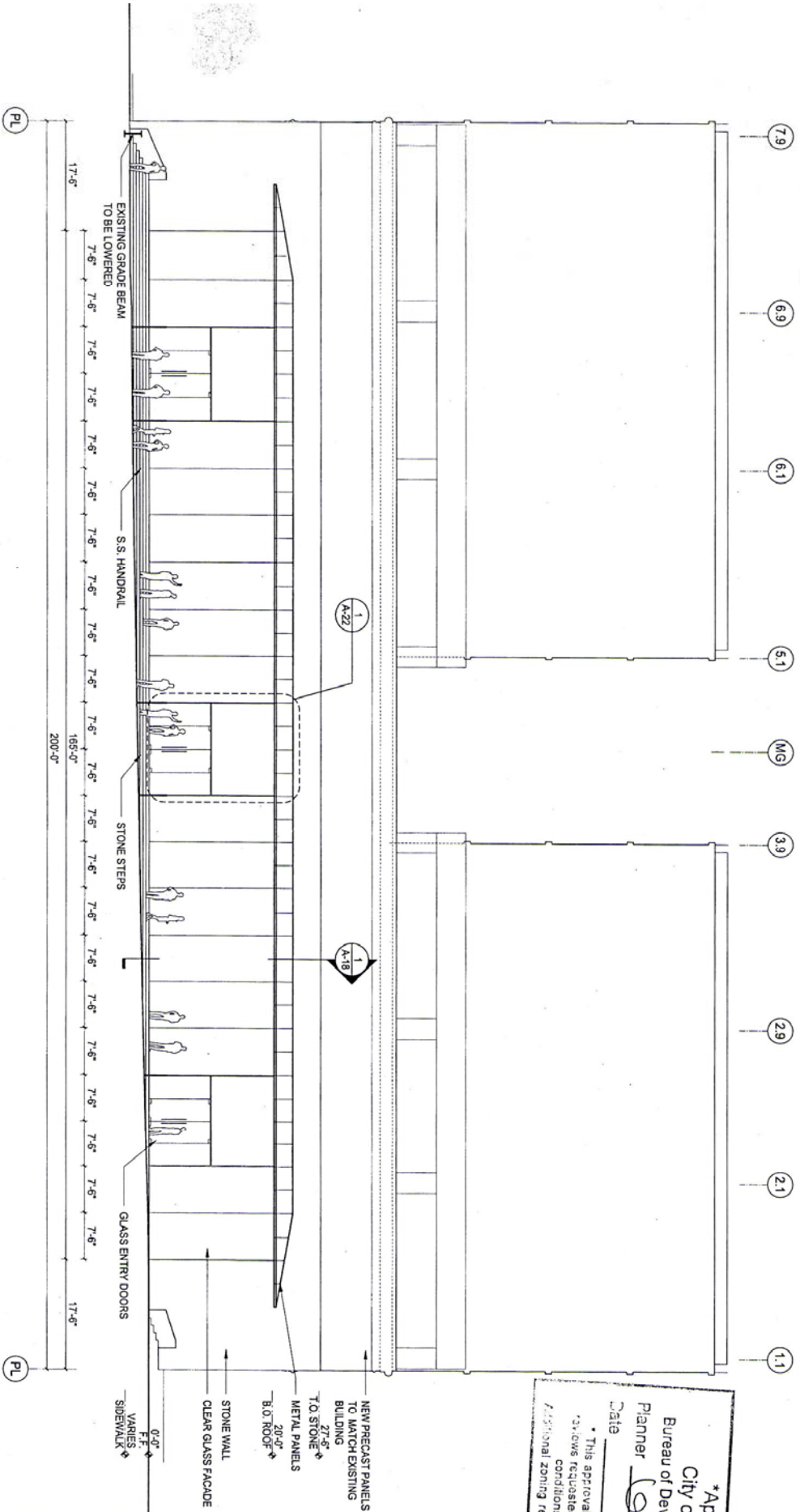
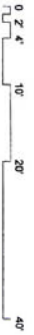
This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 12-142348 DZ</u>
1/4 Section	<u>3129</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E03BB 90000</u>
Exhibit	<u>B</u> (May 25, 2012)





1 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"



\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date 7-19-12  
\*This approval applies only to the views requested and is subject to all conditions of approval. Additional zoning requirements may apply.\*

NEW RETAIL BUILDING  
SW Yamhill Street (between Fourth & Fifth Avenue), Portland, OR  
LU 12-142348 DZ

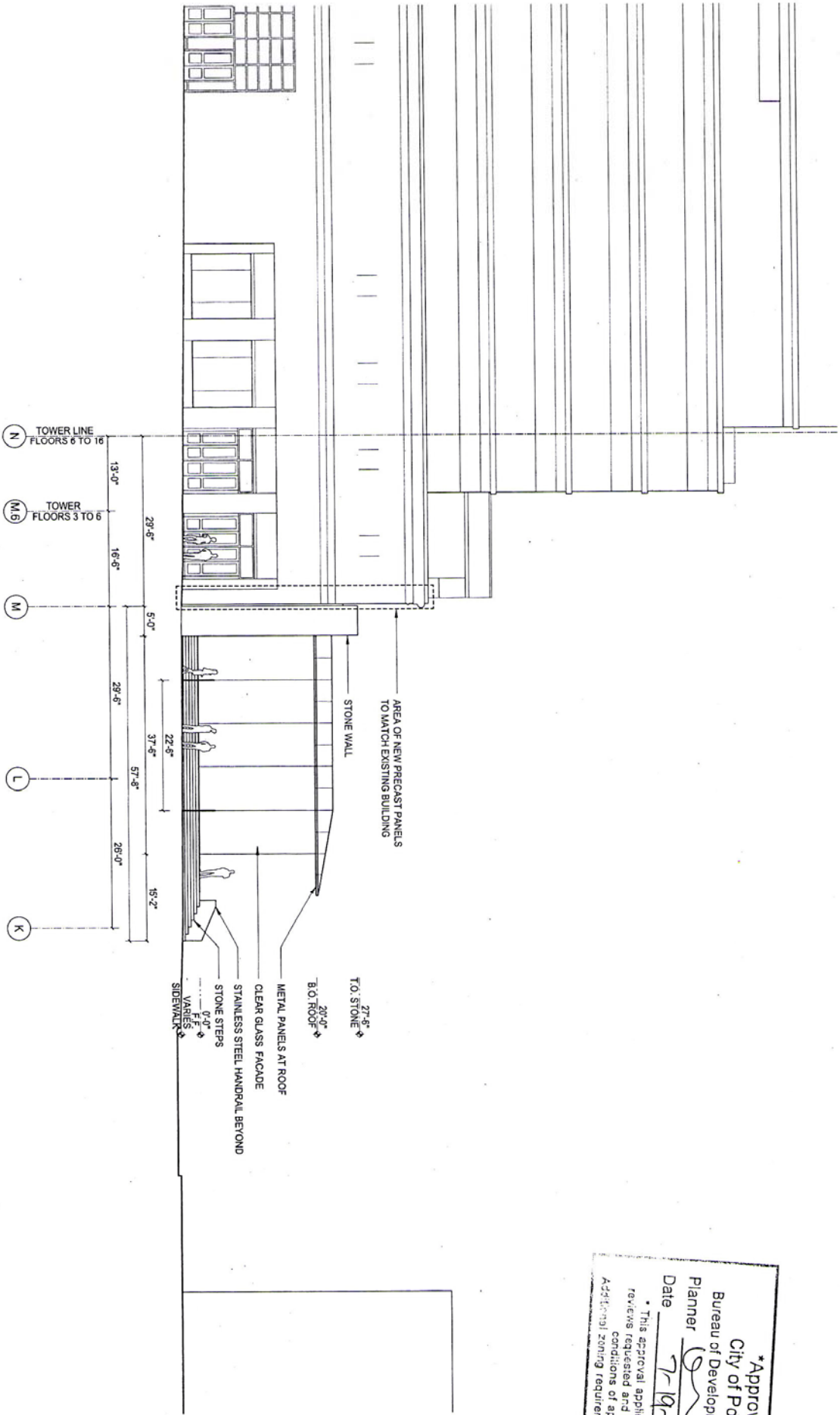
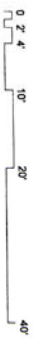
June 29, 2012

A-16  
C-11

12.142348



1 EAST ELEVATION  
SCALE: 1/16" = 1'-0"



\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date 7-19-12  
\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

12-142348

NEW RETAIL BUILDING  
SW Yamhill Street (between Fourth & Fifth Avenue), Portland, OR  
LU 12-142348 DZ

June 29, 2012  
A-177  
C-12