



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

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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** January 21, 2011  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [theron@ci.portland.or.us](mailto:theron@ci.portland.or.us)

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 10-202982 AD - PACIFIC TOWER LOADING**

#### **GENERAL INFORMATION**

<b>Applicant:</b>	LLC Series E 1121 SW Salmon St Portland, OR 97205	Randy Kyte, Harsch Investment Properties 1121 SW Salmon St, Ste 500 Portland OR 97205-2022
<b>Representative:</b>	Monty Hill, TVA Architects 920 SW 6th Ave, Ste 1500 Portland, OR 97204	
<b>Site Address:</b>	851 SW 6TH AVE	
<b>Legal Description:</b>	BLOCK 180 LOT 3-6, PORTLAND	
<b>Tax Account No.:</b>	R667718490	
<b>State ID No.:</b>	1S1E03BB 02200	
<b>Quarter Section:</b>	3129	
<b>Neighborhood:</b>	Portland Downtown, contact Jennifer Geske at 503-750-9843.	
<b>District Coalition:</b>	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.	
<b>Plan District:</b>	Central City - Downtown	
<b>Zoning:</b>	CXd, Central Commercial with design review	
<b>Case Type:</b>	AD, Adjustment	
<b>Procedure:</b>	Type II, an administrative decision with appeal to the Adjustment Committee.	

#### **Proposal:**

The applicant requests an Adjustment to reduce the length of an existing 35'-2" long loading stall by 2'-4" within the Pacific Tower building to accommodate a future interior tenant improvement. No exterior alterations are proposed at this time.

The reduction of the building's existing interior loading space accommodates a new restaurant tenant's mechanical and kitchen equipment requirements. The resulting adjustment would provide for a loading space approximately 32'-8" in length by 16'-4" wide by a minimum of 13'-

0" in clear height. At the back of the loading space, at a height of 7'-8" above the finished dock floor, the 2'-4" encroachment into the existing loading area occurs, the dock will provide 35'-2" of length.

Because the proposal is to reduce the size of an existing required loading stall with no exterior alterations, an Adjustment request is required.

**Relevant Approval Criteria:**

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

- 33.805 Adjustments

**ANALYSIS**

**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 Zone [d] 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 prior land use reviews. Exhibit G.2.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed December 28, 2010. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Water

The Bureau of Transportation Engineering responded with the following comment:

Given the existing doors at the rear of the loading space swing out 3-ft, the useful area of the loading space will remain essentially the same since the new wall will extend 2-ft 4-inches into the loading area. PBOT has no concerns with this proposal. The space will remain large enough for the standard vehicles using the loading space.

*Please see Exhibit E-2 for additional details.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 28, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

**ZONING CODE APPROVAL CRITERIA****ADJUSTMENT REQUESTS (33.805)****33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations.

Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

### **33.805.040 Approval Criteria**

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

The following adjustments are requested:

**Adjustment to Loading [PZC 33.266.310] is requested to reduce the one existing loading stall's length by 2'-4"; reducing the total length from 35'-2" to 32'-8".**

#### **A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified.**

**Findings for Criterion A:** The regulation to be modified is the requirement for loading space length as defined by Section 33.266.310.0 of the Zoning Code. Per this section, loading spaces that must meet the requirements of Standard -A: Must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The Pacific Center building provides over 50,000 SF of non-residential occupancy and (1) existing interior loading space meeting the requirements of Standard-A.

The intent of the code requirements is to minimize the congestion to the traffic by on-site loading demands.

The requested adjustment is consistent with the stated purposes of the regulation because:

1. The height of the proposed encroachment will occur at approx. 7'-8" above finished grade at the back of the space. This height facilitates the option for a head-in parking configuration for longer vehicle types. (Please refer to Exhibits C.2 & C.4 for additional information).

2. The height and location of the proposed encroachment maintains the continued ability for freight loading and unloading at the back of the space prior to movement into the existing Marshaling area to the north. (Please refer to Exhibits C.2 & C.4 for additional information).

*Therefore this criterion is met.*

#### **B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area.**

**Findings for Criterion B:** The Pacific Center building is located within the Central City District in a CX zone. The desired character of this zone, CX, is intense development with maximum site utilization that is highly pedestrian oriented.

Access to the building's loading space is provided from SW Taylor St. This street is classified as a Local Service Transit and Major Emergency Response Street that provides (2) lanes of one-way access in a west direction. The adjacent SW Broadway to the west provides City Bikeway and Central City Transit pedestrian access while SW 6th Ave is considered a City Walkway pedestrian street. Currently SW Taylor provides limited pedestrian traffic, with the bulk of walking activity occurring along SW Yamhill located to the North. We believe the requested adjustment meets the criterion of letter B as the proposed modification occurs at the backside of the building's interior loading space. This proposal does not affect the visual

appearance of the existing street frontage, nor detract from character of the adjacent streets.

*Therefore this criterion is met.*

**C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.**

**Findings for Criterion C:** Only one adjustment is being requested.

*Therefore this criterion does not apply.*

**D. City-designated scenic resources and historic resources are preserved.**

**Findings for Criterion D:** No city-designated resources are on this site.

*Therefore this criterion does not apply.*

**E. Any impacts resulting from the adjustment are mitigated to the extent practical.**

**Findings for Criterion E:** The requested adjustment meets the criterion of letter E. Due to the location and swing direction of the existing double service doors that provide access to the adjacent dock marshaling area to the north, an encroachment of approximately 3'-0" occurs into the required loading space length to facilitate moving of goods and building occupants between the loading space and marshaling area. (Please refer to the attached Exhibit C.2 for additional information.) The proposed modification would occur above the existing service doors and would encroach into the loading space approximately 2'-4", less than the encroachment created by the service doors in their full open position.

The existing Pacific Center building located on SW 6th and Taylor represents a Class-A mixed use office with retail restricted to the existing ground floor on the corner of SW 6th and Taylor. Vehicular service to this building that utilize the existing loading space on SW Taylor are limited to smaller delivery types typically not exceeding 30'-0" in length. Tractor Trailer access is restricted at best to a maximum of 40' to 45' trailer lengths due to available street width and adjacent on street parking that requires partial stall and lane closure during loading and staging periods. As described above, further restrictions to vehicular length are caused by the existing double service doors that serve the marshaling area. (Please refer to Exhibit C.1 and C.2 for additional information). Through discussion with the new tenant, the length of service vehicles providing support for the restaurant will be limited to smaller type delivery vehicles.

PBOT has commented that the resulting adjustment would provide for a loading space approximately 32'-8" in length by 16'-4" wide by a minimum of 13'-0" in clear height. At the back of the loading space, at a height of 7'-8" above the finished dock floor, the 2'-4" encroachment into the existing loading area occurs, the dock will provide 35'-2" of length. As the space will remain large enough for the standard vehicles using the loading space, PBOT has no concerns with this proposal.

*Therefore this criterion is met.*

**F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.**

**Findings for Criterion F:** This site is not within any environmental zones.

*Therefore this criterion does not apply.*

## 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.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the length of an existing 35'-2" long loading stall by 2'-4" within the Pacific Tower to 32'-8" in length. The existing width of 16'-4" and minimum of 13'-0" in clear height will remain.

Approval per Exhibits C-1 through C-4, signed and dated January 19, 2011, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-202982 AD. No field changes allowed."

**Staff Planner: Tim Heron**

**Decision rendered by:**  **on January 19, 2011**

By authority of the Director of the Bureau of Development Services

**Decision mailed: January 21, 2011**

**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 21, 2010, and was determined to be complete on **December 23, 2010**.

*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 21, 2010.

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

**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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 4, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee 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 **February 7, 2011 – (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.

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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Enlarged Loading Dock Plan and Section [attached]
  - 3. Partial Second Floor Plan [attached]
  - 4. Photo Simulation [attached]
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
- F. Correspondence: none
- G. Other:

1. Original LU Application
2. Site History Research

**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



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

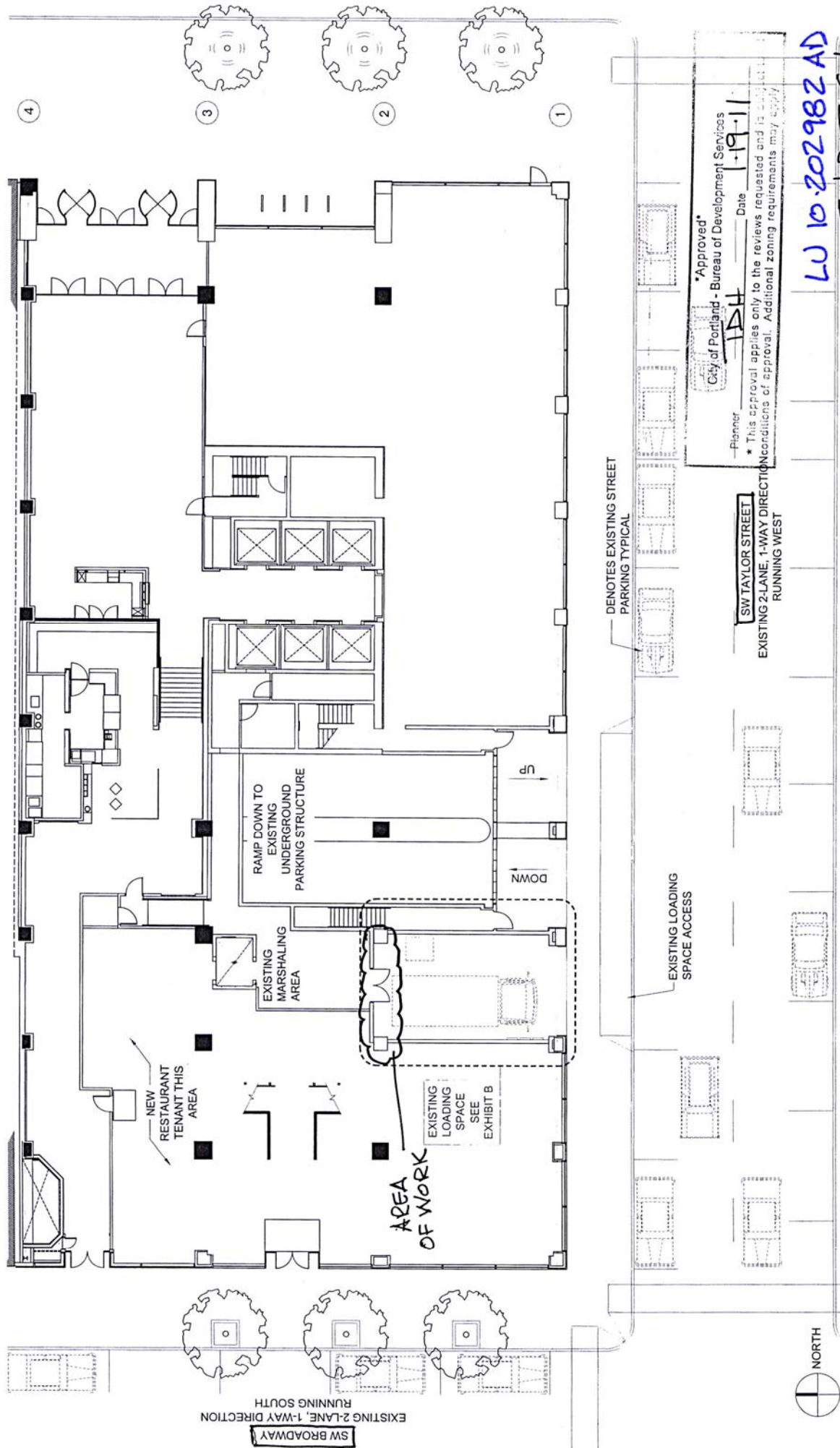
File No. LU 10-202982 AD

1/4 Section 3129

Scale 1 inch = 200 feet

State\_Id 1S1E03BB 2200

Exhibit B (Dec 27, 2010)



# PACIFIC CENTER - RUTHS CHRIS STEAK HOUSE PORTLAND, OREGON

tva architects  
TVA ARCHITECTS - PCL

EXISTING SITE PLAN

Scale: 1/16" = 1'-0"

Proj. No. 10111

Issue Date: 12/20/10

EXHIBIT  
A

LU 10-202982 AD  
EXHIBIT C-1

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner: [Signature] Date: 1-19-11  
\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

SW TAYLOR STREET  
EXISTING 2-LANE, 1-WAY DIRECTION  
RUNNING WEST

EXISTING LOADING  
SPACE ACCESS

DENOTES EXISTING STREET  
PARKING TYPICAL

RAMP DOWN TO  
EXISTING  
UNDERGROUND  
PARKING STRUCTURE

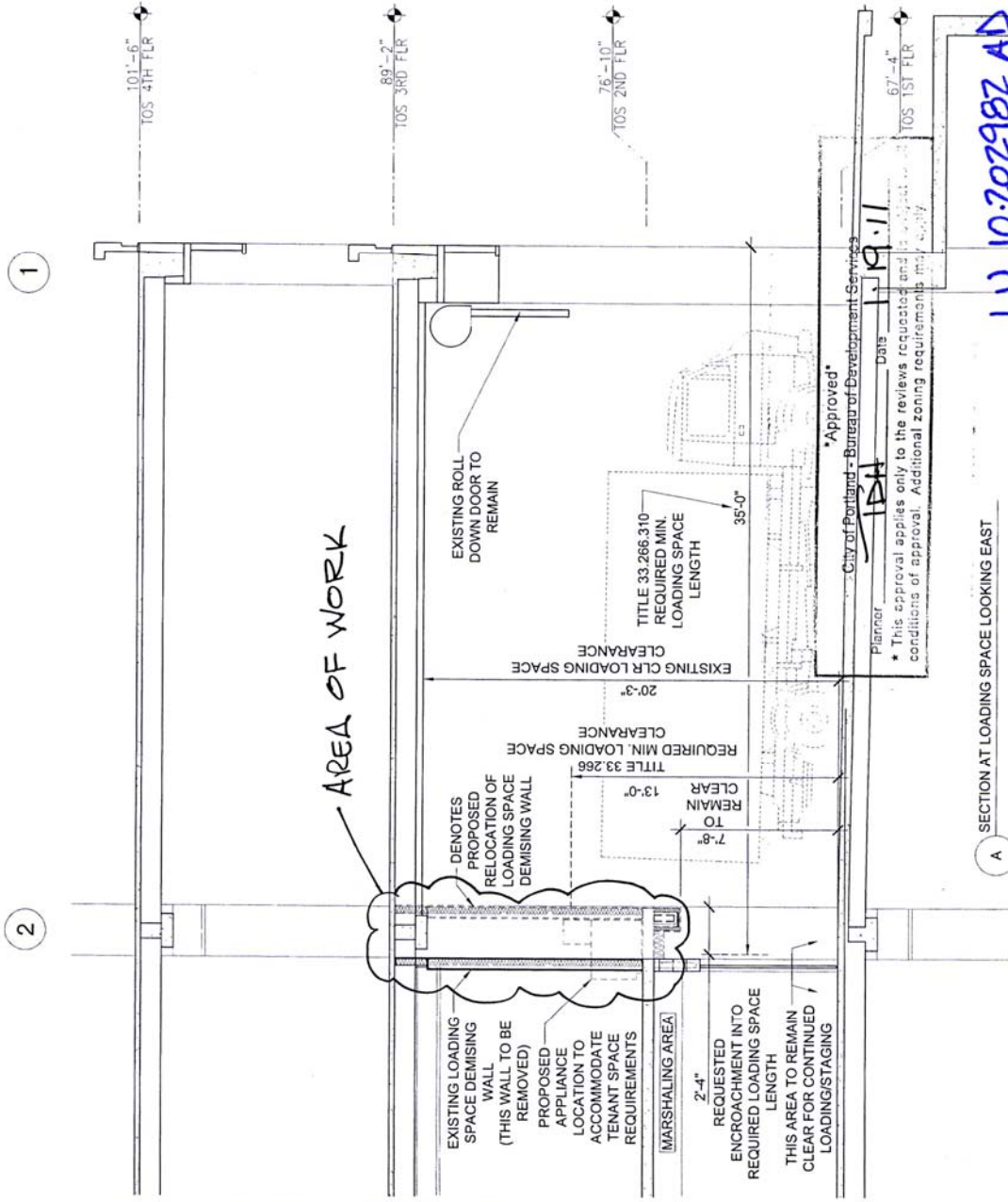
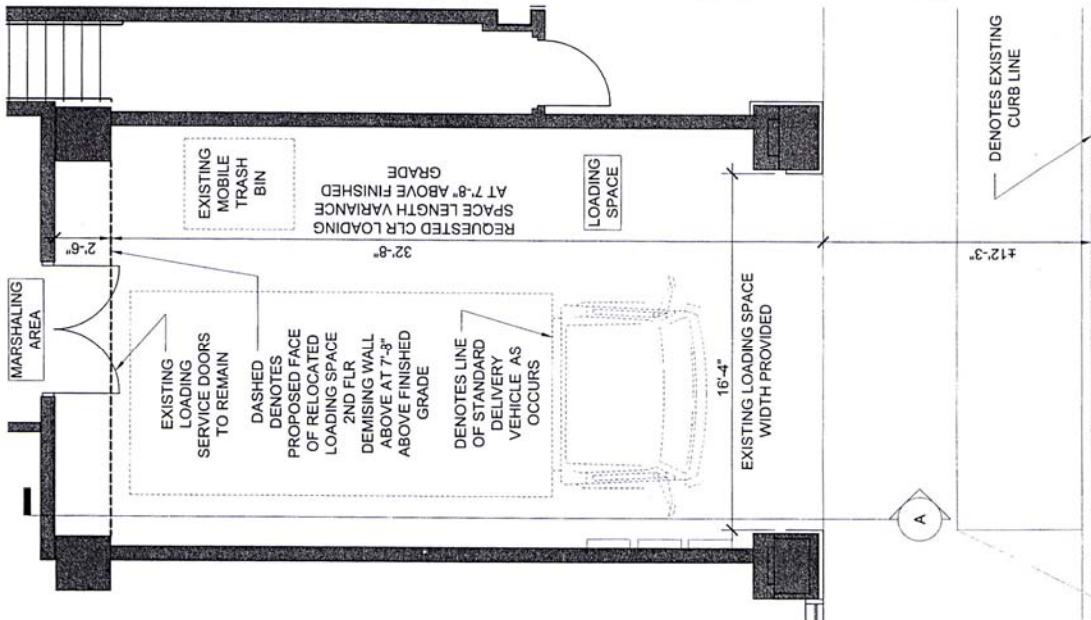
EXISTING  
MARSHALING  
AREA

NEW  
RESTAURANT  
TENANT THIS  
AREA

AREA  
OF WORK

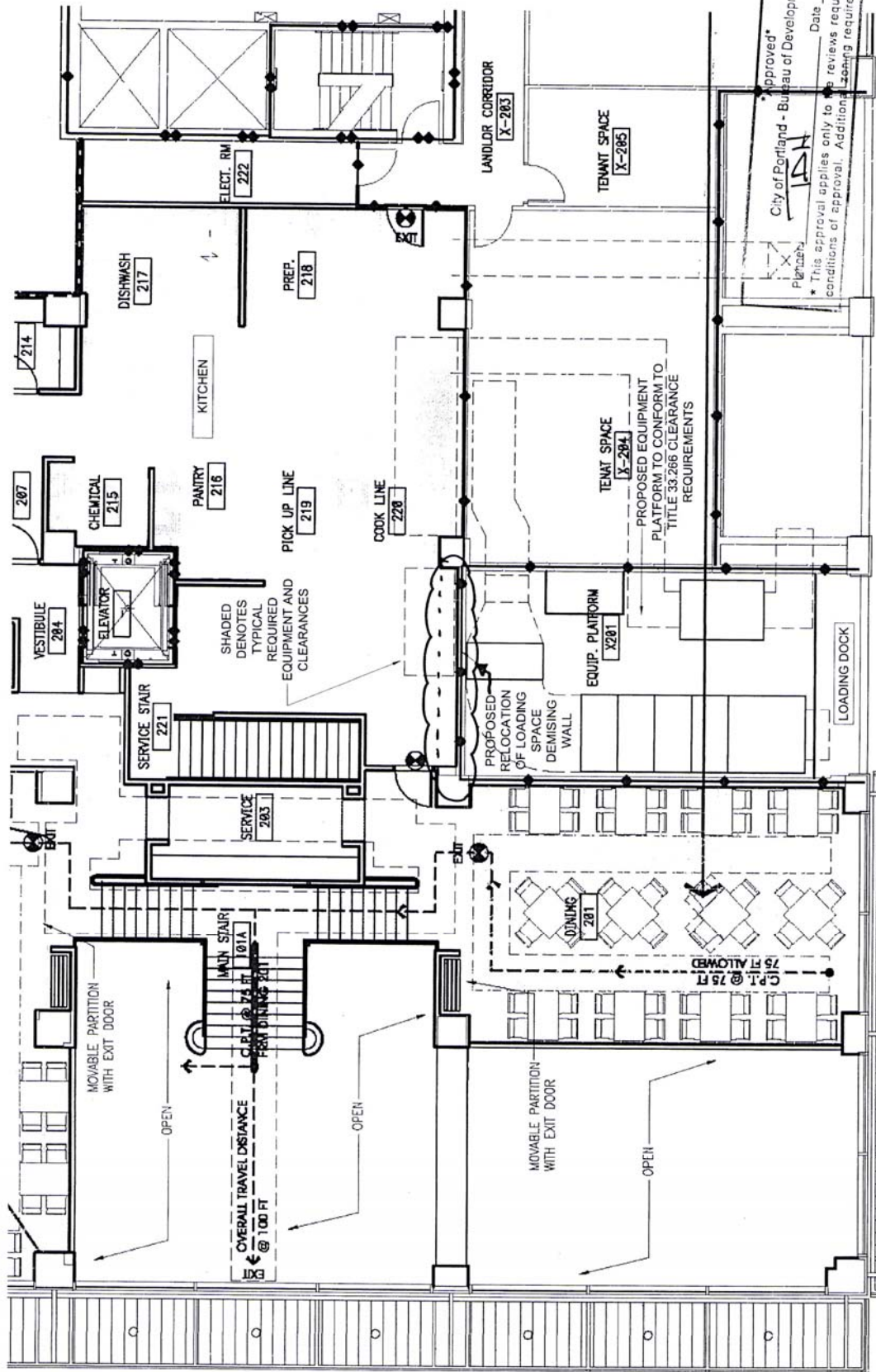
EXISTING  
LOADING  
SPACE  
SEE  
EXHIBIT B

SW BROADWAY  
EXISTING 2-LANE, 1-WAY DIRECTION  
RUNNING SOUTH



 tva architects 3000 NE TERRY AVE PORTLAND, OREGON 97232	ENLARGED LOADING DOCK PLAN AND SECTION				Scale: 3/16" = 1'-0"	FAMILY C.2
	PACIFIC CENTER - RUTHS CHRIS STEAK HOUSE				Proj. No. 10111	EXHIBIT
	PORTLAND, OREGON				Issue Date: 12/20/10	B

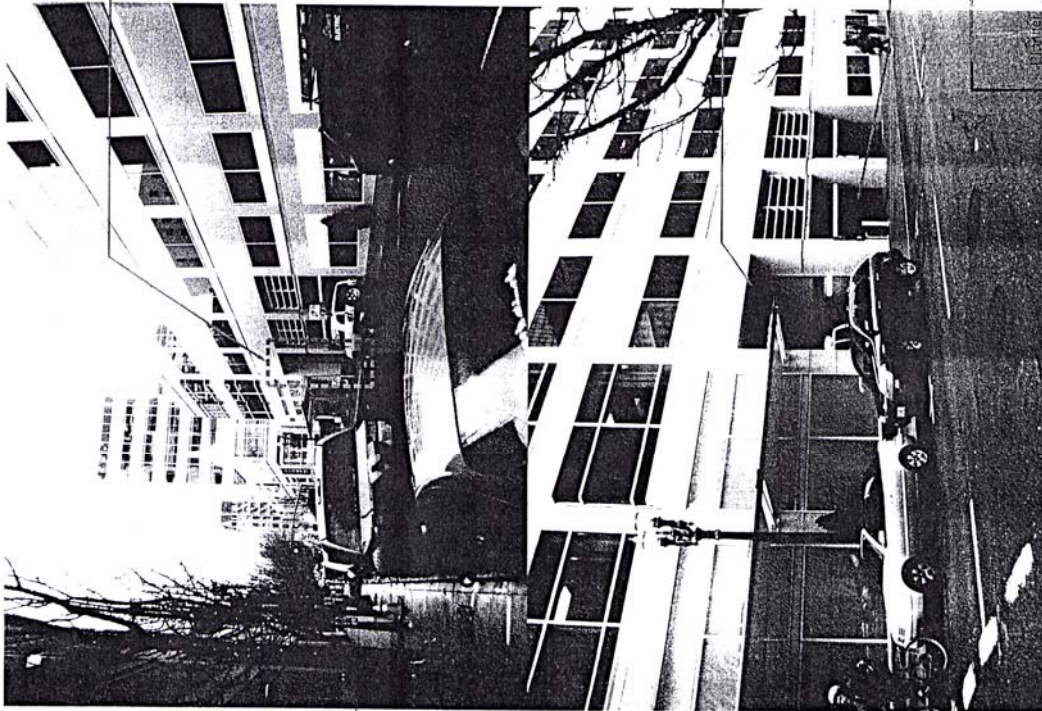




Approved\*  
 City of Portland - Bureau of Development Services  
 Plan No. 10111  
 Date 1.19.11  
 \* This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

LU 10.202982 AD  
 EXHIBIT C.3

PARTIAL 2ND FLOOR TENANT PLAN			Scale: 1/8" = 1'-0"
PACIFIC CENTER - RUTHS CHRIS STEAK HOUSE			Proj No. 10111
PORTLAND, OREGON			Issue Date: 12/20/10
tva architects			EXHIBIT C



EXISTING LOADING SPACE  
ACCESS FROM SW TAYLOR  
ST.

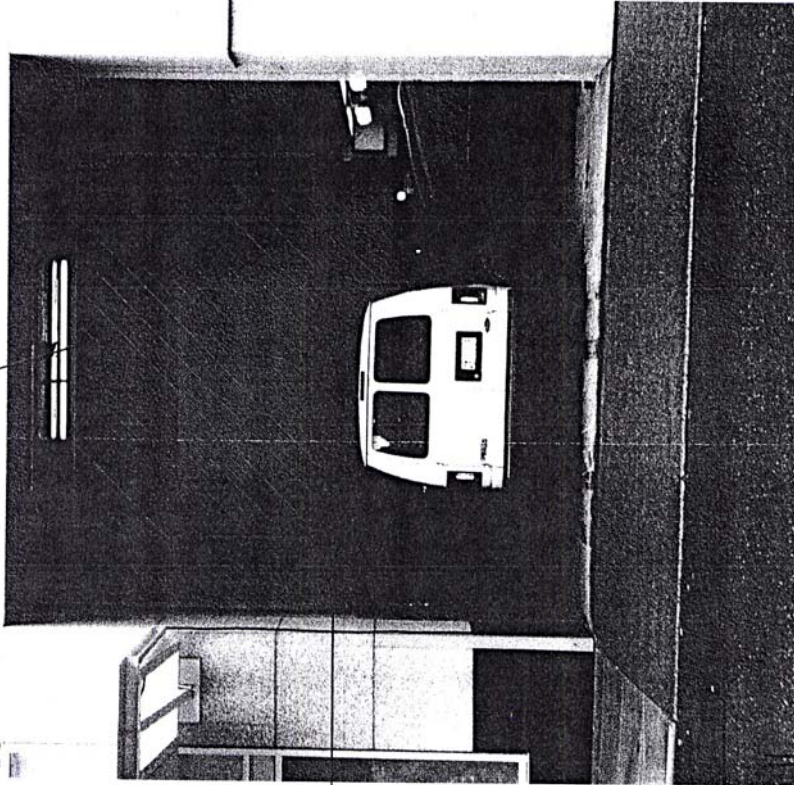
PROPOSED ADJUSTMENT  
LOCATION  
EXISTING 2ND FLOOR  
TENANT DEMISING WALL AT  
BACK OF EXISTING LOADING  
SPACE TO BE RELOCATED  
FLUSH WITH ADJACENT  
COLUMN FACE. THIS WALL  
TO REMAIN SOLID.  
EXISTING 1ST FLOOR  
DEMISING WALL TO  
MARSHALING AREA TO  
REMAIN IN PLACE.  
REFERENCE EXHIBIT-B FOR  
ADDITIONAL INFORMATION

(SEE EXHIBIT C.2)

EXISTING DOUBLE SERVICE  
DOORS TO MARSHALING  
AREA TO REMAIN.

EXISTING ROLL DOWN DOOR  
WILL CONCEAL PROPOSED  
ADJUSTMENT DURING  
NON-BUSINESS HOURS.

EXISTING UNDERGROUND  
PARKING STRUCTURE  
ACCESS.



\*Approved\*  
City of Portland - Bureau of Development Services

DATE 1.19

Approval applies only to the reviews requested and is not a guarantee of approval. Additional zoning requirements may apply.

PARTIAL 2ND FLOOR TENANT PLAN  
PACIFIC CENTER - RUTHS CHRIS STEAK HOUSE  
PORTLAND, OREGON

tva architects  
ARCHITECTS

Scale:	NTS	EXHIBIT
Proj. No.	10111	D
Issue Date:	12/20/10	

LU 10-202982 AD  
EXHIBIT C.4