



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 18, 2012  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Chris.Caruso@portlandoregon.gov](mailto:Chris.Caruso@portlandoregon.gov)

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in 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 12-112765 DZ** **400 BUILDING ENTRY REMODEL**

#### **GENERAL INFORMATION**

**Applicant:** Scott Brown/Yost Grube Hall Architecture  
1211 SW 5th, Ste 2700/Portland, OR 97204

**Owner:** David Reinhart/Felton Properties Inc.  
520 SW 6th Ave, Ste 610/Portland, OR 97204

**Property Manager:** Stephanie Macpherson/Norris, Beggs, & Simpson  
121 SW Morrison St, Ste 200/Portland, OR 97204

**Site Address:** 400 SW 6TH AVE

**Legal Description:** LOT 5-8 BLOCK 175, PORTLAND  
**Tax Account No.:** R667717970  
**State ID No.:** 1N1E34CC 04000  
**Quarter Section:** 3029  
**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.  
**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:**

The applicant seeks design review approval for exterior changes to the main front entry wall of the 400 Building in the Downtown subdistrict of the Central City Plan District. The changes include the following:

- Removal of the exterior stone and glazing system across the three main entry bays that front SW 6<sup>th</sup> Avenue;
- Install new entry glazing and glass doors on each side of central bay;
- Central staircase bay outer wall to be a combination of stainless steel panels that match the existing building walls, and black-backed glazing surrounding an illuminated art panel that is suspended behind an outer wall of clear window glazing; and
- Two new glass canopies, one over each new set of entry doors, flanking the center bay.

Design review is required for exterior renovations to buildings 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 criteria are:

- 33.825 Design Review
- Central City Fundamental Design Guidelines

## ANALYSIS

**Site and Vicinity:** The site is a half-block site, on the block bound by SW 5<sup>th</sup> and 6<sup>th</sup> Avenues and SW Washington and Stark Streets. Southwest 5<sup>th</sup> and 6<sup>th</sup> Avenues comprise the downtown bus mall alignment and are designated Transit Streets. Southwest Washington Street is a designated Pedestrian Street. The site is within the downtown central core of the city and is surrounded by buildings similar in height and mass from all eras and architectural styles. There are also a number of designated Historic Landmark buildings around the site.

The City Transportation System Plan designates SW 6<sup>th</sup> Avenue as a Community Main Street, Local Service Traffic Street, Regional Transitway & Major Transit Priority Street, Local Service Bikeway, and Central City Transit/Pedestrian Street. Both SW Washington and SW Stark Streets are designated Local Service Streets and Local Service Bikeways. Southwest Washington Street is additionally a Local Service Traffic Street, Transit Access Street, and City Walkway. Southwest Stark Street is a Traffic Access Street, Local Service Transit Street, and Local Service Walkway. The site lies within the Downtown Pedestrian District.

The subject building was originally constructed as a five-story building. In 1981-1982 the building underwent a major renovation and addition that expanded it to an 11-story building with a penthouse. The ground level includes retail uses while the upper levels house offices. The building is clad in metal and stone panels with glass and stone panel storefront systems at the Northwest and Southwest corners and regular window banding at the upper levels. Located midblock on SW 6<sup>th</sup> Avenue is the main entrance to the building which is three bays wide and two stories high with glass entry door systems located on either side of a central stone-paneled canopied bay advertising the building's address. An integrated metal and glass entry to the southern ground floor retail space is centrally located on the South façade on SW Washington Street.

**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 “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.

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

- LUR 91-00196 CU approved, with conditions, a parking addition to the basement and lobby modifications.
- LUR 91-00197 DZ, AD approved, with conditions, an adjustment to the required ground floor windows from 50% to 45% of the wall length and from 25% to 20% of the wall area on the north elevation.
- LUR 93-00552 DZ approved design review for 2 tenant entries and an emergency exit.
- LUR 95-00392 DZ approved a satellite dish on the east side of the roof.
- LUR 95-00429 DZ approved design review to refurbish the existing Washington Street retail entrance canopy, install new windows flanking and above entry doors in lieu of metal panels, install new signage at the canopy face and entry door transom, and install 2 double sided internally illuminated projecting corner signs at adjacent faces of the 6<sup>th</sup> and Washington corner.
- LUR 95-00535 DZ approved design review to install 6 new rooftop mechanical units.
- LU 10-172825 DZ approved design review to renovate an exterior exhaust pipe.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed May 18, 2012. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS
- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Portland Department of Transportation

The Bureau of Parks-Forestry Division requested that existing street trees be protected during demolition and construction.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 18, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.825 Design Review**

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

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

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

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

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

### **Central City Fundamental Design Guidelines**

These guidelines provide the constitutional framework for all design review areas in the Central

City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

### **Central City Plan Design Goals**

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

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

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

**Findings for A4 & C4:** The applicant proposes to vertically locate the two new canopies at a height similar to the canopy across SW 6<sup>th</sup> Street on the historic Commonwealth Building. In addition, the Commonwealth Building's entries are set close to the sidewalk at approximately half the depth of the building's pilasters, which the new proposal will mimic. By bringing the front entry doors closer to the sidewalk, the proposal will make the 400 Building more inviting, while still protecting the building's users within the building frontage zone. The removal of the inset dark stone panels and their replacement with stainless steel placed flush with the existing stainless steel pilasters will unify the entry. The removal of the single canopy between the entry doors and the installation of two glass canopies over the separate entries on either side of the center bay will strengthen these entry points. *These criteria are therefore met.*

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

**Findings:** The proposal includes the continued use of the majority of the exterior building elements, with relatively minor alterations to the front entry bays at the first and second level for the purpose of unifying the building's main entrance. *This criterion is therefore 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.

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**Findings for A7, A8 & C8:** The proposal creates a greater sense of enclosure on the streetscape and better defines public vs. private areas by moving the entry doors closer to the sidewalk. While the proposal reduces space available to the public, the relocation of glass doors at the sidewalk provides a better view into the building's interior than currently exists. Lowering the horizontal plane of the canopies also provides a greater sense of enclosure and better demarcates the points of egress than the current canopy which is higher and located between the two entry points. *These criteria are therefore 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.

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building's overall design concept.

**Findings for B6 & B7:** By lowering the height of the proposed canopies and relocating the entry doors closer to the sidewalk, pedestrians and building users will be better protected from rain and wind than the current situation provides. The proposal integrates barrier-free design behind the new glass curtain wall. This approach unifies the building façade while protecting the proposed ramp and stairs from adverse weather conditions, creating a better condition than currently exists. *These criteria are therefore met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings for C2, C3 & C5:** The proposal respects the character of the existing building by simplifying the exterior building materials, using stainless steel and glass to match existing materials and strengthening the main entry bays by unifying the design. The architectural integrity of the building as a whole is strengthened by the proposed design which creates a stronger sidewalk presence and announces the location of access points to the interior with the dual canopies. The use of durable building materials such as glass and stainless steel will lend to this building's sense of permanence. The canopies, new entry bays and the center art wall will be constructed of glass, achieving a coherent composition. *These criteria are therefore met.*

**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:** The proposal does not include any new encroachments into the right-of-way; however, existing right-of-way improvements, including street trees and bus shelters will remain. The new canopies will provide shelter to pedestrians and the art wall will provide

interest at the streetscape. *This criteria is therefore 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 proposal includes an internally lit art wall to be located in the center bay between the two entries. The art wall will create a focal point and add interest to the streetscape and will be lit from behind. The lighting is proposed to be integrated into the design and the light source will not be visible. *These guidelines are therefore met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed design creates a unified central building entry system that creates a better environment for pedestrians and users of the building than currently exists. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of exterior changes to the main front entry wall of the 400 Building in the Downtown subdistrict of the Central City Plan District, to include the following:

- Removal of the exterior stone and glazing system across the three main entry bays that front SW 6<sup>th</sup> Avenue;
- New clear entry glazing and clear glass doors on each side of central staircase bay;
- Central staircase bay outer wall to be a combination of stainless steel panels that match the existing building walls, and black-backed glazing surrounding an illuminated art panel that is suspended behind an outer wall of clear window glazing; and
- Two new glass canopies, one over each new set of entry doors, flanking the center bay.

Approved, per the approved site plans, Exhibits C-1 through C-11, signed and dated June 14, 2012, 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 through C-11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-112765 DZ. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on June 14, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 18, 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 February 14, 2012, and was determined to be complete on May 15, 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 February 14, 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 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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 2, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

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

- *Unless appealed*, The final decision may be recorded on or after **July 3, 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.

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



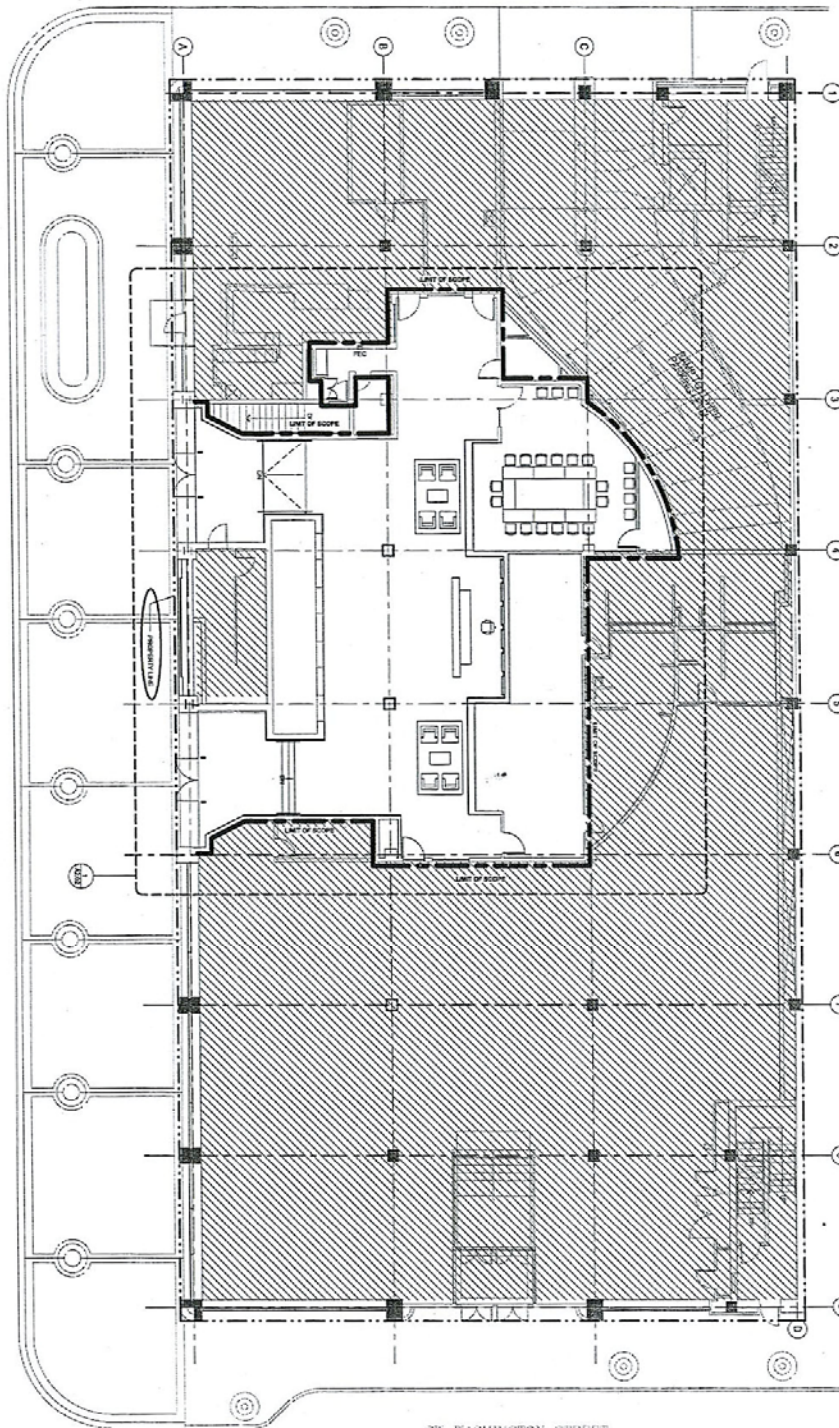
- A. Applicant's Statement
  - 1. Narrative
  - 2. May 8, 2012 Memo Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Demolition Plan
  - 3. Floor Plan Level 1
  - 4. Enlarged Floor Plan Level 1 (attached)
  - 5. Exterior Elevations
  - 6. Enlarged Elevations + Canopy (attached)
  - 7. Wall Sections
  - 8. Exterior Details Curtain Wall + Canopy
  - 9. Exterior Details Art Wall + SSTL Panels
  - 10. Interior Details Wall Finishes
  - 11. Schedules
- 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
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life Safety Review Section of BDS
  - 7. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter

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





1 Level 1 - Silo Plan  
18" x 10"



SW WASHINGTON STREET

FLOOR PLAN NOTES

[illegible]

1. What are the two variables? **Blocker** and **level** of **panic attacks** and **anxiety** as measured on a scale of 1 to 100.
2. What are the two levels of the independent variable? **Low** and **high**.
3. Are the variables being measured on a continuous scale? **No**, they are measured on a discrete scale.
4. What is the independent variable? **Blocker**.
5. What is the dependent variable? **Level of panic attacks and anxiety**.
6. What is the control group? **Low blocker**.
7. What is the experimental group? **High blocker**.
8. What is the treatment? **High blocker**.
9. What is the outcome? **Level of panic attacks and anxiety**.
10. What is the conclusion? **High blocker reduces the level of panic attacks and anxiety**.

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner                       
Date 6/14/12

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

Additional zoning requirements may apply.



[illegible]



