



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
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www.portlandonline.com/bds

Date: June 24, 2009
To: Interested Person
From: Breah Pike-Salas, Land Use Services
503-823-6825 / Breah.Pike-Salas@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 09-120295 DZ, CASCADE AIDS PROJECT TENANT IMPROVEMENT

GENERAL INFORMATION

Applicant: Matt Fitzgerald (Architect)
GBD Architects
1120 NW Couch St. Suite 300
Portland OR, 97209
503.224.9656

Owner: BRCP/Unico Lincoln Owner LLC
111 SW 5th Ave #2120
Portland, OR 97204-3626

Site Address: 421 SW OAK ST

Legal Description: BLOCK 66 LOT 1&2 7&8, PORTLAND
Tax Account No.: R667707670
State ID No.: 1N1E34CD 03000
Quarter Section: 3029
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 II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review approval for the installation of a new building tenant recessed entry on SW 4th Avenue consisting of a pair of glazed aluminum clad doors measuring 3 feet by 7 feet each with a glazed transom, and new aluminum glass panels on either side of the recessed door. The storefront mullions will match the existing window frames in color and material.

Because the proposal is for alterations to existing development in a Design zone, Design Review 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:

- 33.825 Design Review
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site is an eight-story office building, the Lincoln Building, occupying the full block surrounded by Oak and Pine Streets and 4th and 5th Avenues. The subject site is bordered by office buildings on the north, south, east and west. This is an intense urban area. In addition to the intense building development, wide sidewalks throughout the area and the adjacent transit mall contribute to the urban amenities and character of the vicinity.

Zoning: The CX, Central Commercial, 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.

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 is subject to design review.

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

DZ 66-83: Design Review approval of a new awning.

CU 109-81: Conditional Use for off-street parking. After several continuances, the Hearings Officer terminated this matter without dispositive action.

LUR 91-00370 DZ: Design Review approval for the installation of new awnings at the ground floor level, for all four facades of this existing building.

LUR 94-00781 DZ: Design Review approval for the addition of a mechanical penthouse.

LUR 96-00883 DZ: Design Review approval for the installation of a satellite dish antenna.

LUR 97-00121 DZ: Design Review approval for the mounting of six PCS panel antennas.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 18, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Police Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Bureau of Planning

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 18, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

DESIGN REVIEW, 33.825**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 and to promote quality development near transit facilities. 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 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 district guidelines.

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.

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.

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

Findings for A4, A5, and A6: The new storefront system is part of a tenant improvement and will be a replication of an existing storefront system found in an adjacent tenant space maintaining a unified look to the building. The character of the building is enhanced by the design of the new storefront system utilizing similar materials in size and dimensions currently found in the building. *These guidelines are therefore met.*

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.

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.

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.

B6. Develop Weather Protection. Development 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 A8, B1, B2, B6, and B7: With the integration of the new storefront system, the pedestrian experience is reinforced and pedestrian access to SW 4th Avenue is enhanced by the additional access on SW 4th Avenue. The new storefront system will consist of an alcove entry consisting of a pair of glazed aluminum clad doors measuring 3 feet by 7 feet each with a glazed transom, and new aluminum glass panels on either side of the recessed door. These large windows and recessed entry provide protection to pedestrians from weather as well as provide a visual connection between the public space and private. *These guidelines 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.

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

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

Findings for C2, C3, C4 and C5: The original architecture is respected, complemented, and permanence of development is obtained by using a design for the new storefront system that is currently found in the building facade among other tenant spaces. Coherency is achieved by having the aluminum framing proposed for the storefront system matching the dimensions and proportions found in the existing building's window mullion patterns and

storefront systems. *These guidelines are therefore met.*

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.

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 C6 and C8: The new storefront system reinforces the sidewalk level of the building and complements the transition between the building and public space on SW 4th Avenue by its design. Large windows create a distinct separation between the private and the public space while simultaneously enhancing visual interest at the pedestrian level. *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 recessed tenant entry respects the style and character of the original structure by utilizing an existing design currently found in the structure. The pedestrian experience is enhanced via an additional access from SW 4th Avenue. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review for the installation of a new building tenant recessed entry on SW 4th Avenue in the Central City Plan District consisting of a pair of glazed aluminum clad doors measuring 3 feet by 7 feet each with a glazed transom, and new aluminum glass panels on either side of the recessed door, per the approved plans, Exhibits C-1 through C-4, signed and dated June 16, 2009, 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-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File LU 09-120295 DZ. No field changes allowed."

Staff Planner: Breah Pike-Salas

Decision rendered by:  **on June 19, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 24, 2009.

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 April 9, 2009, and was determined to be complete on May 13, 2009.

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 April 9, 2009.

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. Unless further extended by the applicant, **the 120 days will expire on: September 10, 2009.**

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 8, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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 contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 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 9, 2009**.
- 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:

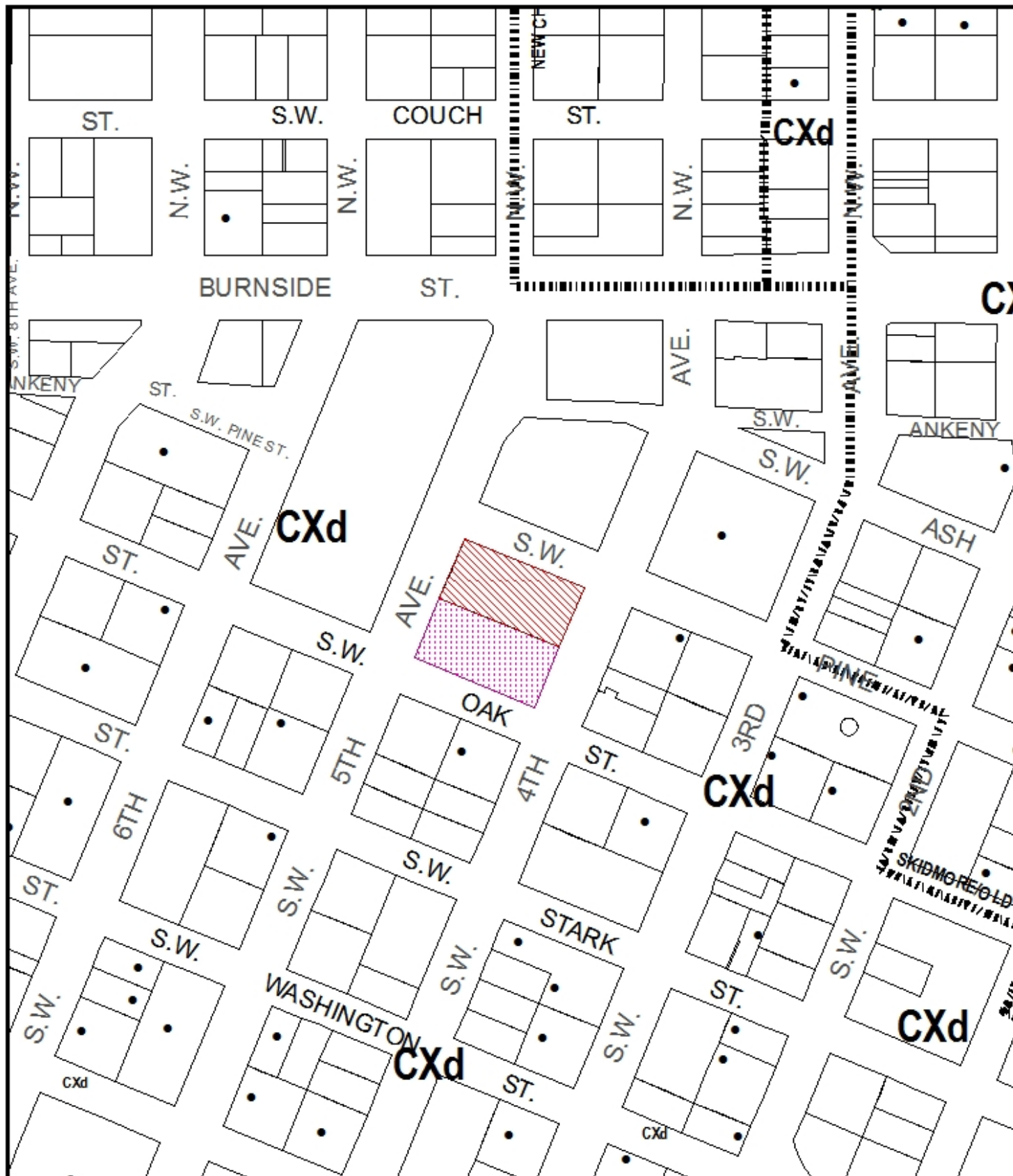
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS




NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation (attached)
 - 3. Enlarged Elevation (attached)
 - 4. Section Details (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. Bureau of Parks, Forestry Division
 - 4. Life Safety Review Section of the Bureau of Development Review
- 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. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Also Owned
-  Historic Landmark

File No. LU 09-120295 DZ

1/4 Section 3029

Scale 1 inch = 200 feet

State_Id 1N1E34CD 3000

Exhibit B (Apr 13,2009)



This site lies within the:
CENTRAL CITY PLAN DISTRICT

Approved

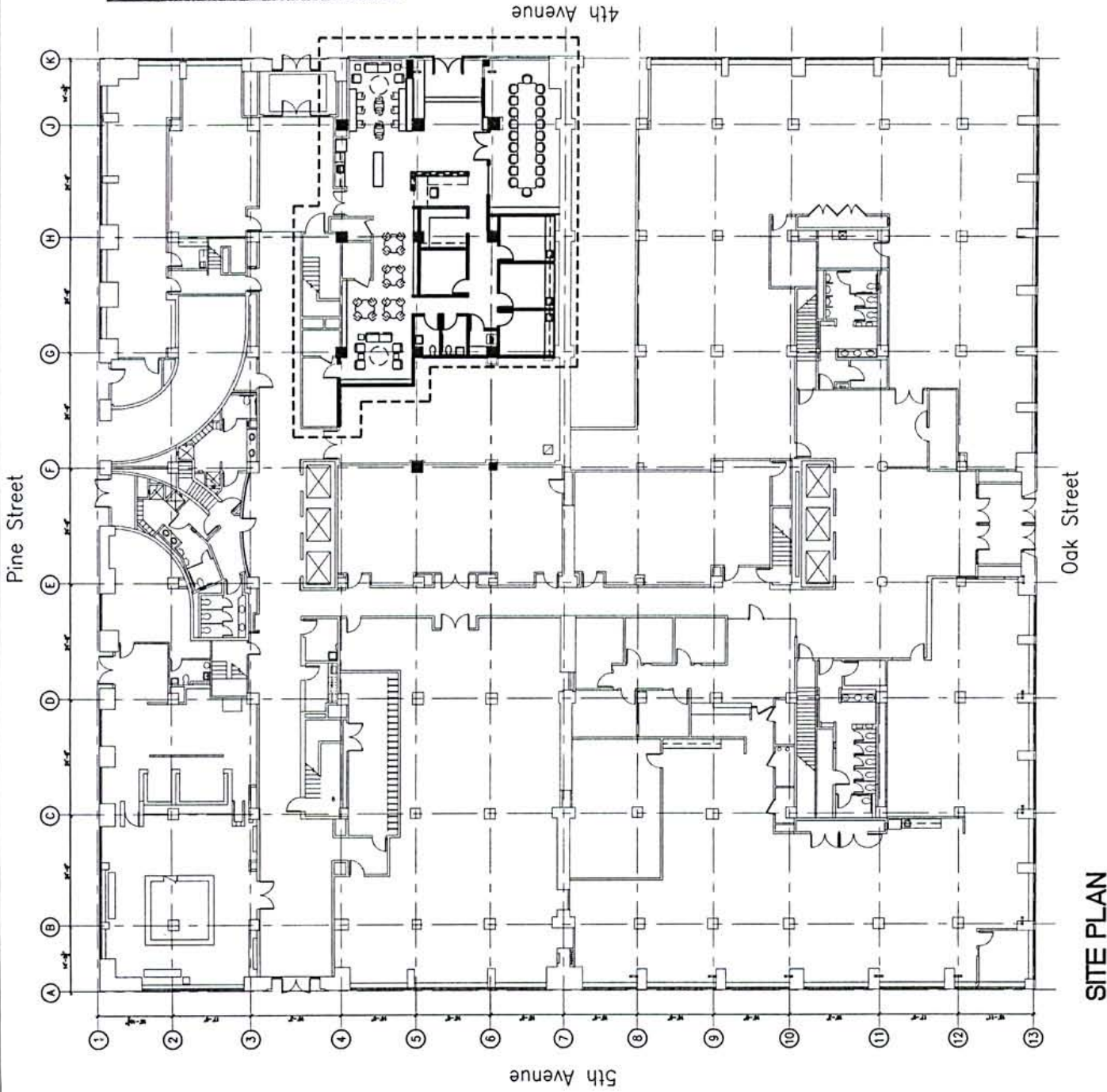
City of Portland

Bureau of Development Services

Planner *Donna P. Sato*

Date *June 17, 2009*

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



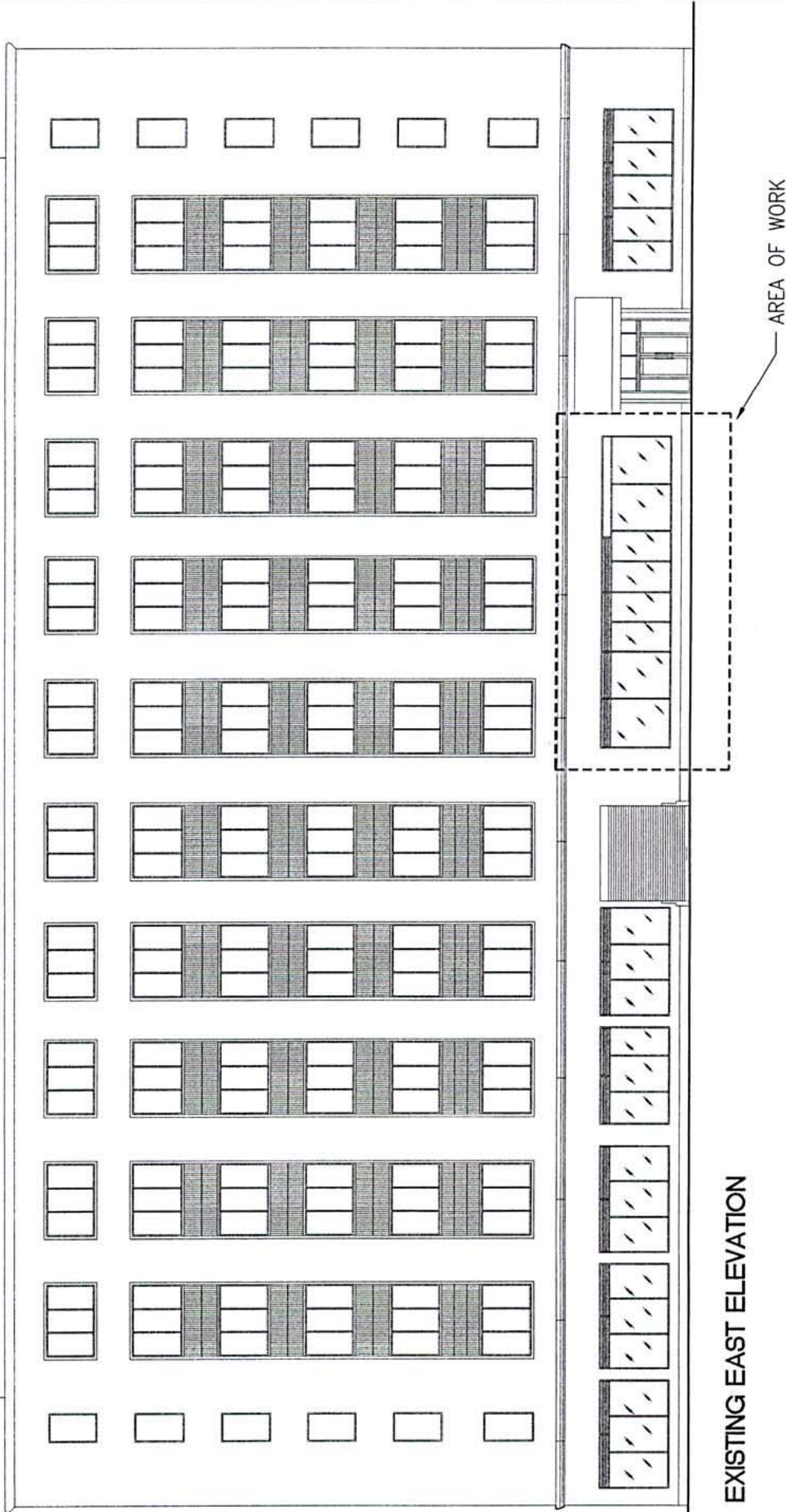
SITE PLAN

LINCOLN BUILDING
GBD ARCHITECTS, Incorporated
APRIL 2009

CASCADE AIDS PROJECT
BUILDING IMPROVEMENTS



Approved
City of Portland - Bureau of Development Services
Planner Brian P. Salo Date June 17, 2009
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

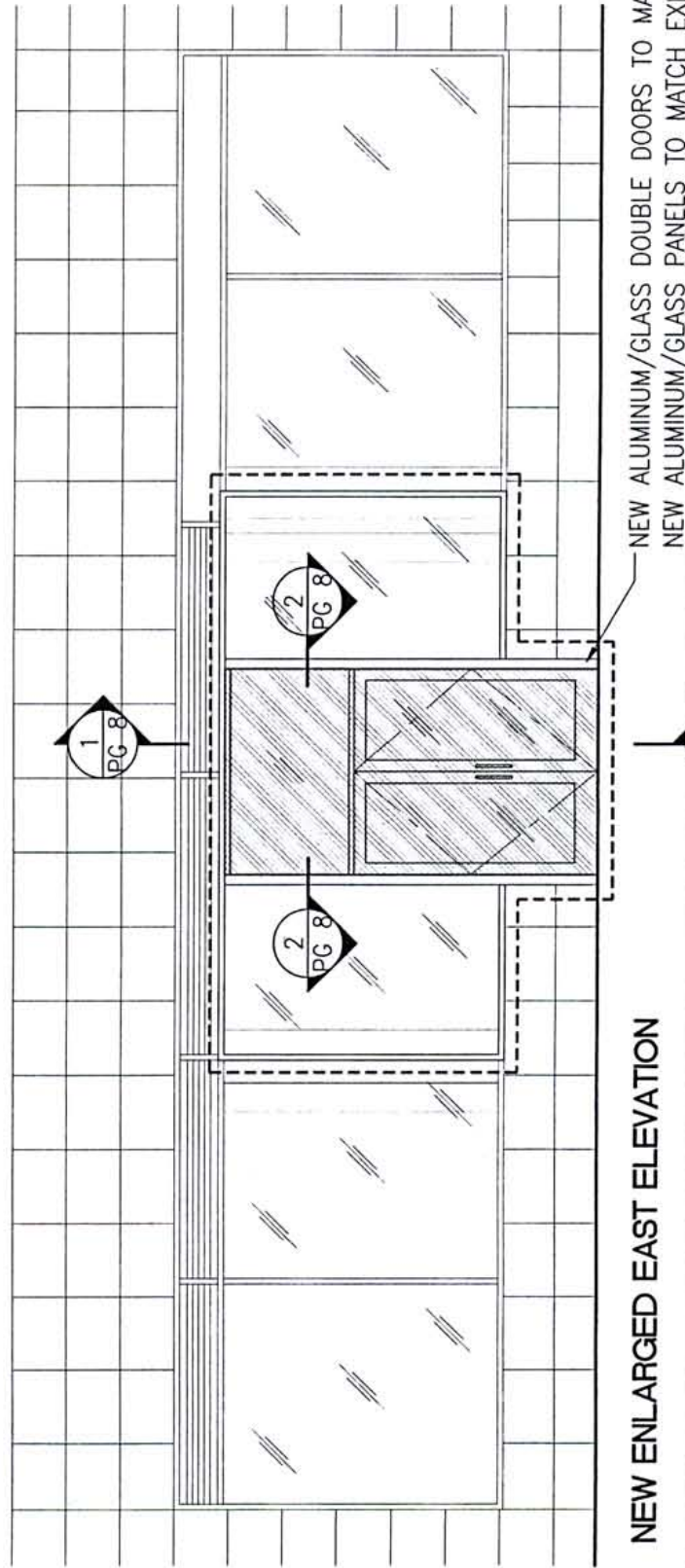
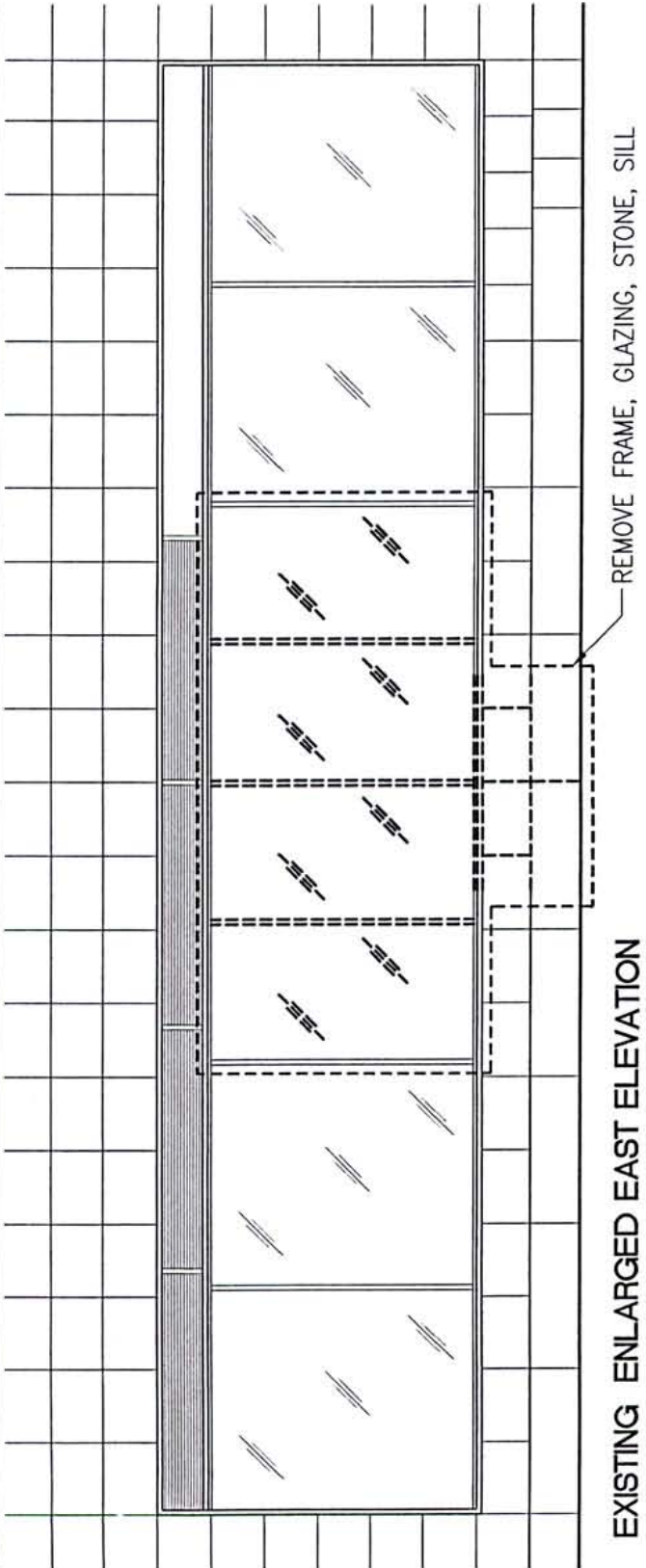


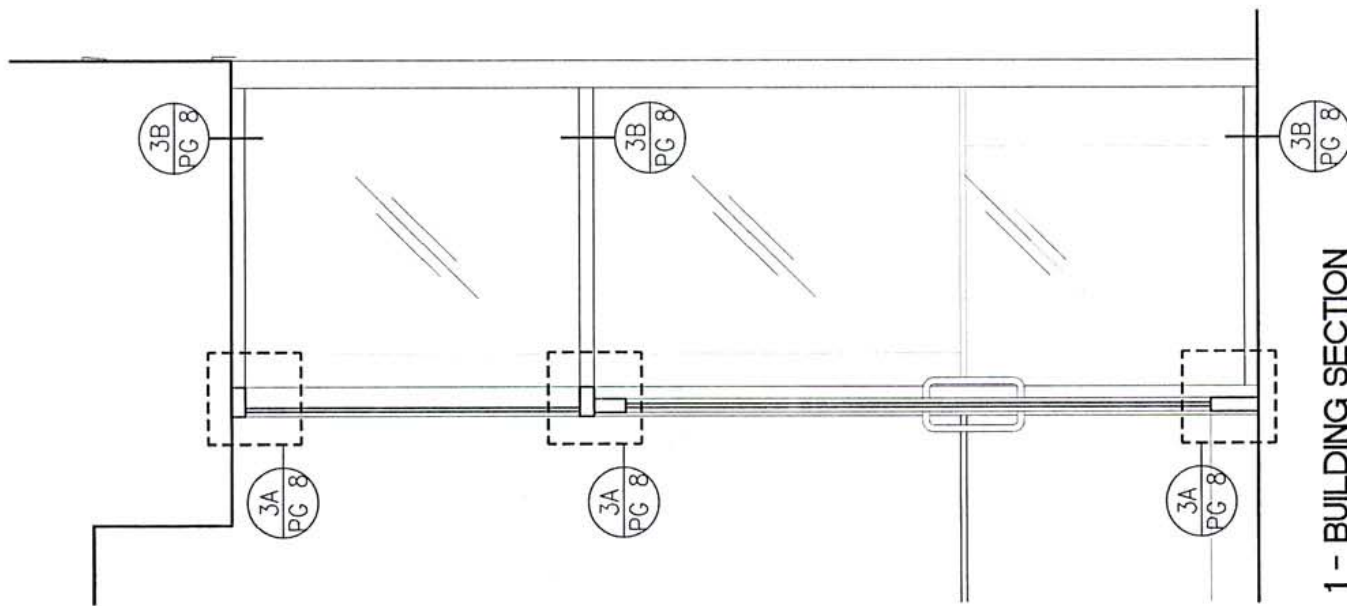
LU 09-120295 DZ Exhibit C.2

LINCOLN BUILDING
GBD ARCHITECTS, Incorporated
APRIL 2009

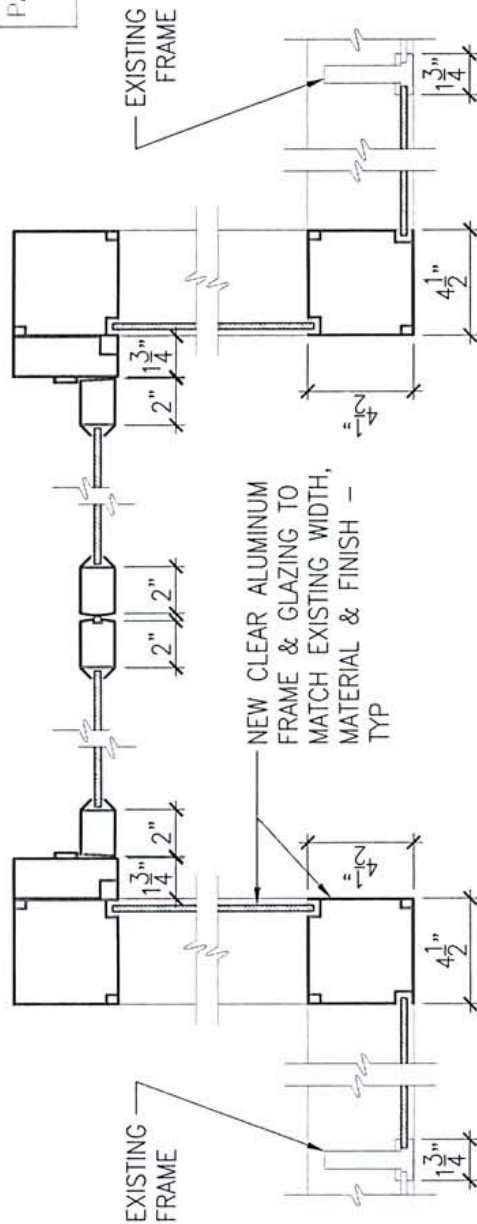
GBD ARCHITECTS
CASCADE AIDS PROJECT
BUILDING IMPROVEMENTS

Approved
 City of Portland Bureau of Development Services
 Planner: *Brian C. Sato*
 Date: *June 17, 2009*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



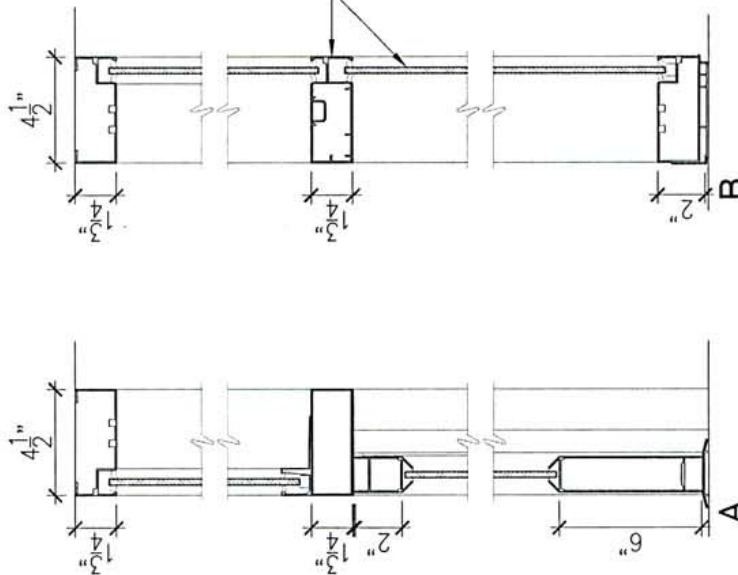


1 - BUILDING SECTION



2 - STOREFRONT MULLION PLAN SECTION

SCALE: 1 1/2" = 1'-0"



3 - STOREFRONT MULLION SECTION

SCALE: 1 1/2" = 1'-0"

NEW CLEAR ALUMINUM
FRAME & GLAZING TO
MATCH EXISTING WIDTH,
MATERIAL & FINISH -
TYP

Approved

City of Portland

Bureau of Development Services

Planner *Brian H. S. 8100*

Date *June 17, 2009*

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

Additional zoning requirements may apply.