



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

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Date: March 3, 2017
To: Interested Person
From: Mike Gushard, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-289152 HR - BAY ALTERATION AT HISTORIC EQUITABLE BUILDING

GENERAL INFORMATION

Applicant: Anne Rogness | Zimmer, Gunsul, Frasca
1223 SW Washington Street, Suite 200
Portland, OR 97205

Contractor: J.B. Skopil | Team Construction
4201 NE 66th Avenue, Suite 105
Vancouver, WA 98661

Owner: Clint Copulos | KBS Realty Advisors
620 New Port Center Drive, Suite 1300
Newport Beach, CA 92660

KBSGI, 421 SW 6th Avenue LLC
PO Box 28270
Santa Ana, CA 92799

Site Address: **401-421 SW 6th Avenue**

Legal Description: BLOCK 176 LOT 1-4, PORTLAND
Tax Account No.: R667717980
State ID No.: 1N1E34CC 04300
Quarter Section: 3029
Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown
Other Designations: Portland Historic Landmark, listed in the National Register of Historic Places on March 30, 1976.

Zoning: CXd, Central Commercial with Design Overlay
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant proposes to replace an existing door with a window. The proposed window will match the character-defining and historic mullion and window pattern of the first floor of the equitable building. This project requires historic resource review because the Equitable Building is a historic landmark.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Criteria in Section 33.846.060.G of the Portland Zoning Code

ANALYSIS

Site and Vicinity: The subject property is historically known as the Equitable Building, and commonly known as the Commonwealth Building. It was designed by local architect Pietro Belluschi and upon its completion in 1948, was an early example of a glass and steel International Style office building in the United States. Originally a 12-story building, in 1956 and '57, Skidmore, Owings & Merrill added a 13th floor as well as four floors at the ground level to connect to the adjacent hotel, maintaining the original façade pattern. Over the years a marquee was added, and there have been many signage and awning installations, as well as storefront alterations; however the building has maintained much of its integrity. In 1976, the Equitable Building was listed in the National Register of Historic Places, noting the original construction date and the date of the later SOM alterations as the period of significance.

The building occupies a half-block in Portland's downtown core, bound by SW Washington Street to the south SW 6th Avenue to the east and SW Stark Street to the north. SW Washington Street and SW 6th Avenue are major transportation corridors. The building is surrounded by other commercially-zoned buildings of various sizes and ages, including several landmarks.

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.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their

city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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

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

- LU 77-005779 (ref. file: HL 16-77) – Approval of removal of neon signage on top of the building;
- LU 79-005706 (ref. file: HL 12-79) – Approval of infill of 13th floor;
- LU 83-006043 (ref. file: HL 37-83) – Approval of signage;
- LU 84-006373 (ref. file: HL 7-84) – Approval of storefront remodel;
- LU 84-005814 (ref. file: HL 19-84) – Approval of a new awning;
- LU 84-005974 (ref. file: HL 31-84) – Approval of new signage;
- LU 88-005955 (ref. file: HL 3-88) – Approval of a lobby renovation;
- LU 95-012172 (ref. file: LUR 95-00279 DZ) – Approval of exterior ground level alterations;
- LU 97-015230 (ref. file: LUR 97-00561 HDZ) – Approval for a lighted sign on SW Washington Street;
- LU 97-014823 (ref. file: LUR 97-00777 HDZ) – Approval of new awning covers with signage;
- LU 97-015230 (ref. file: LUR 97-01184 DZ) – Approval for lighted signage on SW Washington Street;
- LU 99-017267 (ref. file: LUR 99-00862 HDZM) – Approval of two new rooftop mechanical units;
- LU 01-007540 (ref. file: LUR 01-00141 HDZ) – Approval of storefront alterations to match other existing storefronts;
- LU 09-141711 HDZ – Approval of storefront restoration and signage;
- LU 14-124500 HR – Approval of a new roof deck.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 24, 2017**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Bureau of Development Services Site Development

The Fire Bureau responded with the following comment: This building will need a spate Permit
Please see Exhibit E-1

The Life Safety Section of Bureau of Development Services responded with the following comment: A Building Permit is currently under review or has been issued or, a Life Safety plans examiner, Jeff Donnelly has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments.see Exhibit E-2

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 24, 2017. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic/Conservation Landmark. Therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

G. Other Approval Criteria:

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.:
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings: 1-10 Period and contemporary photographic evidence shows that the ground floor of the Equitable Building has had many tenant improvements and design changes over time. For this reason it is unlikely any historic materials will be destroyed by the proposed project. The project will take a non-historic door and picture window and replace it with two bays with a mullion pattern and lower curb that matches the original design of the building. This preserves the form and bolsters the integrity of the historic building. No subsurface work is proposed by the project precluding impacts to archaeological resources. *Therefore these criteria are met.*

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.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

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

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

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.

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.

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 A2, A4, A6, A8, C2, C3, C4, C5, and C8: The Equitable Building is internationally renowned as one of the first, if not the first, fully enclosed glass-box office building. It is an icon of the International style and a very significant part of Portland's architectural history. Restoring the window bays to be uniform with the original design emphasizes this Portland story and unifies the bay with the others at the ground floor. It creates a more coherent design. The larger expanses of glass which will be uninterrupted by door hardware contribute to a vibrant streetscape. *Therefore these criteria are met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria recreating the historic design of one of the lower level bays a historic building and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a bay alteration at historic equitable building], per the approved site plans, Exhibits C-1 through C7, signed and dated February 27, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C)) 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 16-289152 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

C. No Field Changes allowed

Staff Planner: Mike Gushard

Decision rendered by:  **on March 1, 2017**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 3, 2017

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 20, 2016, and was determined to be complete on January 18, 2017.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on December 20, 2016.

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: May 18, 2017**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 17, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The

appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks 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 **March 20, 2017**
- 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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

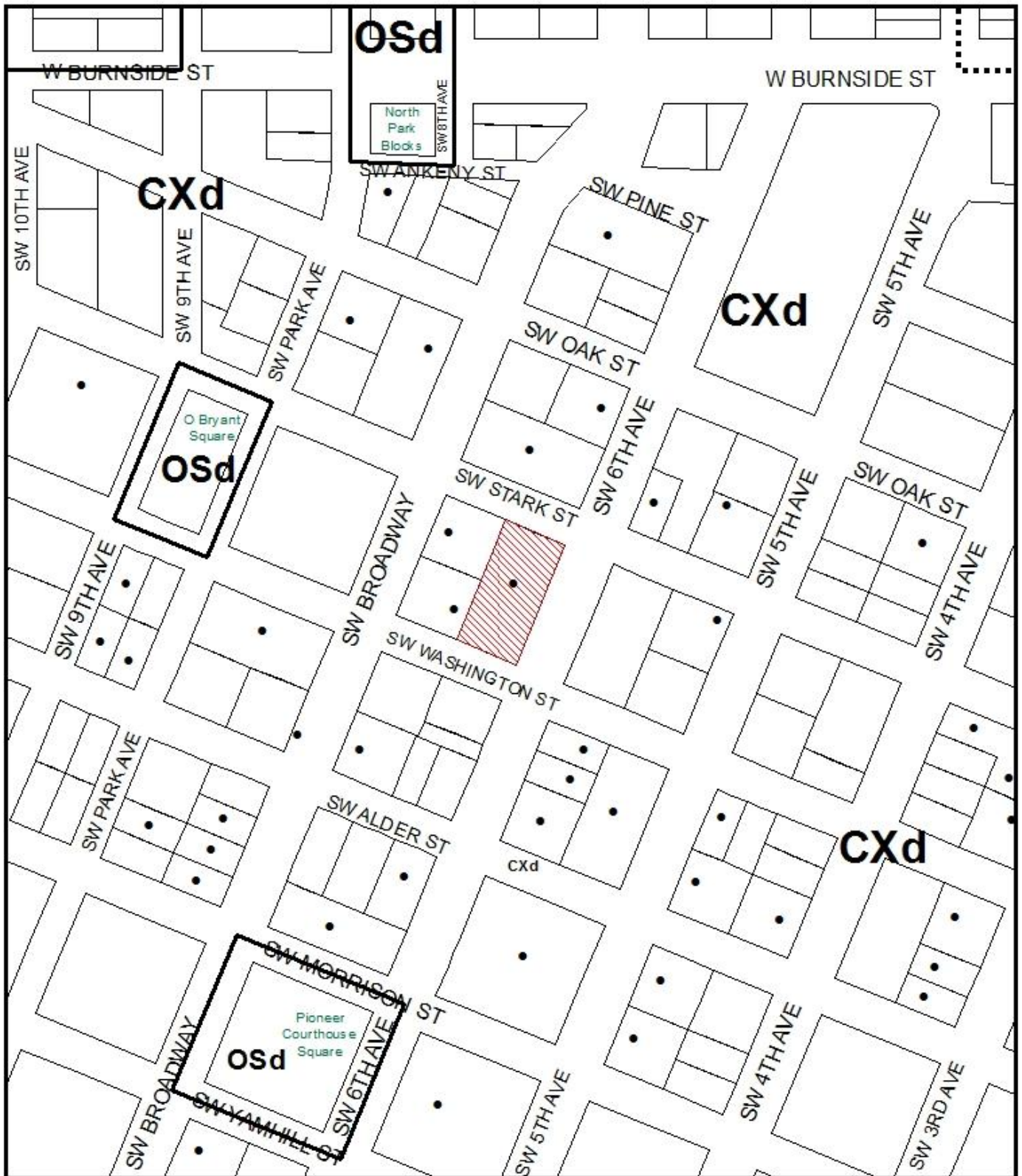
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Floorplan
 - 3. Existing and Proposed Elevation
 - 4. Proposed Elevation Detail
 - 5. Existing Mullion Photos
 - 6. Existing Mullion Measurements
 - 7. Existing Sill Conditions
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Development Service Life Safety
 - 2. Fire Bureau
 - 3. TRACS Printout
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU Application

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



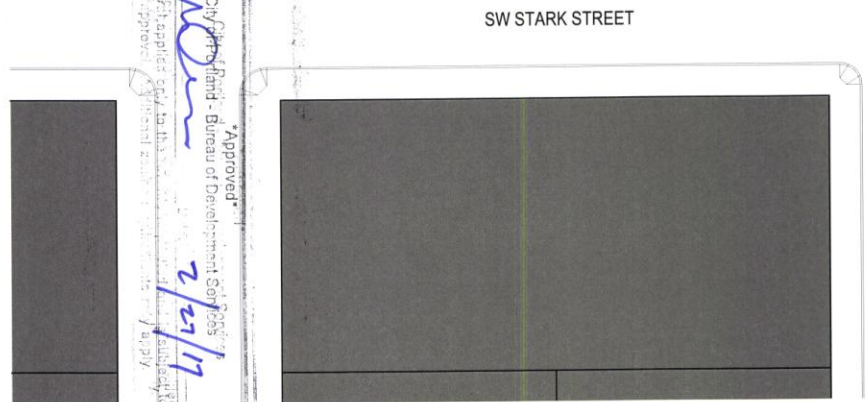
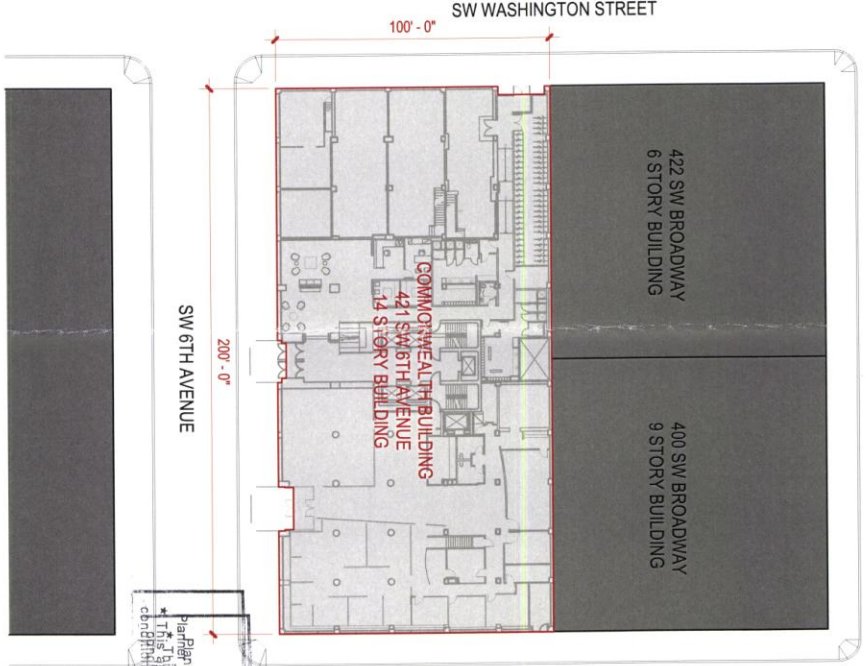
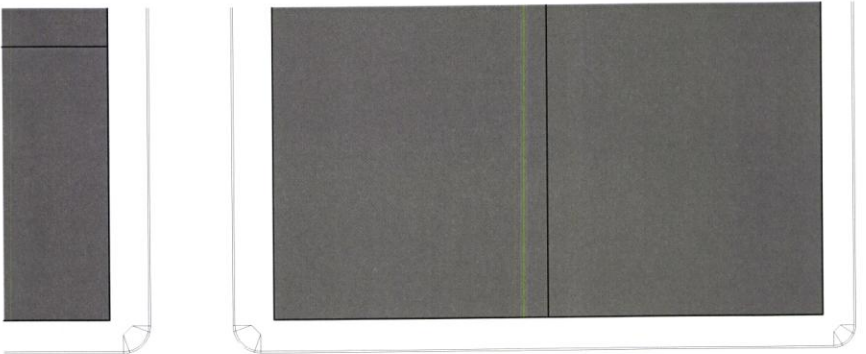
ZONING

-  Site
-  Historic Landmark

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

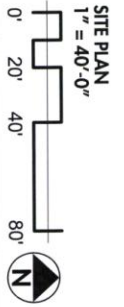


File No. LU 16-289152 HR
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CC 4300
 Exhibit B (Dec 29, 2016)



Approved
City of Portland - Bureau of Development Services
2/21/17

CI



ARCHITECTURAL DRAWINGS 7

LU16-289152HR