



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

Dan Saltzman, Commissioner  
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**Date:** November 10, 2011  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
503-823-0624 / [staci.monroe@portlandoregon.gov](mailto:staci.monroe@portlandoregon.gov)

## **NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 11-153510 DZ - DESIGN REVIEW FOR THE EATON BUILDING ENTRY REMODEL**

#### **GENERAL INFORMATION**

**Applicant:** Tom Moyer Theatres  
805 SW Broadway #2020  
Portland, OR 9720

**Representative:** Jill Hollowell, 503-241-1111  
TMT Development Co., Inc  
805 SW Broadway St, Suite 2020  
Portland, OR 97205

**Site Address:** 620-626 SW 9TH AVENUE

**Legal Description:** PORTLAND PARK BLOCKS LOT 3 BLOCK 3, PORTLAND  
**Tax Account No.:** R667743300  
**State ID No.:** 1N1E34CC 09200  
**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 zone with a Design overlay  
**Case Type:** DZ – Design Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant seeks Design Review to remodel the main entry of the Eaton Building located in the Downtown Subdistrict of Central City Plan District. The remodel includes the following at the entry vestibule on the west façade of building:

- Remove existing metal awning, repair existing transom and replace the transom glazing with new clear glass;
- Remove drop ceiling within the entry vestibule, repair and replace plaster finish and add 4 new windows with clear glass in the upper wall above the entry doors and sidelites;
- Install new tempered glass sidelite adjacent to the southern lobby entrance;
- Remove existing mirrored glass sidelite and infill with tongue and groove vertical cedar boards stained to match apartment door finish and relocate apartment entrance call box to this panel;
- Add new ceiling mounted light fixture within vestibule; and
- Repair and replace chipped and broken tile on the floor of the vestibule.

Because the site is located within a Design overlay within the Central City Plan District, exterior alterations require Design Review. The signage proposed is not in excess of 32 SF and therefore does not require Design Review per Section 33.420.041.F.

#### **Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines

## **ANALYSIS**

**Site and Vicinity:** The Eaton Building, formerly the Eaton Hotel, was built in 1905 in the 20<sup>th</sup> Century Italian Renaissance style. The building is currently an apartment building, converted from the hotel use in the 1960's, with first floor retail tenants. While the original storefronts have been removed, the Eaton Building still retains most of its original architectural details. A yellow brick veneer details the two main façades along SW 9<sup>th</sup> and Morrison, specifically, arched window bays, quoining, cornice moldings and dentils.

**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 98-00304 DZ: Design Review approval for façade improvements to ground floor of existing 5-story apartment with ground retail.
- LUR 98-01093 DZ: Design Review approval to revise LUR 98-00304 DZ to relocate entry to corner of building.
- LUR 00-00322 DZ: Design Review approval for new building signage and lighting.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **October 4, 2011**. The following Bureaus have responded responses with no significant issues:

- Life Safety Review Section of BDS (see Exhibit E-1)
- Water Bureau (see Exhibit E-2)
- Fire Bureau (see Exhibit E-3)

The following Bureaus responded with no concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 4, 2011**. 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.*

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

**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:** Over the years, the main entry vestibule to the Eaton Building has been modified in manner that altered its original dimensions (height) and architectural features (transom bar and windows). The vaulted ceiling was enclosed with a drop ceiling concealing the transom windows above and a very large metal canopy covered the transom bar and the majority of the transom windows within the entry arch. The proposal restores these original elements with matching materials which restores the architectural integrity to this somewhat elaborate building entry with its semi-octagonal footprint and vaulted space. The wood transom bar will be repaired and match the detailed profile of the adjacent window transom. The upper walls and ceiling within the vestibule will be plastered to match the existing finish. Glass will be installed within the original wood transoms both within the upper level of the vestibule and the exterior arch. A new wood framed window will be installed adjacent to the apartment door, which will provide additional symmetry along this wall. The mirrored glass to be removed will be replaced with tongue and groove stained cedar siding complimenting the existing doors. The pendant light is a period fixture that respects the 20th Century Italian Renaissance style of the building. The repair and replacement of the tile floor within the entry retains a detail that is typical of recessed or alcoved entries in older buildings. The proposed restoration of the entry vestibule results in a coherent design that respects and compliments the existing building materials and architecture. *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.

**C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

**Findings:** The new window south of the apartment door will provide additional glazing along the pedestrian environment, which will provide further views into the space and to the activity on the street. Restoring the original architectural features (transoms and vaulted space) and adding a period pendant light fixture will further enhance the entry as a prominent element on the façade that contributes to the vibrancy of the streetscape. *These guidelines 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.

**Finding:** Although the canopy is to be removed and not replaced, the entry vestibule is of considerable size, 12' (w) x 6'-10" (d), and will continue to provide protection for those accessing the building as well as pedestrians in need of shelter along the sidewalk. *This guideline is therefore met.*

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

**Findings:** The transoms and new sidelight window will be of wood and clear glass, both of which are high quality and durable. The tongue and groove vertical cedar board for the infill of the mirrored window is also common material known for its permanence. The pendant light fixture is comprised of polished nickel and frosted glass shade. These materials match the existing found on the building, which have proven to be long-lasting given its age (1905). *This guideline is therefore met.*

**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:** The restoration of the transom windows and upper level volume within the vestibule as well as the new light and signage further enhances the main building entrance which is a common element of the ground floor of buildings in downtown. *This guideline is therefore met.*

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**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 new pendant light fixture to be hung within the restored upper ceiling of the vestibule will provide sufficient light to the entry alcove as well as illuminate a portion of the sidewalk along the building's frontage. In addition, the new glazing in the upper transom will allow the soft light from the frosted shade to illuminate and highlight this upper story within the alcove. The new lighting offers safety to those accessing the building and along the pedestrian environment as well as interest to the ground level façade. *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 proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a remodel to the entry vestibule on the west façade of the Eaton Building located in the Downtown Subdistrict of Central City Plan District, per the approved site plans, Exhibits C-1 through C-6, signed and dated 11/4/2011 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.C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-153510 DZ."

**Staff Planner: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on November 4, 2011**

By authority of the Director of the Bureau of Development Services

**Decision mailed November 10, 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 June 30, 2011, and was determined to be complete on **September 30, 2011**.

*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 June 30, 2011.

*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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed,

as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **November 10, 2011**. 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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

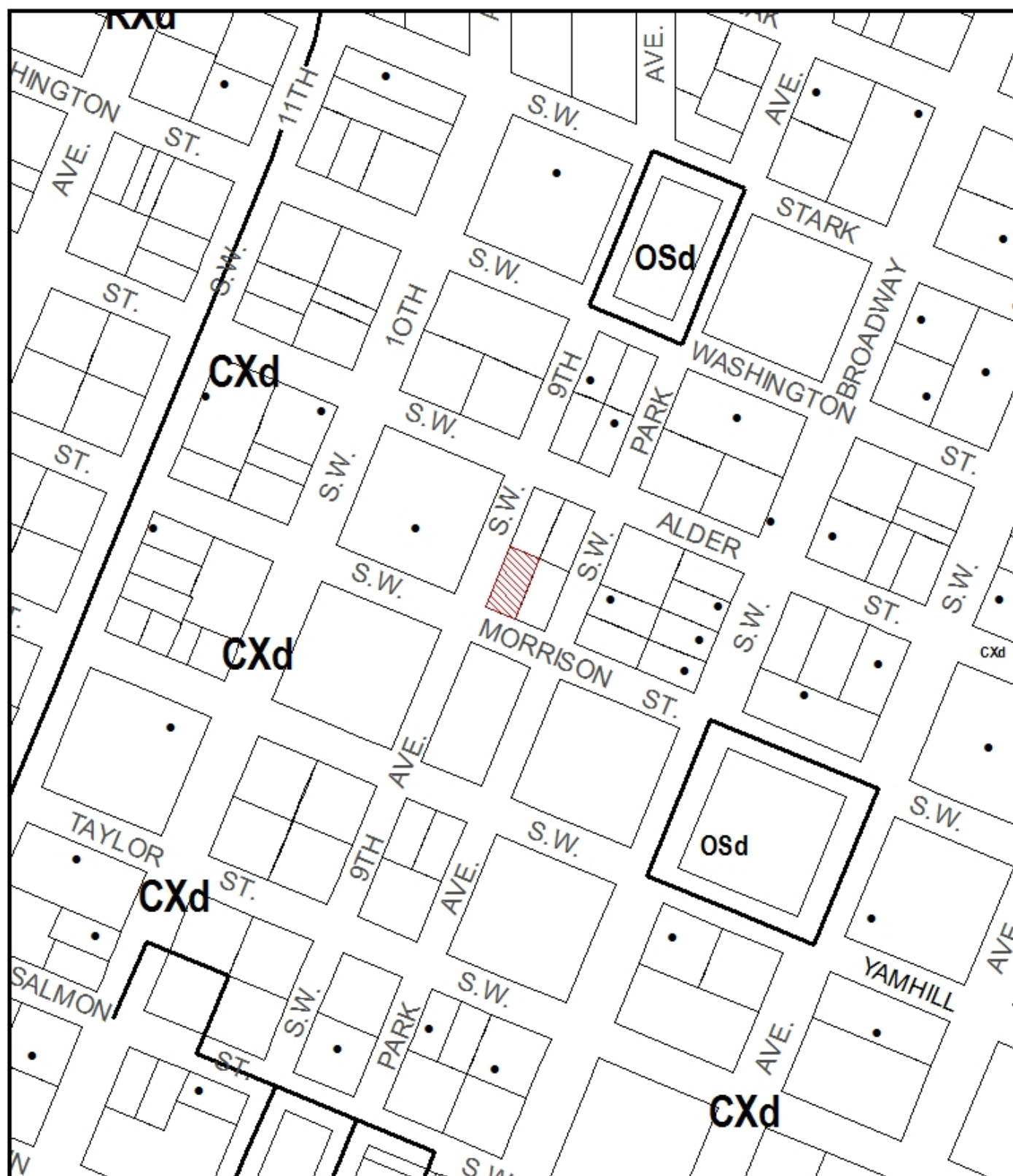
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Project Summary
- B. Zoning Map (attached)

- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Entry Floor Plan (attached)
  - 3. Entry (east) Elevation with Window & Call Box Details (attached)
  - 4. Wall Sections
  - 5. Light Fixture Cut Sheet
  - 6. Threshold Detail
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2. Water Bureau
  - 3. Fire Bureau
- 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).**





# ZONING



Site



Historic Landmark



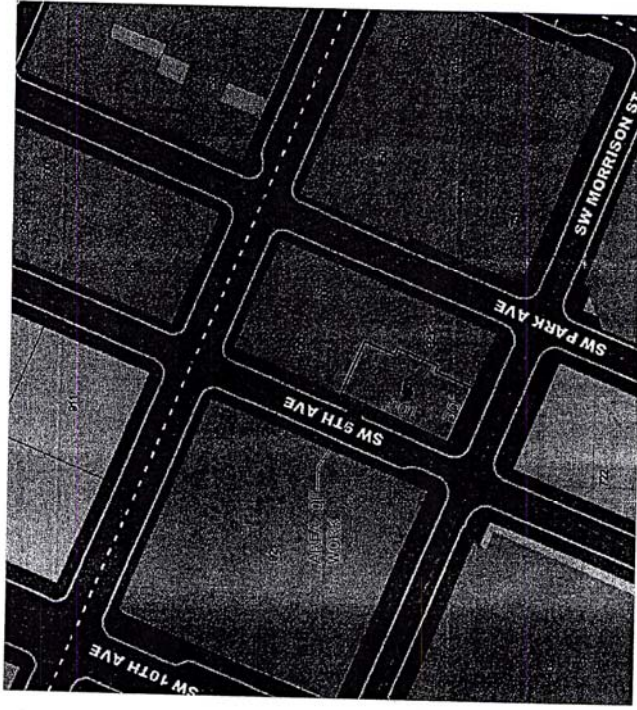
NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

|             |                          |
|-------------|--------------------------|
| File No.    | <u>LU 11-153510 DZ</u>   |
| 1/4 Section | <u>3029</u>              |
| Scale       | <u>1 inch = 200 feet</u> |
| State_Id    | <u>1N1E34CC 9200</u>     |
| Exhibit     | <u>B</u> (Jul 05,2011)   |

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner: Silman Date: 11/4/11  
 + This map is subject to the review and approval of the City of Portland Planning Commission.

APPROVED SET



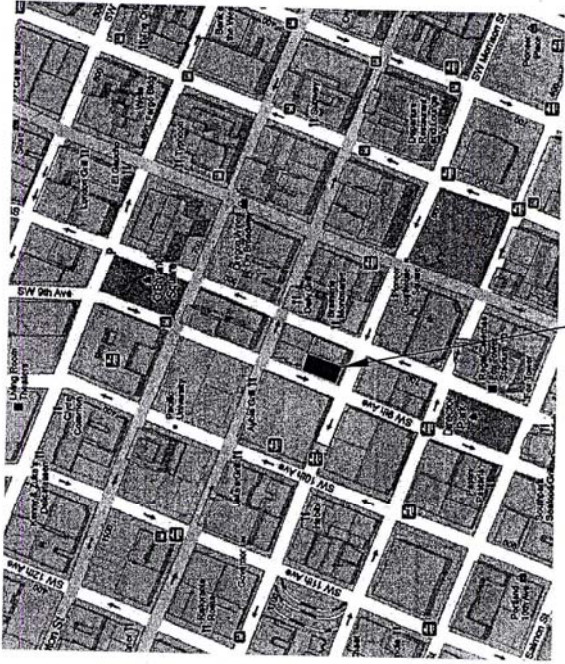
2 Plot Map  
 A0 SCALE: Not to Scale

**waterleaf**  
 419 SW 11th Ave Suite 200  
 Portland, Oregon 97205  
 Phone: 503/228-7571  
 Fax: 503/273-8891

**PDC**  
 PORTLAND  
 DEVELOPMENT  
 COMMISSION



architecture, interiors & planning  
 11-153510 07



1 Vicinity Map  
 A0 SCALE: Not to Scale

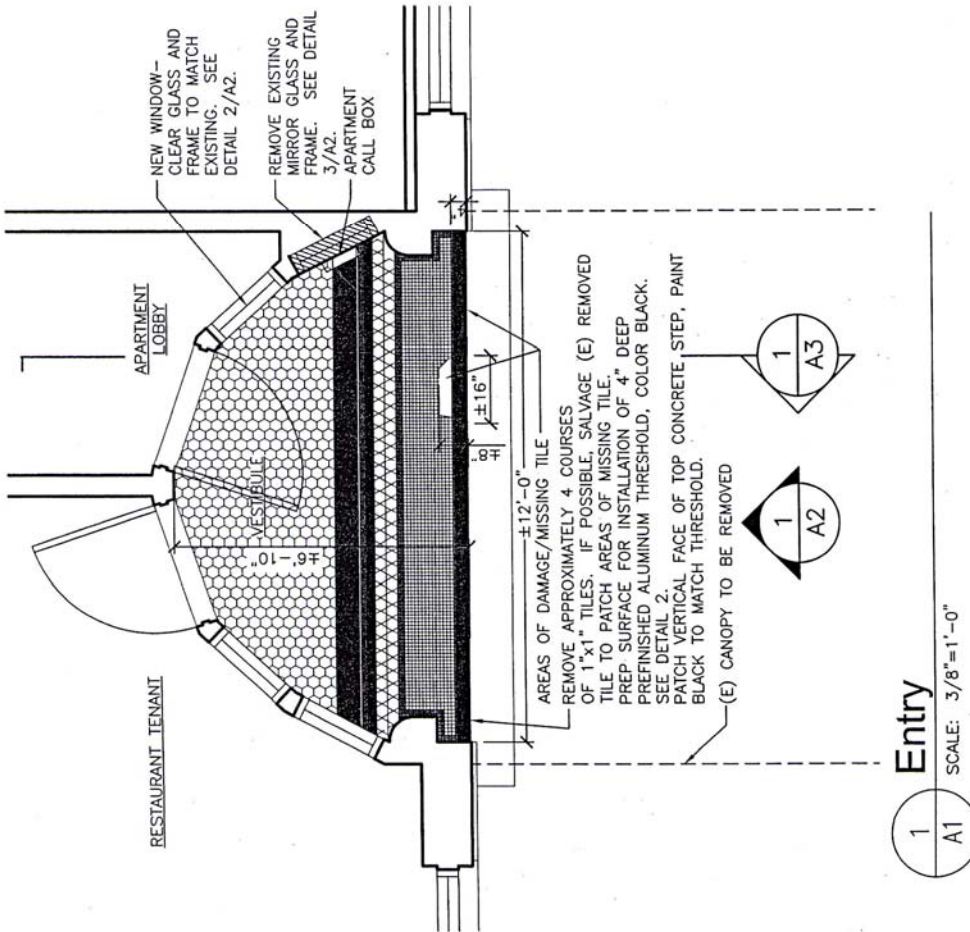
SW 9th Avenue - Plan View  
 Eaton Building : Storefront Improvements  
 09.27.2011 WAIF: 1116.00

**A0** Site Plan

**DRAFT**

11-153510 07  
 EX. C-1





Eaton Building : Storefront Improvements

09.27.2011

WAF#: 1116.00

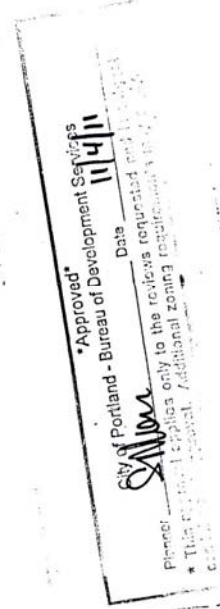
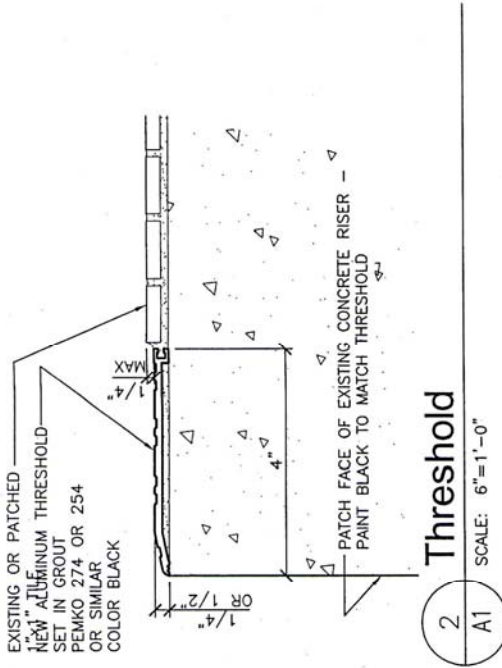
A1

Plan  
Detail

DRAFT

EX.C-2

LU 15351002



waterleaf

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architecture, interiors & planning

LU 11-153510 02  
EX.C-2

