



City of Portland, Oregon - Bureau of Development Services

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Type III Decision Appeal Form

LU Number: 16-265061 PZM

FOR INTAKE, STAFF USE ONLY

Date/Time Received 3:50pm on 3/29/17

☒ Action Attached

Received By AP

Fee Amount 85000.00

Appeal Deadline Date 3/31/17

[Y] ☒ Fee Waived

☐ Entered in Appeal Log

Bill #

☐ Notice to Auditor

[Y] ☒ Unincorporated MC

☐ Notice to Dev. Review

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS 919 SW Taylor St., Portland, OR 97205 DEADLINE OF APPEAL March 31, 2017 at 4:30 pm

Name TMT Development Company, Inc.

Address 760 SW 9th St., Suite 2250 City Portland State/Zip Code OR, 97205

Day Phone (503) 241-1111

Email vanessa@tmtdevelopment.com

Fax

Interest in proposal (applicant, neighbor, etc.) Applicant

Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. 825 . 065

Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

Please see attached.

Appellant's Signature

CBauer

FILE THE APPEAL - Submit the following:

- ☒ This completed appeal form
- ☒ A copy of the Type III Decision being appealed
- ☒ An appeal fee as follows:
 - ☒ Appeal fee as stated in the Decision, payable to City of Portland
 - ☐ Fee waiver for ONI Recognized Organizations approved (see instructions under Appeals Fees A on back)
 - ☐ Fee waiver request letter for low income individual is signed and attached
 - ☐ Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

The City must receive the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee (or fee waiver request as applicable) at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

Type III Decision Appeal Application

Case File Number: LU 16-265061 DZM

PC #16-210997

Studio Building and Guild Theatre Alterations

Specific approval criteria at the source of the appeal:

Zoning Code Section 33.825.065

TMT Development is appealing the Design Commission's conditions of approval rendered on March 2, 2017 for the Studio Building window replacement project. It is our position that the proposed window (Winco 3250) meets the Central City Fundamental Design Guidelines and the conditions of approval go beyond a reasonable interpretation of the intent of the code and result in extraneous additional costs for the owner.

Our position is stated below referencing the Design Commission's conditions of approval for the Winco 3250:

1. First condition - the glazing for all new windows shall have a greater clarity than the sample presented at the March 2, 2017 hearing, with a clarity comparable to- or greater than- the Solarban 60 Starphire glass product.

During the first Design Commission meeting on January 19, a sample of the window and the glass were presented to the Commission for their review and approval. At this time, there was no mention in regards to the clarity of the glass being an issue or as being a potential condition of approval. We feel the City erred procedurally by overlooking the glass sample in the first meeting; it is not the job of the applicant to try to interpret what the Design Commission views as potential issues with its proposal and bring it their attention.

In regards to the clarity of the glass, glass clarity is based off of Visible Light Transmittance (VLT); the Solarban 60 starphire glass only has a VLT that is 4% greater than the Solarban 60 clear + clear that was proposed to the Design Commission on January 19th and March 2nd. The tint of the glass is most visible at the edges and in this application, the edges will not be seen as they will be encapsulated by the frame of the window assembly itself. Additionally, the replacement windows start on the second floor, which is 16 feet above ground level and reaches 87.5 feet at the 9th level of the building. In this application, we do not feel that a 4% greater clarity more closely aligns with the Central City Fundamental Design Guidelines.

2. Second condition - All new windows shall feature simulated divided lights with both spacer bars and interior muntins in addition to the exterior muntins.

Per zoning code 33.825.035 the Design Review Commission is entitled to review exterior alterations of a project; the interior muntins being required as a conditional approval will not be visible from the street - please see photos included as Exhibit A. The above condition solely impacts the interior of the building.

In addition, the Central City Fundamental Design Guidelines, C3 Respect Architectural Integrity, states to *"respect the original character of an existing building when modifying its exterior"*. Our proposed modification to the exterior of the building is respecting the original character of the Studio building by replicating the exterior muntins of the current window.

Exhibit A

North Facing View:



South Facing View:





West Facing View:



East Facing View:

