

**IN THE CITY COUNCIL OF THE
CITY OF
PORTLAND OREGON**

**IN THE MATTER OF AN APPLICATION
BY TMT DEVELOPMENT COMPANY FOR A
DESIGN REVIEW WITH MODIFICATION AT
901-919 SW TAYLOR STREET, PORTLAND OREGON**

LU 16-265061 DZM

FINDINGS AND CONCLUSIONS

**ADOPTED BY THE CITY COUNCIL ON
MAY 31, 2017**

(APPROVAL of a TYPE III APPEAL)

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FINDINGS AND CONCLUSIONS

The findings and conclusions of the City Council in this matter are set forth below.

I. GENERAL INFORMATION

Applicant:	Vanessa Sturgeon TMT Development Company, Inc 760 SW 9th Ave #2250 Portland, OR 97205 Tom Moyer Theatres 760 SW 9th Ave #2250 Portland, OR 97205-2584
Site Address:	901-919 SW TAYLOR ST
Legal Description:	BLOCK 219 LOT 3&4, PORTLAND
Tax Account No.:	R667723440, R667723440, R667723440
State ID No.:	1S1E03BB 05700, 1S1E03BB 05700, 1S1E03BB 05700
Quarter Section:	3129
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 - West End
Zoning:	CXd - Central Commercial (CX) base zone; Design (d) overlay zone
Case Type:	DZM – Design Review and Modification Request
Procedure:	Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

II. INTRODUCTION AND PROCEDURAL HISTORY

Original Proposal: The applicant seeks Design Review approval for exterior alterations to the Studio Building and Guild Theater. The proposed project includes the replacement of all 192 existing steel casement windows above the first-floor level of the Studio Building with new aluminum windows (Winco 3250 Series). The replacement windows generally match the original windows in style, pattern, operability, and size and will fit within the existing window openings on all elevations. The new windows will sit back within their openings in the same planar relationship to the masonry façade as existing, and the new windows will also replicate the pattern of existing multiple panes of glass.

Alterations to the Guild Theater are primarily storefront entry alterations. The proposed work includes lowering the existing entry and the existing storefront by reducing the slope from the sidewalk to the entry storefront. To take up the approximately 8" difference in height caused by lowering the grade, a new painted metal panel will be inserted above the existing storefront entry. The height of the overall opening will continue to be the underside of the painted metal marquee. The concrete entryway surface finish will be fully replaced at the inset area starting at the edge of the sidewalk. Maintaining the existing storefront and doors themselves is the goal, but if replacement proves necessary, the storefront and doors will be replaced with a new system which is as visually similar as possible to the existing.

An additional alteration proposed to the front of the Guild Theater, is the removal of an existing box office door, which is a solid door set in the brick wall surface. The opening is to be filled in with brick to match the surrounding brick (and painted, since the surrounding brick wall is painted). This door and the wall around it likely were constructed in 1956.

Note: The 9-story Studio Building has an existing rooftop mechanical unit which will be replaced by a new unit of the same general size, color, and location. This replacement has been determined to meet the Design Review exemption 33.420.045.B, "Repair, maintenance, and replacement with comparable materials or the same color of paint".

The following Modifications are requested:

- 33.510.224.C.2 *Mechanical Equipment along the Portland Streetcar Alignment* - to not provide the screening required for mechanical equipment along the Portland Streetcar Alignment as shown on Map 510-11.

Design review is required because the proposal is for exterior alterations 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. The relevant approval criteria are:

- | | |
|--|--|
| ▪ 33.825, Design Review | ▪ 33.825.040, Modifications That Will Better |
| ▪ Central City Fundamental Design Guidelines | Meet Design Review Requirements |

Procedural History: The application was deemed complete on December 2, 2016 and the first hearing for this case with the Design Commission was held on January 19, 2017.

The first Design Review (DZ) hearing

The Commission rejected the Staff Report which had recommended approval as there was unanimous agreement that Guidelines C3, *Respect Architectural Integrity*, and A6, *Reuse/Rehabilitate/Restore Building*, were not met by the proposal as presented. The Commission noted that the applicant had not thoroughly explored retention of the existing windows or replacement with more similar windows as options.

The hearing was continued to February 16, 2017. Because of scheduling priorities this case was rescheduled to March 2, 2017.

The second Design Review (DZ) hearing

Per the request of the Commission at the January 19, 2017 hearing, the applicant submitted information on other replacement window options that had been considered as well as the option of restoring the building's original steel windows. The information for replacement windows included three models of steel replica windows and three models of aluminum windows. For each option, a price estimate, description, glazing and warranty information, as well as pros and cons were given. Of these, the option chosen by the applicant was replacement with new aluminum windows of the Winco 3250 Series, which had a profile better matching the original steel windows than did the aluminum replacement option presented at the first hearing (Winco 1150S series).

The Design Commission rendered a split decision with a majority of members present (4 members) finding that with conditions of approval, the approval criteria were met. However one member abstained and one member voted against the proposal expressing ongoing concerns about the proposal meeting guidelines C3, *Respect Architectural Integrity*, and A6, *Reuse /Rehabilitate /Restore Building*. The concerns of the dissenting members centered on the issue of the building's historical importance and the character defining nature of the original steel windows which occupy a large portion of the building's façades. While not given historic designation as a landmark, or being located in a historic district, these dissenting Commissioners felt the guidelines support their assertion that proper stewardship of the Guild Building's architectural integrity was called for in any proposal for exterior alterations.

Appeal by the owner

TMT appealed the Design Commission's approval on the basis that two of the conditions of approval were not needed to meet the approval criteria for this proposal. The appealed conditions imposed requirements regarding (1) the glazing proposed for the new windows and (2) the applied visual "grid" on the windows. City Council heard the appeal on May 10, 2017 and tentatively voted 4-1 to uphold the appeal. On May 31, 2017, the City Council voted to uphold the appeal, removing the two appealed conditions of approval, and adopted these findings in support of its decision.

III. ANALYSIS

Site and Vicinity: The Studio Building and connected Guild Theater to its north are located in the Portland Downtown neighborhood at the southeast corner of block 219 along the South Park Blocks. The block is bounded by SW Yamhill Street to the north, SW 9th Avenue to the east, SW Taylor Street to the south, and SW 10th Avenue to the west. Located on lots three and four, the footprint of the Studio Building and Guild Theater combined is approximately one-quarter block or .23 acres. The surrounding downtown area contains a variety of uses, including offices, retail storefronts, restaurants, cafés, theaters, public plazas, parking structures, and the central branch of the public library.

The Studio Building is a nine-story, Twentieth Century Baroque-style building with a mansard roof. Independent of the Guild Theater, the Studio Building represents one-eighth of a block. It was built in 1927 by the Ellison-White Conservatory and designed by locally renowned architect Luther Lee Dougan.

Defined as an “institution for serious study of music and dramatic art,” the Studio Building was designed with solid soundproof doors and rooms. Above the ground-floor storefronts and just below the second-floor windows, three-dimensional busts of famous composers such as Chopin, Bach, Schubert, and Mozart and panels with composer’s names are set into the building façade. Such design elements on its exterior represent the building’s purpose for the study of music at its time of construction. Over time, the Studio Building has undergone multiple changes including new openings (1940), the addition of a new marquee (1956), and the construction of a new front entrance (2002) to name a few. However, given the date of most of these changes and its retention of design and materials, as well as location, workmanship, feeling, and association, the Studio Building currently retains a high level of historic integrity.

The adjacent Guild Theater occupies an eighth-block fronting Taylor Street. It is a two-story building designed and constructed at the same time as the Studio building, in 1927. The two buildings are in the same ownership and share an internal connection at the ground floor. The Guild Theater features the same tall ground floor bay patterning extended from the Studio building, with tall wood-framed transom windows in openings with rounded corners above the ground floor bays. At the second level, the Guild differs from the Studio building by having an almost-blank upper brick façade. A sheet-metal marquee awning was installed over what is now the theater entry in the late 1930s (originally, the theater shared an entry with the Studio building on Taylor). In 1956, a renovation turned the original stage into the theater lobby.

Neither the Studio Building nor the Guild Theater are on the National Register of Historic Places; however, the Studio Building is listed on Portland’s Historic Resource Inventory.

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 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:

- DZ 48-088 (reference file # LU 88-004813 DZ): Design Review approval for a storefront expansion.
- LUR 96-00005 (reference file # LU 96-012892 DZ): Design Review approval, with conditions, for nine telecommunications antennas and four equipment cabinets on the rooftop.

- LU 06-140143 DZ: Design Review approval for storefront alterations that included two new entries, new awnings, transom window alterations, and mechanical louvers.
- LU 12-195711 DZ: Design Review approval to modify an existing telecommunications facility located on the rooftop of the Studio Building.
- EA 16-210997 PC: Pre-Application Conference to discuss the replacement of all windows in floors above ground level and replacement of rooftop mechanical equipment.

Agency and Neighborhood Review:

1. Agency Review A “Notice of proposal in Your Neighborhood” was mailed **December 16, 2016**. The following six Bureaus, Divisions and/or Sections responded with no objections and four of these included comments found in Exhibits E1-E4:

- Bureau of Environmental Services (Exhibit E.1)
- Fire Bureau (Exhibit E.2)
- Life Safety Division of the Bureau of Development Services (Exhibit E-3)
- Bureau of Transportation Engineering and Development Review (Exhibit E-4)
- Site Development Review Section of the Bureau of Development Services
- Water Bureau

Please note - the response from the Life Safety Division of the Bureau of Development Services included the following comment:

For approval of the building permit, please be prepared to show historic documentation allowing for openings in the west elevation exterior walls. It may be necessary to apply for an appeal or apply for an Easement and Maintenance Agreement. Openings in exterior walls less than 3 feet to a property line are not allowed. Unprotected openings in exterior walls less than 5 feet to a property line are not allowed in an unsprinklered building. OSSC 705.8

2. Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 16, 2016**.

- No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS

(1) DESIGN REVIEW (33.825)

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 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 all of the 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.

The appellant 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.

Findings for A4 and A5: This particular area of downtown, just across from Director's Park, a block from Central Library, and close to the Cultural District and the Max east-bound line, is highly trafficked and visible. With their long histories and distinctive designs, the Studio Building and Guild Theater are important visual landmarks that help orient and visually engage pedestrians in the City of Portland. They also play a substantial role in framing Director's Park, a beloved public space in the central city, and another key way-finding landmark for those on foot.

The window proposal for the Studio Building will replace the existing steel windows with visually similar aluminum windows. The work will support the building's historic aesthetic which contributes to the character of Portland's downtown. The goal of the window replacement is to retain the visual qualities of the existing windows, yet improve the building's energy performance and address some ongoing leaking issues on various floors of the building at existing windows. The alterations will thus have minimal visual impact while helping to preserve the building and allowing it to continue its important role in contributing to the character of downtown. The alterations proposed to the entry sequence of the Guild Theater will improve the accessibility of the theater. The work will not detract from the building's historic aesthetic and will retain and refurbish the existing (non-original) storefront which plays such a large part in embellishing and identifying the area.

The proposal to rehabilitate this pair of significant buildings in Portland's downtown will bring renewed energy to the area. *These guidelines are met.*

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

Findings for A6: As written in the Central City Fundamental Design Guidelines, "conservation and preservation have been significant forces in the revitalization of Portland's Central City." Although not designated historic landmarks, the Studio Building and Guild Theater provide valuable historic context to downtown Portland. The proposed window replacement and mechanical upgrade to the Studio Building will respect the original building design and maintain its historic character. Some of the building's windows must be replaced due to leaking issues. Rather than only replacing those windows, the full window replacement maintains consistency of appearance across all of the building's façades, and improves the building's performance.

In response to the Commission's concern expressed at the first hearing on January 17, 2017, the Applicant's proposal now includes aluminum replacement windows of the Winco 3250 Series, which has a profile better matching the original steel windows than did the aluminum replacement option presented at the first hearing (Winco 1150S series). The original proposal windows had sill, head, and jamb conditions that were thicker than the existing steel conditions. In contrast, the Winco 3250 series' head and jamb conditions are slightly thinner than the existing steel conditions, and only the sill conditions are slightly thicker than the existing steel conditions. The Winco 3250 sill is a little over half an inch (5/8") wider (or taller) than existing, but not as visible from the ground as other parts of the window. It is a vast improvement from the original proposal's sill which was about 2.5 inches wider (or taller) than the existing. Overall, the small dimensional difference between the current proposal's Winco 3250 windows and the existing steel windows will not have a significant impact on the composition of the building facades. Due to the inset condition of the windows, the sill cannot readily be seen from the pedestrian right-of-way.

The building has a unique sloping wall condition at the 9th level. The Winco 3250 series windows proposed for this sloping wall have not yet passed testing for installation in a sloping condition. Because of this uncertainty, the Applicant requested flexibility to install the previously proposed Winco 1150S series windows to replace the 9th level sloping windows should the Winco 3250 series not pass testing. The Commission found this alternative acceptable at the north-facing 9th floor only due to its elevation and limited visibility.

The proposed aluminum windows presented at the March 2nd hearing included an applied exterior "grid" to achieve the pattern and look of true divided lights. While the Design Commission added a Condition of Approval to ensure that the windows would also use a similar applied grid at the interior as well as spacer bars between the two panes of glass, the City Council on appeal found that the approval criteria were met by the windows without the added Condition. The reasons for this

were because the new windows will be installed at the second floor and higher and the building has a very tall ground floor, so the added spacer bars and interior grid would not necessarily be as perceptible from the outside of the building as they would at the ground level, and because testimony was given that the new windows would not be able to open fully as had the original windows, thus limiting visibility of their interiors. Without these elements, the proposed windows will still maintain a consistency of appearance from the exterior across all of the building's façades.

Another issue was the clarity of the glass sample shown to the Commission at the hearing. To better match the historic glazing, the Commission conditioned approval with the use of a higher clarity glass for the new windows, similar to (or more clear than) Solarban® 60 Starphire. On appeal, City Council found that the condition was not necessary and supported the use of the proposed Solarban® 60 glazing. The reason for this was due to the extremely subtle difference between the two types of glazing; the Starphire product having only a 4% greater Visible Light Transmittance (VLT) than the Solarban 60. City Council believed the difference would not be perceptible and that the originally proposed glazing would support the appropriate overall clarity of the new windows.

The full Condition "D" in the appealed Design Commission decision was as follows:

D.

- The new windows shall be Winco 3250 aluminum replacement windows on all elevations for vertical window conditions;
- The Winco 3250 aluminum windows shall also be installed in the sloping 9th level condition as elsewhere, unless these windows do not install well in the sloped condition, whereby, the Winco 1150S series can be installed instead;
- The glazing for all new windows shall have a greater clarity than the sample presented at the March 2nd 2017 hearing, with a clarity comparable to- or greater than- the Solarban® 60 Starphire glass product;
- All new windows shall feature simulated divided lights with both spacer bars and interior muntins in addition to the exterior muntins.

As amended by the City Council the Condition of Approval shall read:

D.

- The new windows shall be Winco 3250 aluminum replacement windows on all elevations for vertical window conditions, and
- The Winco 3250 aluminum windows shall also be installed in the sloping 9th level condition as elsewhere, unless these windows do not install well in the sloped condition, whereby, the Winco 1150S series can be installed instead.

In general the new windows will better support the building's overall preservation and maintenance as they will stop the ongoing damage created by leaking. The proposed entry alterations to the Guild Theater retain the existing storefront and simply lower it to meet the new grade, thus reusing the existing element. The historic character the buildings contribute to the area is not diminished.

With the amended condition of approval this guideline is 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 for A8 and C1: The new windows on the Studio Building will not occur at the ground level and will not impact the visual connection between the building and the adjacent public space and the overall pedestrian zone. The Studio building's windows will retain their existing orientation and pattern. The overall building walls will not change, with the window openings all remaining the same size. The visual interest of both buildings will be fully preserved for people walking by or passing time in the neighboring Director's Park. The physical connection into the Guild Theater will be improved by the 8" reduction in slope between the sidewalk and the door threshold. The visual connection into the theater will be maintained with exactly the same amount of storefront area. *These guidelines are 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.

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

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 element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for B2, B7 and C6: The change in grade proposed to the inset area between the sidewalk and the entry storefront of the Guild Theater will create a more easily accessible, barrier-free entry sequence. The pedestrian environment will be improved by the new flatter concrete surface.

The Studio Building's proposed unscreened rooftop mechanical upgrade will replace an existing unscreened unit in its existing location, which cannot be viewed from the adjacent pedestrian right-of-way. The parapet wall at this location varies in height because the roof surface is sloping down from east to west, but is approximately 3 to 4 feet high measured perpendicularly north and south of the unit location. The new unit is 7'-3" wide and 18'-10" long, and approximately 8'-1" high. The overall dimensions of the new unit as compared to the existing may be slightly wider, but are substantially shorter than the unit to be removed. The new unit will not be visible from the adjacent pedestrian right-of-way, because the new unit will be shorter than the existing unit which is not visible, and will also have less visibility from other vantage points than the existing condition. *These guidelines are 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, and C5: The proposed replacement windows and mechanical upgrade to the Studio Building are designed to have a minimal visual impact on the building and the pedestrian

right-of-way, and to maintain the building's overall historic aesthetic and design. New aluminum windows will convey the building's original craftsmanship and material quality by matching the original windows' style, color, operability, and form. The proposed windows will be aluminum, and will visually match the existing steel windows in their original openings. The color of the new windows will match the existing windows; that is, a brick-red at the street-facing façades and a light brown at the block interior walls where windows were cut in during the 1940s. The Conditions of Approval stated earlier for Guideline A6 will ensure that the new windows at the sloping condition at the 9th floor will be the same as, or visually similar to, the other windows.

While the proposal includes new windows in the west wall, adjacent to the west property line, this is not allowed by Building Code without an easement or a Building Code appeal. A Condition of Approval is included to ensure the preservation of these openings by requiring the Applicant to either seek a building code appeal to install the Winco 3250 replacement windows or retain the existing steel windows on the West wall.

The replacement mechanical unit will have a lower profile than its predecessor and keeping it unscreened helps to avoid adding bulk to the top of the Studio Building's architecturally distinctive roof, thus preserving its character.

The proposed change to the height of the existing storefront, and the insertion of an 8" painted metal panel above the storefront, will not compromise any existing design relationships with the rest of the building. The existing transom window panel, or the door height itself, does not align horizontally with any existing storefront feature in the bays on either side. The only added materials within the composition are the added 8" high painted metal panel above the transom, and the new brick that will infill the opening to the box office. The brick will be of the same dimension, with similar mortar joints, and color of the existing brick, but will be painted to match the surrounding painted brick wall. The metal panel will be an insulated panel, painted to match its surroundings (either the underside of the marquee or the storefront finish).

With the following condition of approval these guidelines are met:

On the West wall, the applicant shall seek a building code appeal to install the Winco 3250 windows or retain the existing steel windows.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for C11: The roof alterations will be very minimal; replacing one unit for another. The location of the existing and new mechanical unit places the long axis of the unit itself at approximately the center of the roof in order to keep as much setback as possible from roof edges. The unit therefore is well integrated into the overall roof plan, and does not detract from the design of the roof features such as the copper mansard. While it will be visible from upper levels of other buildings at some vantage points, screening the unit would add bulk and call attention to it in a manner that would distract from the unique roof design. The unit will not be visible from the ground given the existing parapets. *This guideline is met.*

D1. Park Blocks. Orient building entrances, lobbies, balconies, terraces, windows, and active use areas to the Park Blocks. In the South Park Blocks, strengthen the area's emphasis on history, education, and the arts by integrating special building elements, such as water features or public art. In the Midtown Park Blocks, strengthen the connection between the North and South Park Blocks by using a related system of

right-of-way elements, materials, and patterns. In the North Park Blocks, strengthen the area's role as a binding element between New China/Japantown and the Pearl District.

Findings for D1: The proposal will not change any aspects of the existing buildings' orientation, window placement or planar relationship with the surrounding masonry, or other features. The specific area where the Studio Building and Guild Theater are located is the transition between the South Park Blocks and the Midtown Park Blocks. This area tends to be a hub of activity for events, transportation, and for people gathering at Director's Park across the street. The conjoined buildings serve as a venerable backdrop for this activity, and engage the street with their ornamented and beautiful designs based on their original roles supporting the arts.

The Studio Building's operable casement windows with divided lights do play a part in engaging and enlivening the street below, and the new windows will largely retain these features. The Guild Theater façade itself is set back from the corner, but still engages the street with its marquee and storefront. The proposal will not change the existing storefront opening, except to lower the grade and then lower the existing storefront and doors to meet the new grade. This will make the storefront slightly larger and the entry sequence will better support accessibility for everyone with the reduced slope. *This guideline is met.*

(2) Modification Requests (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following Modifications are requested:

1. Section 33.510.224.C.2 *Mechanical Equipment along the Portland Streetcar Alignment* - to not provide the screening required for mechanical equipment along the Portland Streetcar Alignment as shown on Map 510-11.

Purpose Statement, 33.510.224 A. *These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.*

Findings: The 9-story Studio Building has an existing unscreened rooftop mechanical unit which will be replaced by a new unit of the same general size, color, and location. This replacement has been determined to meet the Design Review exemption 33.420.045.B, "Repair, maintenance, and replacement with comparable materials or the same color of paint". However, a screen for the rooftop mechanical unit is required by Section 33.510.224.C.2, *Mechanical Equipment along the*

Portland Streetcar Alignment, as shown on Map 510-11. The new equipment “must be completely screened from the sidewalk by walls, fences, or plants.”

The existing taller, but narrower unit cannot be seen from the surrounding sidewalks and the replacement unit, which is wider but approximately 6 feet shorter, will likely not be visible from a reasonable distance either. As with the existing unit, the new unit, while not visible from the sidewalk from locations close to the building, may still be slightly visible from another sidewalk somewhere in the City, and thus the screening requirement applies. Leaving off the required screen would better minimize the visual impact of the replacement unit than would installing a screen. The required screening would add to the bulk of the replacement unit, effectively creating a wider footprint that might be more visible than the unit itself, potentially distracting from the historic mansard roof. Omitting the screening better meets the purpose of the standard by creating less of a visual impact in the area. In the same way, it will also better meet Guideline C3 *Respect Architectural Integrity* by lessening the visual impact of the RTU and preserving the unique architectural character of the building.

Therefore this Modification merits approval.

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.

V. 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 to rehabilitate this pair of significant buildings in Portland’s downtown will bring renewed energy to the area. The proposal will allow the Studio Building and Guild Theater to retain their historic aesthetic while solving leaking, energy, and accessibility issues that will enable the buildings to remain in use. While the aluminum windows are not of the same material as the existing steel windows and their profiles are not an exact match, they will all be located on upper floors; therefore their sills will not be visible from most vantage points and their headers will be largely in shadow. Responding to feedback from the Commission at the first hearing, the Applicant’s proposal evolved to a slimmer-profile aluminum replacement window design better matching the profile of the original windows than the original proposal. The alterations will thus have minimal visual impact while helping to preserve the buildings and allowing them to continue their important role in contributing to the character of downtown.

Notably, while the Commission approved the proposal, it was not unanimous. One Commissioner voted in opposition while another abstained, noting that due to the integrity and significance of the existing buildings, they would qualify for National Register listing. Those Commissioners found that the proposal diminished the integrity of the building and did not meet guidelines C3, *Respect Architectural Integrity*, or A6, *Reuse/Rehabilitate/Restore Building*. The Design Commission ultimately approved the project with added Conditions of Approval. However, the owner appealed two of the added Conditions to the City Council. The Council found that the proposal meets the applicable design guidelines without the two Conditions appealed by the owner, and therefore warrants approval with the Conditions of Approval below.

VI. DECISION

It is the decision of Council to: approve with conditions **Design Review** for the replacement of 192 of the Studio Building's existing steel casement windows with new aluminum windows (Winco 3250), and storefront entry alterations to the Guild Theater located in the West End sub area of the Downtown sub district of Central City plan district.

Approval of the following Modifications:

- 33.510.224.C.2 *Mechanical Equipment along the Portland Streetcar Alignment* - to not provide the screening required for mechanical equipment along the Portland Streetcar Alignment as shown on Map 510-11.

Approvals per Exhibits C.1-C-15, signed, stamped, and dated 3/2/2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B – E) 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 16-265061 DZM. 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.
- D. Conditions below pertain to the replacement windows:
 - The new windows shall be Winco 3250 aluminum replacement windows on all elevations for vertical window conditions; and
 - The Winco 3250 aluminum windows shall also be installed in the sloping 9th level condition as elsewhere, unless these windows do not install well in the sloped condition, whereby, the Winco 1150S series can be installed instead.
- E. On the West wall, the applicant shall seek a building code appeal to install the Winco 3250 windows or retain the existing steel windows.

VII. APPEAL INFORMATION

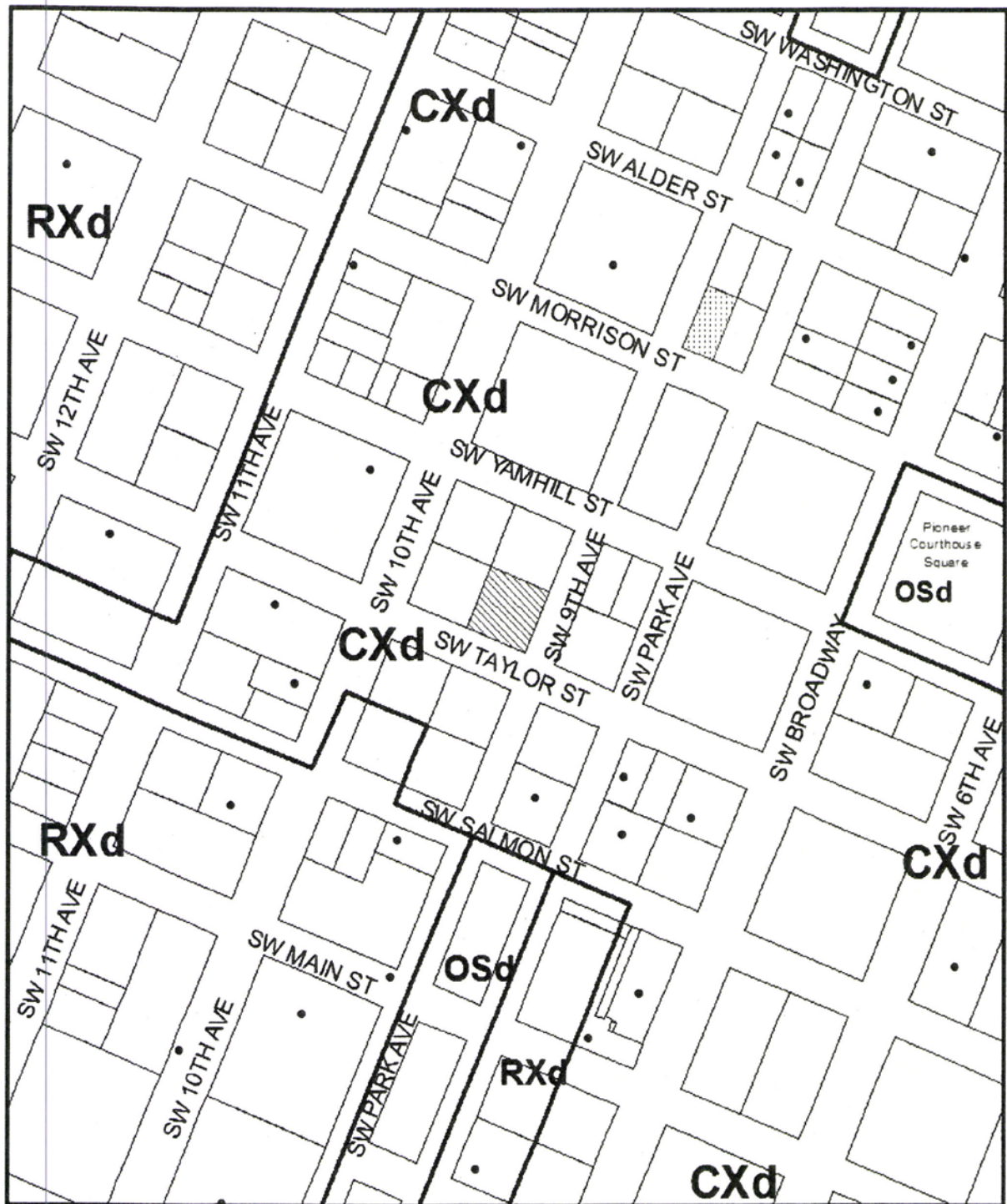
Appeals to the Land Use Board of Appeals (LUBA)

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, 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 or this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

EXHIBITS NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal:
 - 1. Applicant's Project Narrative and Response to Approval Criteria 10/26/2016
 - 2. Site photos, Google Earth image, and contextual map 10/26/2016
 - 3. Original plan set – NOT APPROVED/reference only 10/26/2016
 - 4. First hearing plan set – NOT APPROVED/reference only 2/24/2017
 - 5. Product Cut Sheets 10/26/2016
 - 6. Photos documenting existing window deterioration 12/6/2016
 - 7. Summary of replacement window options considered for project 12/6/2016
 - 8. Information about RTU replacement (used to determine exemption) 11/21/2016
 - 9. Modification Narrative and Response to Approval Criteria 12/2/2016
 - 10. Additional materials related to the Guild Theater portion of the project: Narrative and Response to Approval Criteria; Proposed Elevation; Photo Rendering of Existing and Proposed 12/2/2016
- B. Zoning Map (attached)
- C. Plan & Drawings:
 - 1. Plan Set Dated March 2017
 - Attached:
 - Site Plan
 - Existing East and South Elevations
 - Guild Theater Proposed Storefront
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Fire Bureau
 - 3. Life Safety Division of the Bureau of Development Services
 - 4. Bureau of Transportation Engineering and Development Review
- F. Letters: None received
- G. Other:
 - 1. Original LUR Application
 - 2. Pre-Application Conference notes, EA 16-210997 PC, 9/7/16
 - 3. Request for Completeness with BES & PBOT responses, 11/9/16
 - 4. Incomplete letter, 11/14/16
- H. **Received before or at 1st hearing on January 19, 2017**
 - 1. Staff Report for first hearing, 1/19/2017
 - 2. Staff presentation, 1/19/2017
 - 3. Applicant presentation, 1/19/2017
 - 4. Applicant request to continue hearing date from January 19 to March 2, 2017**Received before 2nd hearing March 2, 2017**
 - 5. Revised Staff Report for second hearing, 3/2/2017
 - 6. Staff presentation, 3/2/2017
 - 7. Applicant presentation, 3/2/2017
 - 8. Applicant's letter accompanying revised submission, 2/10/2017
 - 9. Staff memo for second hearing, 2/21/2017
- I. Appeal Information

1. Appeal Submittal
2. Appealed Decision
3. NOA mail list
4. Notice of Appeal
(Received before Hearing)
5. Council Appeal Packet Memo
(Received During Hearing)
6. Staff PowerPoint Presentation to Hearing Body, 5/10/2017
7. Applicant PowerPoint Presentation to Hearing Body, 5/10/2017



ZONING



- Site
- Also Owned Parcels
- Historic Landmark

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

File No. LU 16-265061 DZM
1/4 Section 3129
Scale 1 inch = 200 feet
State_Id 1S1E03BB 5700
Exhibit B (Dec 02, 2016)



20
1
0

N

0 15 30ft

Guild Theater

Studio Building

SW 9th Avenue

Director's
Park

The Studio Building and Guild Theater are interconnected at the ground floor. Together they occupy a quarter-block in downtown Portland, at the corner of SW Taylor and SW 9th Avenue. (See yellow block on vicinity map).



Design Review

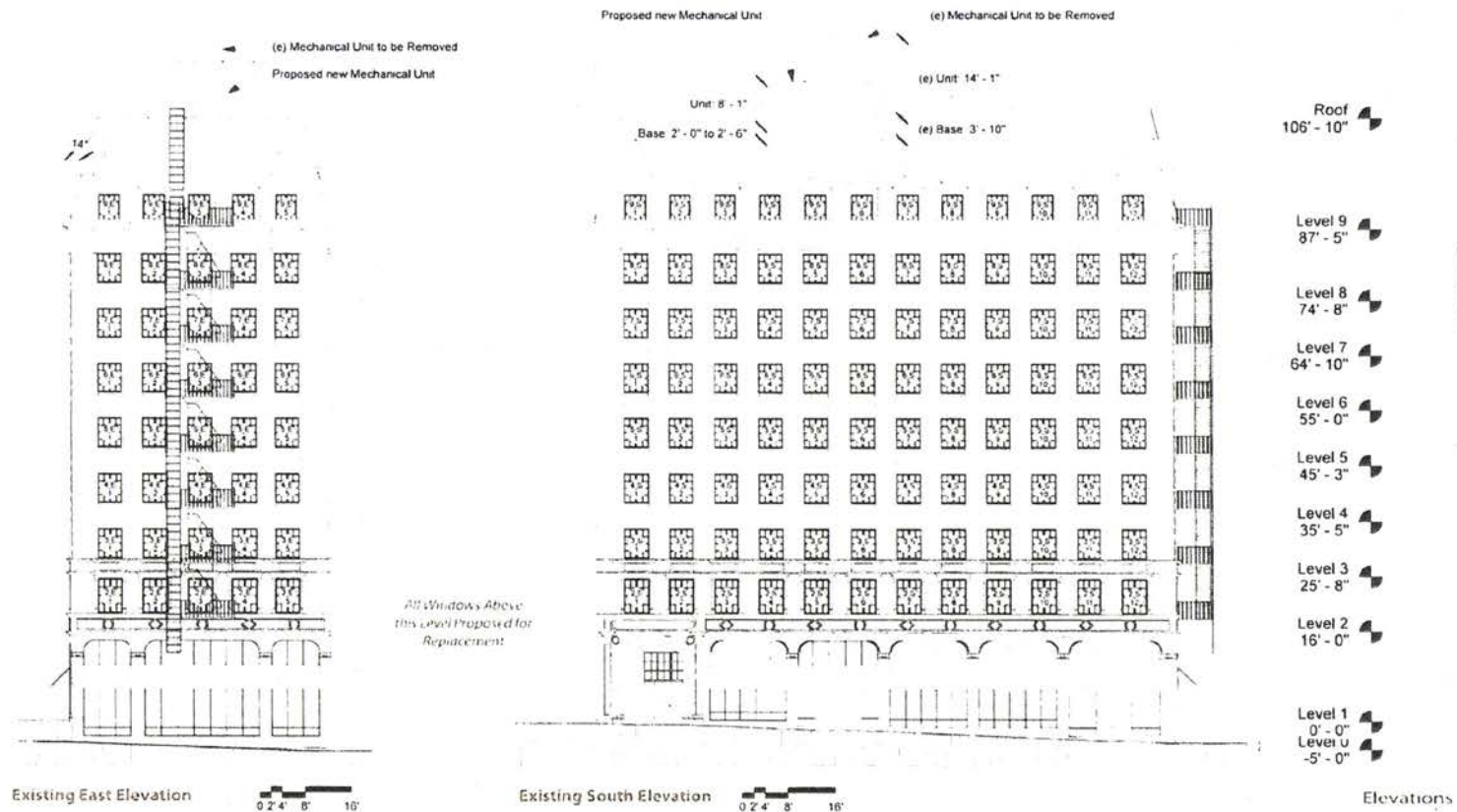
Studio Building, Portland OR

Approved	
City of Portland - Bureau of Development Services	
Planner	Date
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.	

Studio Building and Guild Theater Building Site And Vicinity

Peter Meijer Architect
March 2017

A.2



Planner

City of Portland - Bureau of Development Services

Date

* This approval applies only to the reviews requested and is subject to all applicable zoning requirements.



Design Review

Studio Building, Portland OR

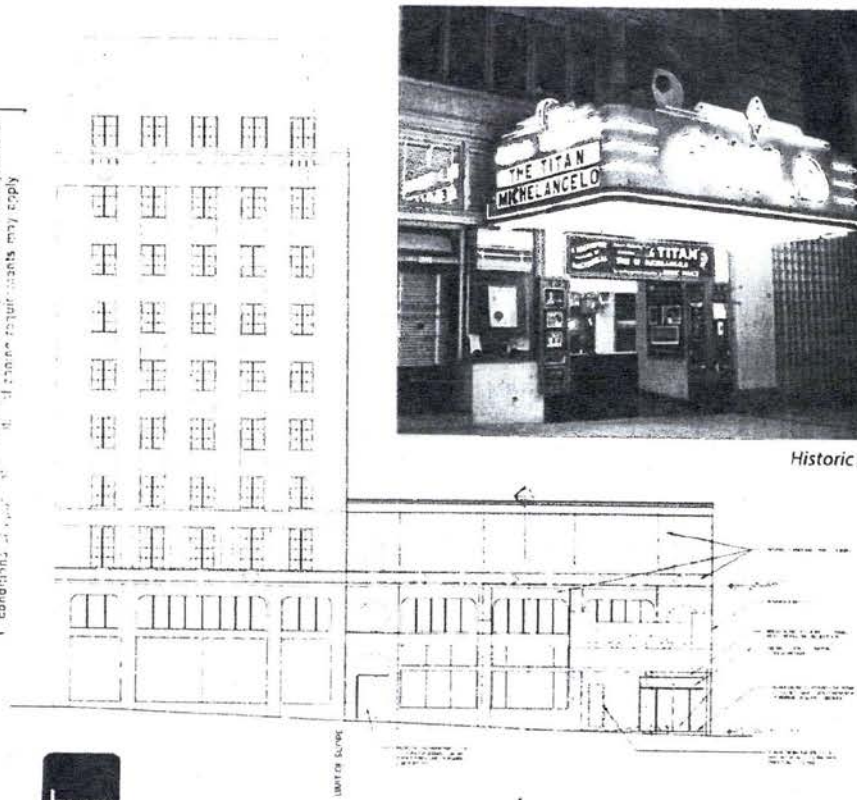
Scope of Proposed Work

Peter Mejer Architect

March 2017

A.4

Approved
 City of Portland - Bureau of Development Services
 Planner _____ Date _____
 • This approval applies only to the review requested and is subject to all conditions of approval. If changes to the plans may apply



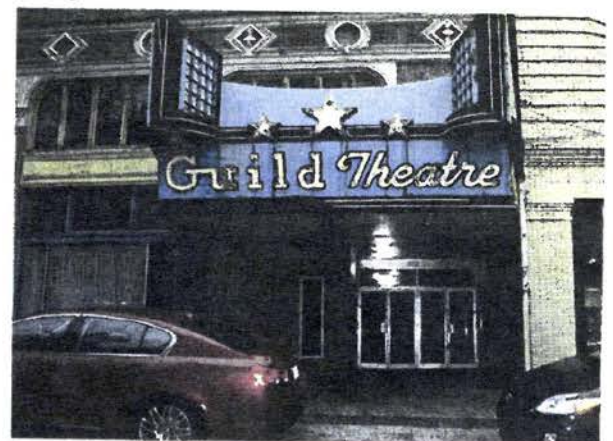
Existing East Elevation



Historic photo, 1950



Existing Condition



Proposed Condition

Guild Theater Proposed Storefront



Design Review
 Studio Building, Portland OR

Peter Mejer Architect
 March 2017