

## **MOTIONS**

**TIME CERTAIN: 3:00 PM** – Appeal of TMT Development Company, Inc. against the Portland Design Commission's Design Review decision of Approval with Conditions, in the West End sub area of the Downtown Subdistrict of Central City Plan District at 901-919 SW Taylor St (Hearing introduced by Mayor Wheeler; LU 16-265061 DZM)

### Motion 5-10-17

**Motion to tentatively grant the appeal and deny the two conditions of the Portland Design Commission's decision regarding the clarity of window glazing and window feature of simulated divided lights with both spacer bars and interior muntins in addition to the exterior muntins.**

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Fish, Saltzman, Eudaly, Wheeler

NAYS: Fritz

Disposition

**TENTATIVELY GRANT APPEAL; PREPARE FINDINGS FOR  
MAY 31, 2017 AT 10:20AM TIME CERTAIN**

### Motions 5-31-17

**Motion to suspend the rules and hear item 571 prior to the designated time:**

Moved by Fish and seconded by Fritz.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Fish, Fritz, Eudaly, Wheeler.

Saltzman absent.

**Motion to grant the appeal with stated conditions and adopt the findings:** Moved by Wheeler and seconded by Fish.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Fish, Eudaly, Wheeler.

NAYS: Fritz

Saltzman absent.

Disposition

**FINDINGS ADOPTED**

## IMPACT STATEMENT

**Proposal:** The request is not for a legislative action, but instead is an appeal of Type III Land Use Review decision (quasi-judicial action).

**Contact name:** Tanya Paglia, City Planner II, Land Use Services

**Contact phone:** 503-823-4989

**Presenter name:** Tanya Paglia

**Purpose of proposal and background information:**

This is a quasi-judicial action. The applicant is requesting appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council.

**Financial and budgetary impacts:**

This is not a legislative action, but rather an appeal of a Type III quasi-judicial land use review. The decision will not solely or substantially impact City revenues.

Generally, Land Use Reviews are fee supported. Fees are charged to file an appeal. In this case, an appeal fee of \$5,000.00 was paid by the appellant. There are no additional costs to the City associated with this appeal.

**Community impacts and community involvement:**

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Portland Downtown Neighborhood Association, and the Neighbors West/Northwest (district coalition) all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, and the AIA Urban Design Committee are also mailed notice. Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Design Commission.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. No comments from the public were received by city staff or the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision. Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.030.H.9. However, the City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

### Budgetary Impact Worksheet

**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount