

VANESSA STURGEON
TMT DEVELOPMENT CO INC
760 SW 9TH AVE #2250
PORTLAND OR 97205

TOM MOYER THEATRES
760 SW 9TH AVE #2250
PORTLAND OR 97205-2584

BUREAU OF DEVELOPMENT SVCS
CASE FILE PAGLIA
1900 SW 4TH AVE #5000
PORTLAND OR 97201

TEAM OREGONIAN
1500 SW 1ST AVE STE 400
PORTLAND OR 97201-5828

EMAILED: Tanya Paglia, Hillary Adam,
Linly Rees, BDS Hearings Clerk; Tim
Heron, Douglas Morgan, Kurt Krueger,
Dawn Krantz, Robert Haley, Dawn
Uchiyama, Elisabeth Reese Cadigan,
Mari Moore, Sara Drake, Meghaan
Davis, Toni Anderson

LU 16-265061 DZM
ORDER MAILED: 06/06/16





June 6, 2017

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

RE: LU 16-265061 DZM

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; LU 16-265061 DZM)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 16-265061 DZM. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$51.00 made payable to the Multnomah County Recorder, indicating the file number on your check and SEND TO: The City of Portland, Office of the City Auditor, 1221 SW 4th Ave. Room 130, Portland, OR 97204-1900**

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of 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 appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.





NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: June 6, 2017
RE: LU 16-265061 DZM

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; LU 16-265061 DZM)

Enclosed is a copy of the Order of Council on LU 16-265061 DZM 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. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: Karla.Moore-Love@portlandoregon.gov or at (503) 823-4086.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of 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 appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.



APPEAL OF TMT DEVELOPMENT COMPANY, INC. AGAINST THE PORTLAND DESIGN COMMISSION'S DECISION 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; LU 16-265061 DZM)

Applicant/Appellant: 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

Zoning: CXd – Central Commercial (CX) base zone; Design (d) overlay zone

Procedure: Type III, with a public hearing before the Design Commission. The decision of the review body can be appealed to City Council.

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.

The City Council appeal hearing was opened in the Council Chambers, 1221 SW 4th Avenue on May 10, 2017 at approximately 3:00 p.m. After hearing public testimony and considering the evidence in the record, Council voted 4-1 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 and ordered final findings to be prepared for Council consideration and adoption on May 31, 2017 at approximately 10:20 a.m. On May 31, 2017 at approximately 10:20 a.m. Council voted 3-1 to adopt findings and a final decision to grant the appeal with stated conditions and adopt the findings.

DECISION

Based on evidence in the record and adoption of the Council’s Findings and Decision in **Case File LU 16-265061 DZM** and by this reference made a part of this Order, **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:

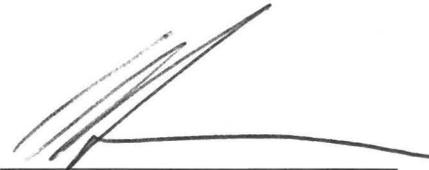
- o The new windows shall be Winco 3250 aluminum replacement windows on all elevations for vertical window conditions; and
- o The Winco 3250 aluminum windows shall also be installed in the sloping 9th level condition as elsewhere, unless these windows do not install well in the sloped condition, whereby,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

IT IS SO ORDERED:

JUN 06 2017

Date



Mayor Ted Wheeler
Presiding Officer at Hearing of
May 31, 2017
9:30 a.m. Session