

## City of Portland, Oregon

### **Bureau of Development Services**

#### **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

**Date:** June 10, 2013 **To:** Interested Person

**From:** Mark Walhood, City Planner

503-823-7806 / mark.walhood@portlandoregon.gov

# NOTICE OF A TYPE II 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 the version located on the BDS website <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

## CASE FILE NUMBER: LU 13-120659 DZ - MARRIOTT HOTEL CHANGES GENERAL INFORMATION

**Applicant:** Jon McAuley / (503) 445-7330 / Sera Architects

338 NW 5th Ave / Portland OR 97209

**Owner:** Pearl Hotel Investors LLC / Attn.: Trevor Rowe

1308 NW Everett St / Portland, OR 97209-2629

Site Address: 898 NW NORTHRUP ST

**Legal Description:** LOT 4, STATION PLACE R793100200, R793100200

**State ID No.:** 1N1E34BB 01304, 1N1E34BB 01304

Ouarter Section: 2929

**Neighborhood:** Pearl District, contact Patricia Gardner at 503-243-2628.

Business District: Pearl District Business Association, Adele Nofield at 503-223-0070.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: EXd (Central Employment base zone with Design overlay zone),

Central City Plan District, River District Subdistrict

**Case Type: DZ** (Design Review)

**Procedure:** Type II, an administrative decision with appeal to the Design

Commission.

**PROPOSAL:** The applicant is in the process of constructing a new six-story hotel in the Pearl District. The site is a vacant block in the Station Place Subdivision bound by NW 9<sup>th</sup> Avenue, NW Marshall and Northrup Streets, and NW Station Way. The project received design review approval in 2012 through case file # LU 12-111904 DZ MS AD.

As part of refinements made during the development of detailed mechanical plans, a lighting study, and final refinements and input by the Marriott Corporation, several minor alterations are proposed to the project versus the prior (2012) design review approval. Therefore, the applicant has proposed the following changes to the original design:

 Revisions to the size and placement of the metal rooftop mechanical equipment screens, eliminating the continuous east-west run of screening along the north portion of the rooftop;

- Revise the roll-up door at the loading dock along NW Northrup Street from a metal with glass panel design to a perforated metal design to meet ventilation requirements;
- Reduce the east-west length of the water feature in the courtyard, and add a new rectilinear tube steel pergola adjacent to the water feature, acting as a threshold marker between the public open space and private hotel sections of the courtyard;
- Eliminate the soffit lighting at the second floor overhang along both NW 9<sup>th</sup> Avenue and NW Marshall Street, except near the main hotel entry doors; and
- Change the window height for ground floor hotel rooms on the east wing of the building from 12'-4" to 10'-0"; and
- Metal panel screen enclosures around two above-grade electrical cabinets along the NW Station Way frontage.

Because of the scope of the project, and with a central city location, these alterations must receive consideration through a Type II Design Review process.

**RELEVANT APPROVAL CRITERIA:** In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- The Central City Fundamental Design Guidelines; and
- The River District Design Guidelines.

#### **ANALYSIS**

**Site and Vicinity:** The site is a trapezoidal parcel of just over one acre in size, with 47,704 square feet of land. The site is bound by public rights-of-way including NW 9<sup>th</sup> Avenue, NW Marshall and Northrup Streets, and NW Station Way. Directly east of the site is the fenced Union Station rail yards on the opposite side of NW Station Way. The site is currently under construction with the frame of the future hotel building rising out of the ground.

The block directly to the south includes the ZIBA headquarters office building, the Station Place parking garage, and a senior housing tower. Directly west of the site, on the opposite side of NW 9<sup>th</sup> Avenue, are a collection of mixed-use condominium and apartment buildings with some ground floor commercial uses. Across NW Station Way to the east lies the northern section of the Union Station rail yards, behind a metal fence and landscaping. To the north is a vacant triangular parcel.

Abutting public streets are improved with paved two-way roadways and curbing, but the sidewalks immediately adjacent to the future hotel building have not yet been constructed.

**Zoning:** The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The Design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural or cultural value. 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 that address special circumstances existing in the Central City area.

Land Use History: City records indicate three prior land use reviews at the site:

- *LUR 01-00281 MS SU*. Approval of a Central City Master Plan and an 8-lot subdivision with public streets, subject to conditions of approval;
- LUR 01-00406 PR. Approval of a Central City Parking Review for the Station Place Garage, subject to specific numbers and types of parking for individual lots in the Station Place Subdivision; and
- LU 12-111904 DZ MS AD. Approval of a Design Review, Central City Master Plan Amendment and Adjustment to reduce loading spaces from two to one, for the Marriott Residence Inn hotel.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed March 21, 2013. No city agencies have responded to the proposal with comments or concerns.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 21, 2013. 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 and River District Guidelines.

#### River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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.

#### **River District Design Goals**

- **1.** Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
- **2.** Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.

- **3.** Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
- **4.** Strengthen connections within River District, and to adjacent areas.

#### Central City Plan Design Goals

- **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.

- **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.
- **B5.** Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.
  - Findings for B2 and B5: Changes at the ground level include the elimination of soffit lighting along NW 9th & Marshall, metal panel screening for two electrical cabinets along NW Station Way, a revised loading door design, changes to some window height at hotel rooms on the east wing, and modification of the water feature size and added pergola in the courtyard. These features will not significantly impact the pedestrian environment versus the original hotel approval, with the exception of the previously-approved electrical vaults and cabinets, whose impact can be partially mitigated for by providing the vertical metal panel screening around the units as proposed. Elimination of the soffit lighting reflects a light study conducted of the area which showed that adequate night lighting is provided on adjacent streets, and extensive windows along the street level will provide some lighting for pedestrians from interior lighting. Changes to the water feature and pergola are modest in terms of pedestrian impacts, while helping to define the boundary between the public open space along NW Marshall Street and the private hotel courtyard beyond. The loading door provides a perforated metal panel system that is used extensively elsewhere on the building, with a powder-coated paint job to integrate with other ground floor elements. Therefore, 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 & C5:** The proposed materials for all the altered building features are comparable or matching to the durable, quality materials originally approved for the hotel. Vertical multi-color metal panel screens will be provided around the two abovegrade electrical cabinets along NW Station Way. The rooftop mechanical screen alterations still create the impression that the perforated metal 'veil' element near the main NW 9<sup>th</sup> Avenue entry wraps up onto the building rooftop, and the materials are identical to those originally approved. The loading door provides a perforated metal element found elsewhere on the building with the veiled elements, the PTAC screens on the façade, the rooftop mechanical screens. With approximately 22% open space to the material, the loading door will screen views into the space while also providing for natural ventilation. Overall, the proposed alterations are in keeping with the original design concept for the building, and with a comparable cohesiveness and material quality. *Therefore, these guidelines are met.* 

**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:** The perforated metal screen system used for the rooftop mechanical system screening continues to be well-integrated with the overall building design concept. The wrapping effect of the 'veil' element near the main hotel entry onto the rooftop is continued, as the screening element still extends over 50 feet into the rooftop from the 9<sup>th</sup> Avenue rooftop edge. Revised rooftop mechanical screening is well-ordered and placed in three clustered locations away from the building edges, except where intentionally used as a wrapping feature near the building entry 'veil'. *Therefore, this guideline is met.* 

**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:** Removing the exterior soffit lighting helps to add emphasis to the perforated metal 'veil' element near the main entry. The soffit lights were found to be unnecessary after a night lighting study, and they detracted from the 'veil' element. Restricting exterior building lighting to the main entry and vertical 'veil' will create a more subtle effect on the exterior of the building at night. *Therefore, this guideline is 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 and cultural value, such as the River District. In this case, the applicant has proposed a suite of changes to the exterior design of a previously approved new hotel building. With approval based on the design drawings and

details as submitted, the proposal is able to meet the applicable design guidelines and should be approved.

#### ADMINISTRATIVE DECISION

Approval of Design Review, in the River District Subdistrict of the Central City Plan District, for a series of exterior changes to the Pearl Marriott Residence Inn on Lot 4 of Station Place, including the following specific changes:

- Revised size and placement of the metal rooftop mechanical equipment screens, eliminating the continuous east-west run of screening along the north portion of the rooftop;
- Revised roll-up door at the loading dock along NW Northrup Street from a metal with glass panel design to a perforated metal design to meet ventilation requirements;
- Reduced east-west length of the water feature in the courtyard, and add a new rectilinear tube steel pergola adjacent to the water feature, acting as a threshold marker between the public open space and private hotel sections of the courtyard;
- Elimination of the soffit lighting at the second floor overhang along both NW 9<sup>th</sup> Avenue and NW Marshall Street, except near the main hotel entry doors; and
- Changed window height for ground floor hotel rooms on the east wing of the building from 12'-4" to 10'-0"; and
- Metal panel screen enclosures around two above-grade electrical cabinets along the NW Station Way frontage.

This approval is granted based on the approved plans and drawings, Exhibits C.1 through C.29, signed and dated June 4, 2013, and subject to the following condition:

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.29. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-120659 DZ. No field changes allowed."

Staff Planner: Mark Walhood

Decision rendered by: \_\_\_\_\_ on June 4, 2013.

By authority of the Director of the Bureau of Development Services

Decision mailed: June 10, 2013

**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 February 26, 2013, and was determined to be complete on March 19, 2013.

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 February 26, 2013.

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. Unless further extended by the applicant, **the 120 days will expire on July 18, 2013.** 

#### 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.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 24, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

#### Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

• Unless appealed, The final decision may be recorded on or after **June 25, 2013**.

• A building or zoning permit will be issued only after the final decision is recorded.

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 of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

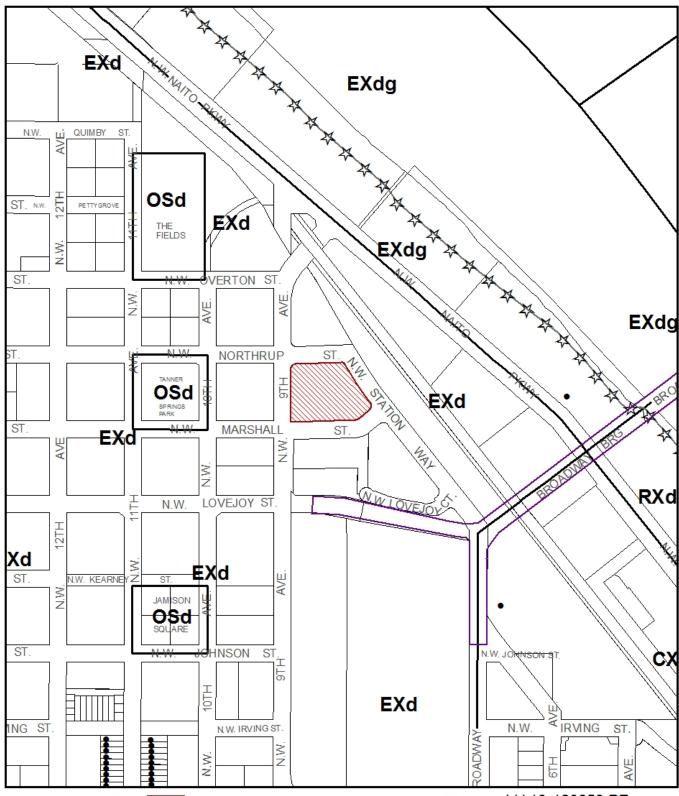
#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  - 1. Original narrative statement
  - 2. Supplemental narrative submitted with transformer detail drawings, rec'd. 4/25/13
  - 3. Supplemental narrative submitted with loading door and rooftop renderings, rec'd. 5/8/13
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Landscape Site Plan (attached)
  - 2. Layout Plan Courtyard
  - 3. Planting Plan Courtyard
  - 4. Courtyard Details
  - 5. Roof Plan (attached)
  - 6. Enlarged Reflected Ceiling Plan SW Corner Level 1
  - 7. Exterior Elevations
  - 8. Courtyard Elevations (attached)
  - 9. Enlarged Sections/Elevations
  - 10. Pergola Details (attached)
  - 11. Large/Scalable Landscape Site Plan
  - 12. Large/Scalable Layout Plan Courtyard
  - 13. Large/Scalable Planting Plan Courtyard

- 14. Large/Scalable Courtyard Details
- 15. Large/Scalable Roof Plan
- 16. Large/Scalable Enlarged Reflected Ceiling Plan SW Corner Level 1
- 17. Large/Scalable Exterior Elevations
- 18. Large/Scalable Courtyard Elevations
- 19. Large/Scalable Enlarged Sections/Elevations
- 20. Large/Scalable Pergola Details
- 21. Northeast Elevation with transformer screen
- 22. Enlarged transformer plan with details
- 23. Color transformer rendering with screen from north
- 24. Color transformer rendering without screen from north
- 25. Color transformer rendering with screen from east
- 26. Color transformer rendering without screen from east
- 27. Aerial perspective of rooftop screen from northwest
- 28. Aerial perspective of rooftop screen from southeast
- 29. Loading door detail
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No neighborhood letters were received.
- G. Other:
  - 1. Original LU application form and receipt

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** 



File No. <u>LU 13-120659 DZ</u> 1/4 Section <u>2929</u>

Scale 1 inch = 300 feet 1N1E34BB 1304



This site lies within the: CENTRAL CITY PLAN DISTRICT RIVER DISTRICT

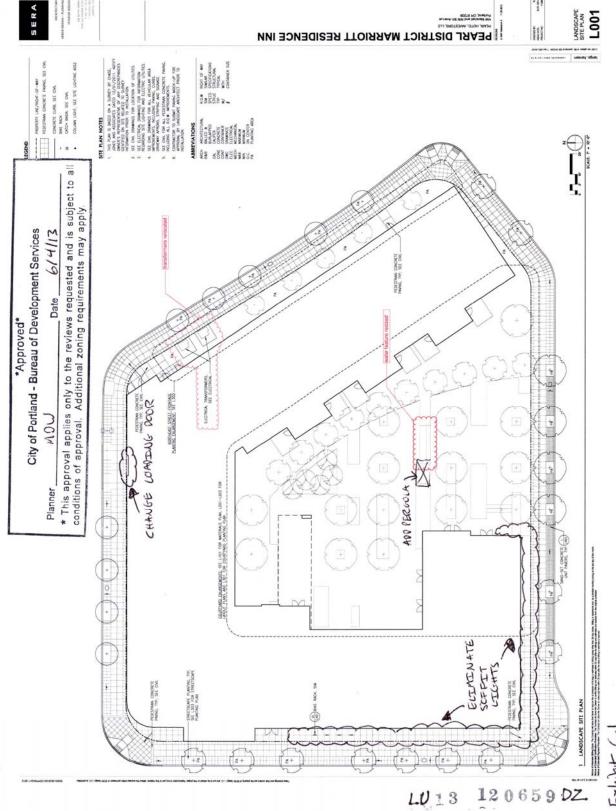


Exhibit C.1

