



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

**NOTICE OF A PUBLIC HEARING BEFORE
THE CITY COUNCIL ON AN APPEAL OF THE
PORTLAND DESIGN COMMISSION**

CASE FILE: LU 15-276553 DZM (Jupiter Hotel Expansion)
WHEN: WEDNESDAY, JUNE 8, 2016 at 2:00 PM
WHERE: COUNCIL CHAMBERS, 1221 SW FOURTH AVENUE

Date: May 18, 2016
To: Interested Person
From: Staci Monroe, Land User Services, 503-823-0624

A public hearing will be held to consider an appeal of the Design Commission decision to approve a new 6-story hotel in the Central Eastside sub district of Central City at 910 E Burnside Street. The Design Commission decision of approval with conditions has been appealed by Kegan Flanderka of Works Partnership Architecture (applicant). At the hearing City Council will consider the appeal. You are invited to testify at the hearing.

This will be an On-the-Record hearing, one in which new evidence cannot be submitted to the City Council. For a general explanation of the City Council hearing process please refer to the last page of this notice.

GENERAL INFORMATION

Applicant/Appellant: Kegan Flanderka | Works Partnership Architecture | 524 E Burnside Street, Suite 320 | Portland, OR 97214

Owner: Tod Breslau & Kelsey Bunker | Jupiter Hotel | 800 E Burnside Street | Portland, OR 97214

Site Address: 910 E BURNSIDE STREET

Legal Description: BLOCK 197 LOT 1 EXC PT IN ST, EAST PORTLAND; BLOCK 197 LOT 2, EAST PORTLAND

Tax Account No.: R226513080, R226513090

State ID No.: 1N1E35CD 01900, 1N1E35CD 02000

Quarter Section: 3031

Neighborhood: Buckman, contact Zachary Brooks at 503-482-8252.

Business District: Central Eastside Industrial Council, contact Debbie Kitchin at ceic@ceic.cc.

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: Central City - Central Eastside

Zoning: EXd - Central Employment zone with a Design overlay

Case Type: DZM - Design Review with Modifications

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

Proposal:

The applicant seeks Design Review approval for a new 6-story hotel in the Central Eastside sub district of Central City. The project provides 67 hotel rooms on the upper four floors, large event space and outdoor deck on the 2nd floor, and retail, restaurant and hotel lobby on the ground floor along with loading and back-of-house areas. Bike parking for both visitors and employees are provided on site along both street frontages and on the interior. The exterior

finishes include options for metal shingle or layered asphalt composition shingle for the primary cladding, and aluminum storefront system, vinyl windows, mirror glass soffit and metal panel.

Along Burnside, floors 2 through 6 extend into the right-of-way above the sidewalk up to 8'-0" in depth, which is considered a Major Encroachment by Transportation. A request to eliminate the Major Encroachment review process for properties along E Burnside, specifically, went before City Council on March 16, 2016. Council supported the ordinance and the Major Encroachment process will therefore be waived for such projections along E. Burnside. A recommendation from the Design Commission to City Council is no longer necessary. Along 9th, a 2'-6" deep oriel window at floor 5 extends into the right-of-way above the sidewalk. An exception to the Oriel Window standard E is requested to exceed the 12' maximum bay length (27.2' length proposed).

The following Modification is requested:

1. *Loading* – To reduce the 13' vertical clearance to 12' for the required for the one large loading space provided on site (Section 33.266.310).

Nonconforming Upgrades - The site and ownership includes the block to the west where the current Jupiter Hotel and Doug Fir Lounge exist. Per Section 33.258.070.D, when improvements to a site are made that exceed \$155,900, up to 10% of the total project value must be spent towards bringing the site up to conformance with the current zoning code regulations. The potential upgrades identified include screening of trash and recycling, 6' wide pedestrian connections through the site and to the abutting streets, long and short term bike parking and screening of vehicle areas from adjacent properties. Staff is working with the applicant to confirm which upgrades are required and if they will be addressed in this design review. If not addressed in this review, separate land use reviews (Design, Modification and/or Adjustment reviews) may be required before building permit issuance.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- Central City Fundament Design Guidelines
- Central Eastside Design Guidelines
- Section 33.825.040 – Modifications through Design Review

REVIEW BODY DECISION

It is the decision of the Design Commission to approve the Design Review for a new 6-story hotel with 67 hotel rooms, retail, restaurant and event space and the Modification to loading in the Central Eastside sub district of Central City.

Approval of the following Modification:

1. *Loading* – To reduce the 13' vertical clearance to 12' for the required for the one large loading space provided on site (Section 33.266.310).

Approvals per Exhibits C.1-C-66, signed, stamped, and dated April 21, 2016, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (A – D) 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 15-276553 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** The alternate exterior cladding option of metal shingle in a dark grey and 26-gauge is required (asphalt composition shingle is not approved).

- C. If the transformer cannot be pole-mounted and/or subterranean pursuant to PBOT and/or PGE standards, its location shall be subject to a future Type II Land Use Review. That Type II Land Use Review, if required, must be approved prior to issuance of any building permit.
- D. No field changes allowed.

APPEAL

The Design Commission decision of approval with conditions has been appealed by Kegan Flanderka of Works Partnership Architecture (applicant). According to the appellants' statement, the appeal of the Design Commission decision is based on arguments that:

The applicant seeks approval for the asphalt composition shingle exterior cladding, not the metal panel as required by Condition of Approval B. The applicant indicates “discrepancies were found in the Design Commission’s interpretation and enforcement of the applicable approval criteria for the project, specifically Central City Fundamental Design Guideline C2 (Promote Quality and Permanence in Development) in regard to the proposed exterior cladding material”.

Review of the case file: The Design Commission decision and all evidence on this case are now available for review at the Bureau of Development Services, 1900 SW 4th Avenue, #5000, Portland OR 97201. Copies of the information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some of the information over the phone.

We are seeking your comments on this proposal. The hearing will be held before the City Council. To comment, you may write a letter in advance, or testify at the hearing. In your comments, you should address the approval criteria, as stated above. Please refer to the file number when seeking information or submitting testimony. Written comments **must be received by the end of the hearing** and should include the case file number and the name and address of the submitter. It must be given to the Council Clerk, in person, or mailed to 1221 SW Fourth Avenue, Room 130, Portland, OR 97204. A description of the City Council Hearing process is attached.

If you choose to provide testimony by electronic mail, please send to the following link: CCTestimony@portlandoregon.gov. Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Any electronic mail on this matter must be received no less than one hour prior to the time and date of the scheduled public hearing. The Council Clerk will ensure that all City Council members receive copies of your communication.

City Council's decision is final. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.


If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments

1. Zoning Map
2. Site plan
3. Elevations
4. Appeal Statement
5. City Council Appeal Process



ZONING

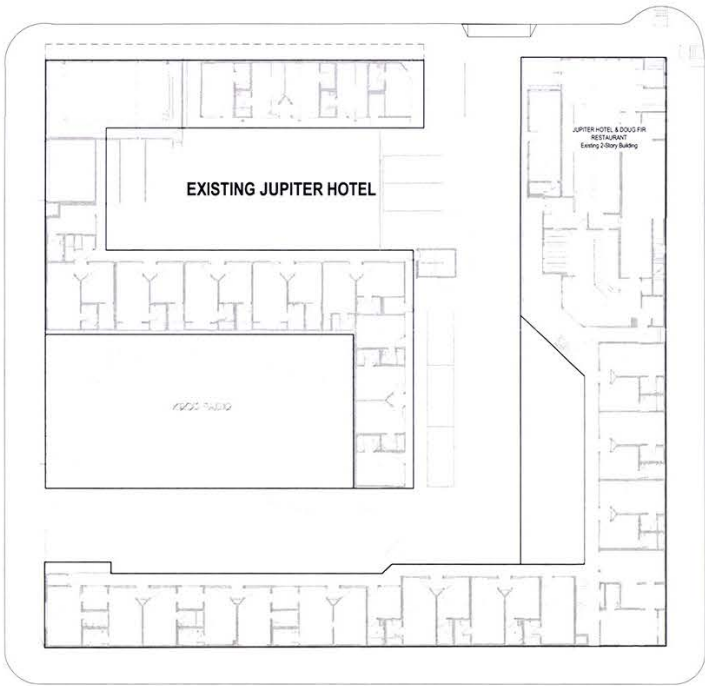
 This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 CENTRAL EASTSIDE SUBDISTRICT
 NORTH

-  Site
-  Historic Landmark

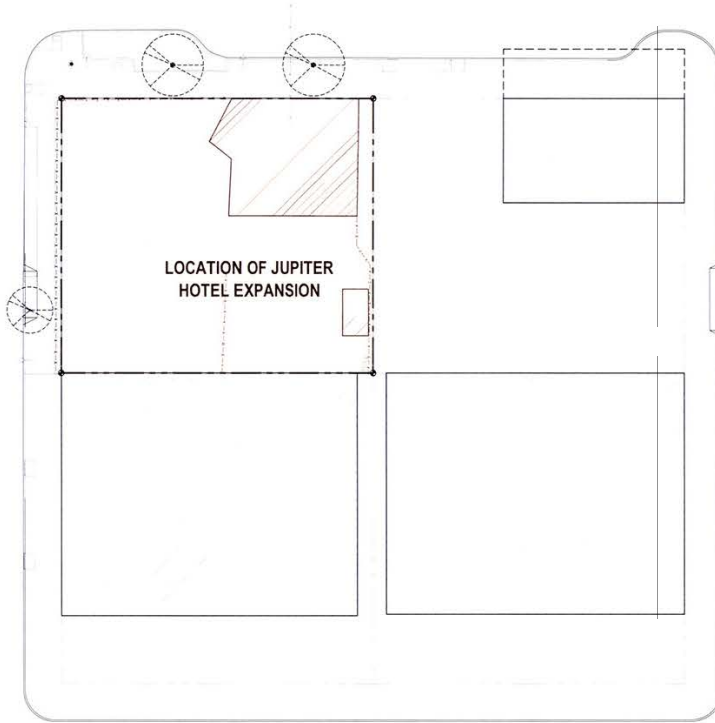
File No. LU 15-276553 DZM
 1/4 Section 3031
 Scale 1 inch = 200 feet
 State_Id 1N1E35CD 1900
 Exhibit B (Dec 14, 2015)

Lu 15-276553 DM EX.C4

SE 8TH AVENUE



SE 9TH AVENUE



SE ANKENY STREET



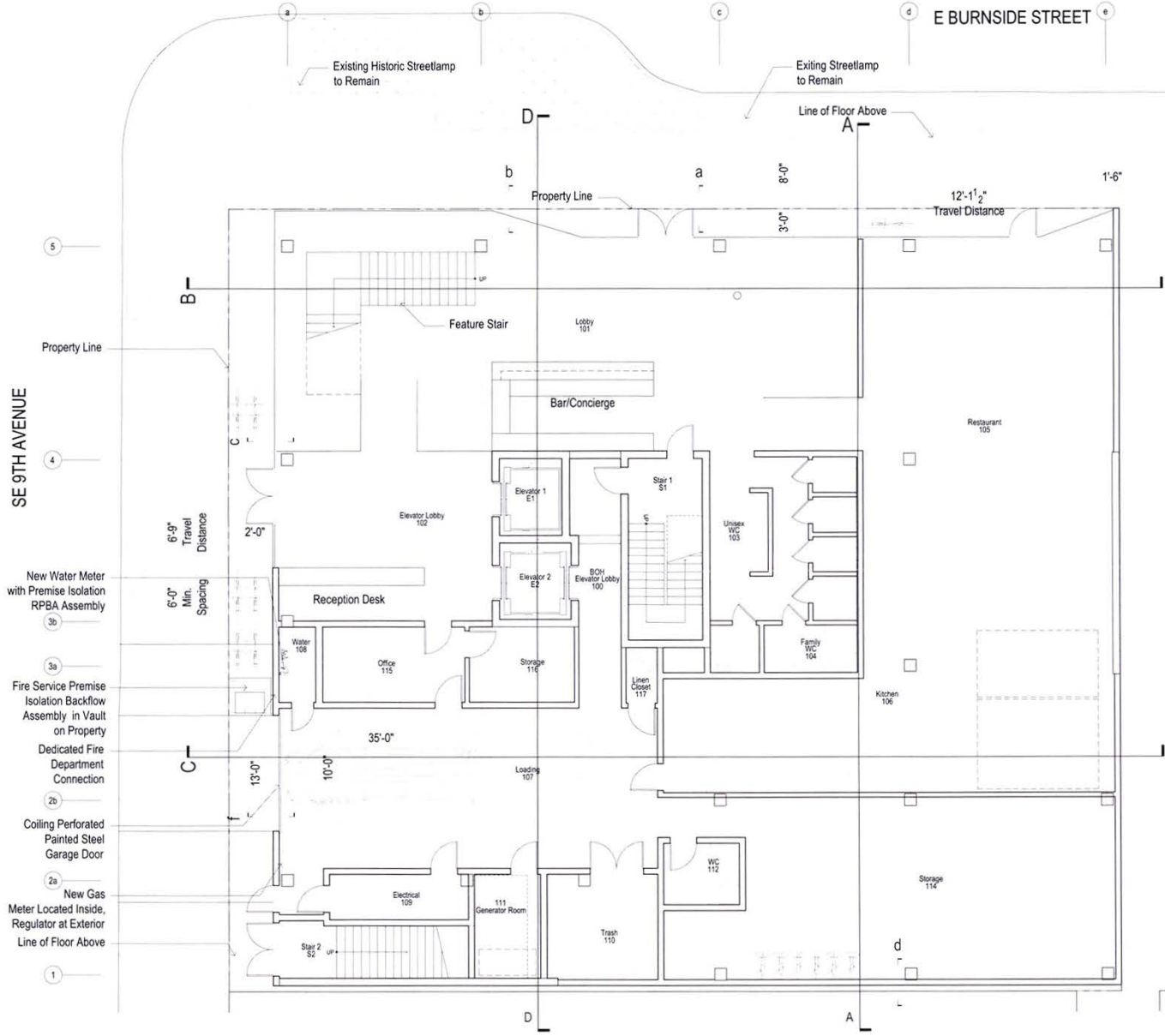
Existing Site Context
scale: 1"=40'



Approved
 City of Portland
 Bureau of Development Services
 Planner [Signature]
 Date 4/21/16

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

L1S-276553 DZM EX-C-14



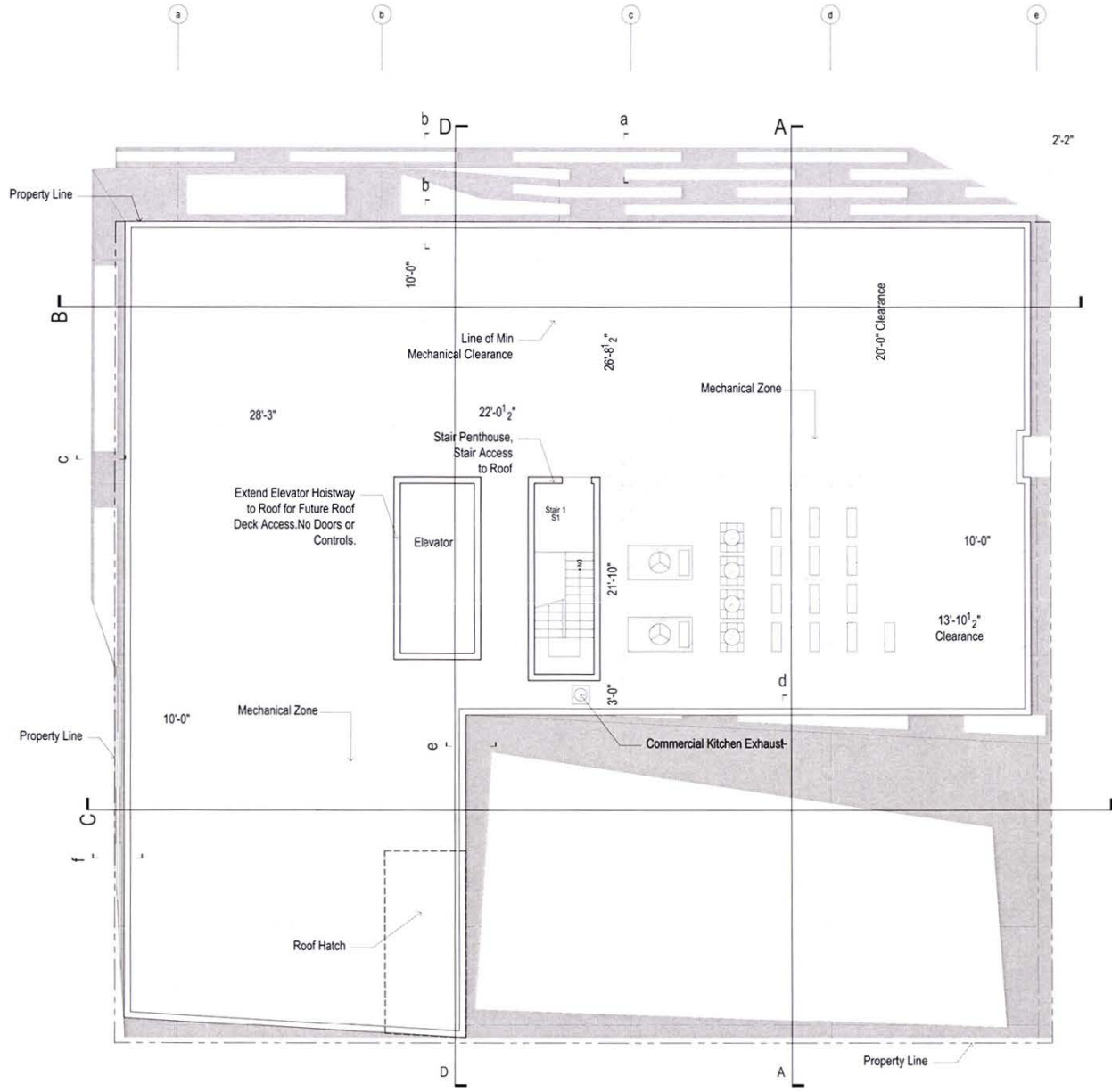
Gross Floor Area(L1): 2,249 SF Unconditioned
8,248 SF Total

FAR per Floor: .94/1

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 4.21.16
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional planning requirements may apply.

Ground Floor Plan
 scale: 3/32" = 1'-0"
 0 5 10 20'

LU 15-276553 DZM EX.C-20



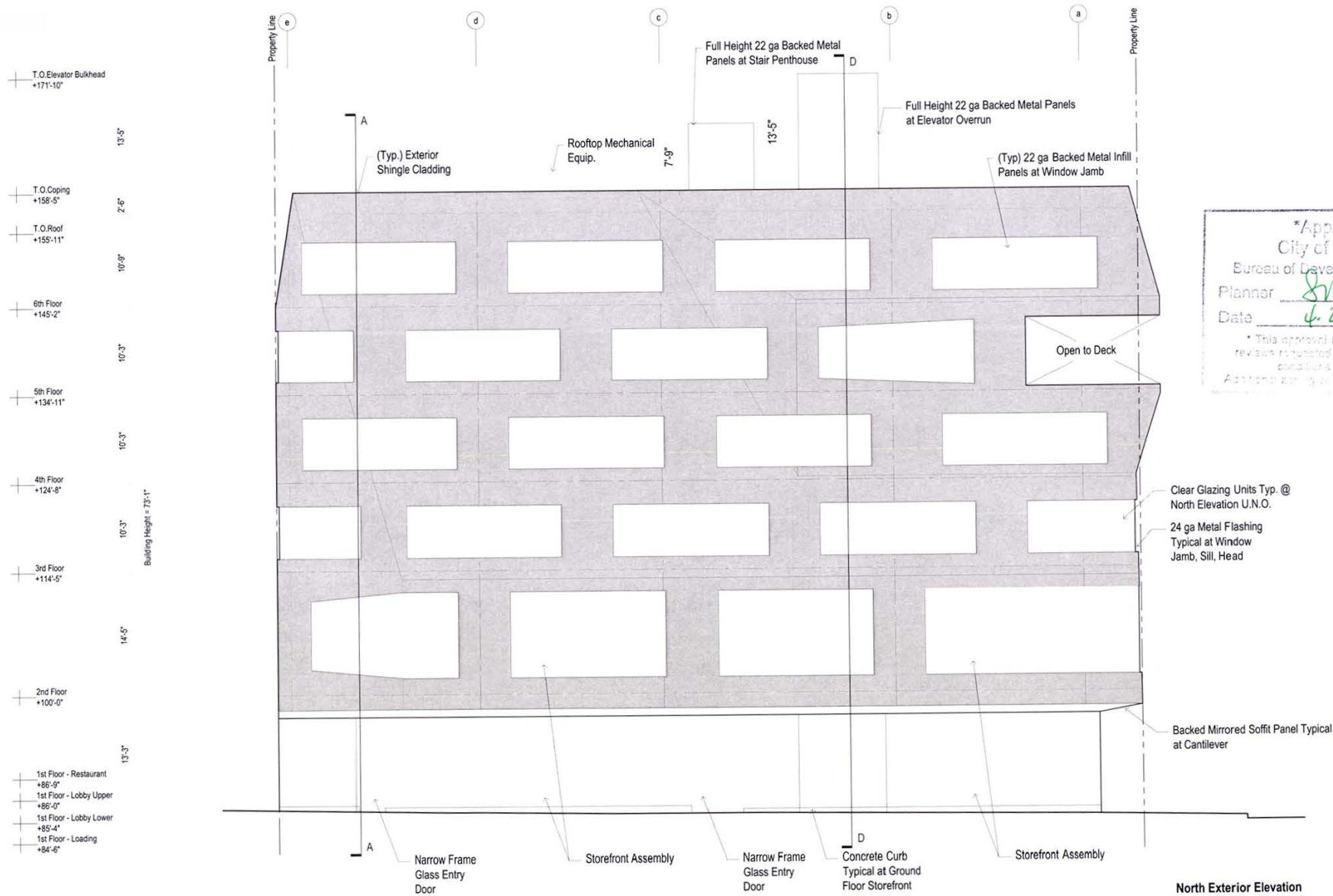
Approved
 City of Portland
 Bureau of Development Services
 Planner *Salu*
 Date 4-21-16

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Roof Plan
 scale: 3/32" = 1'-0"
 0 5 10

LU 15-276553 DMN

EX. C-21

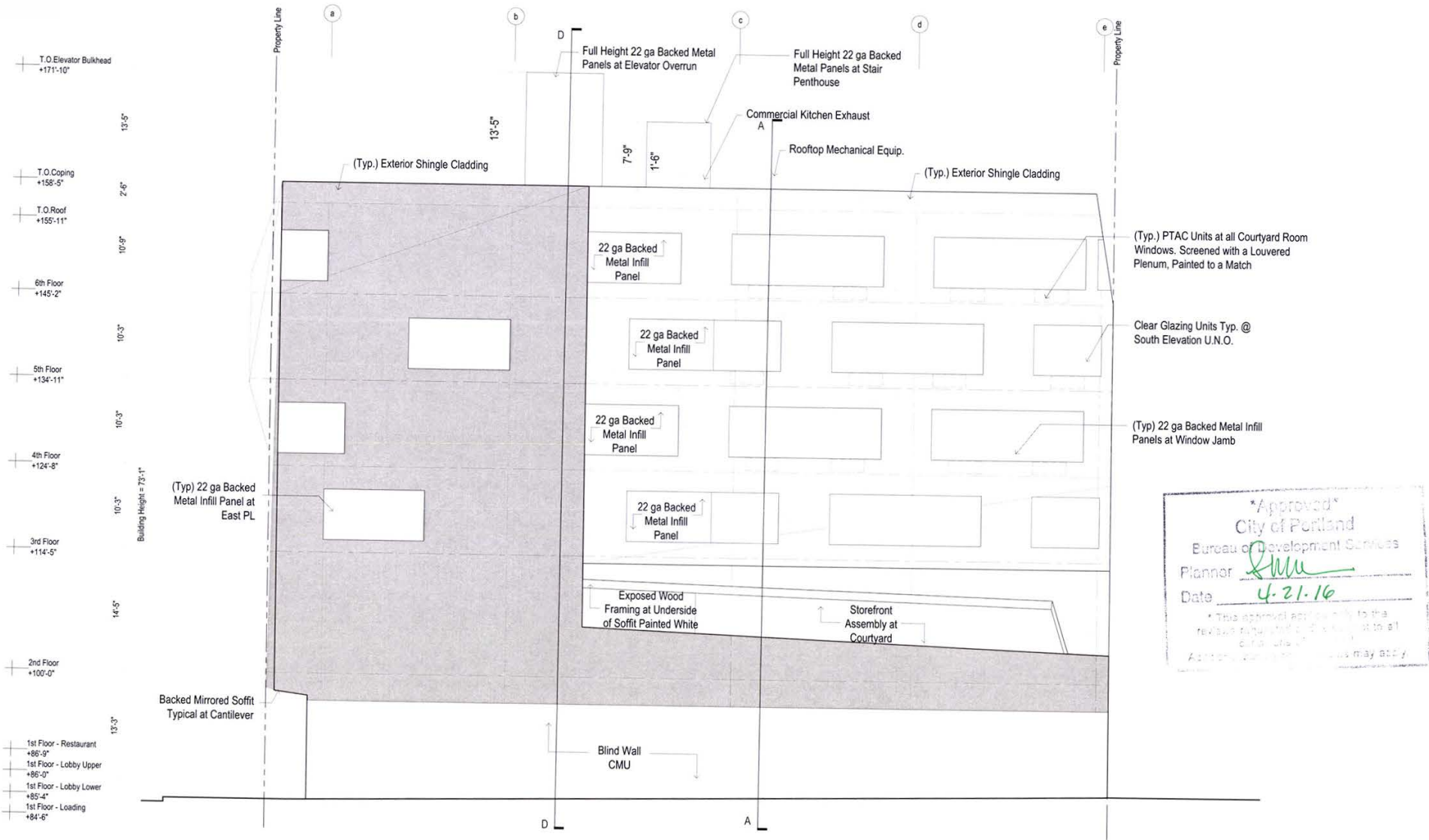


Approved
 City of Portland
 Bureau of Development Services
 Planner *S.M.L.*
 Date *4-21-16*

* This approval applies only to the review requested and is subject to all conditions of approval. Additional applicable requirements may apply.

North Exterior Elevation
 scale: 3/32"=1'-0"
 0 5 10 20ft

W 15-274553 02m
EX. C-22

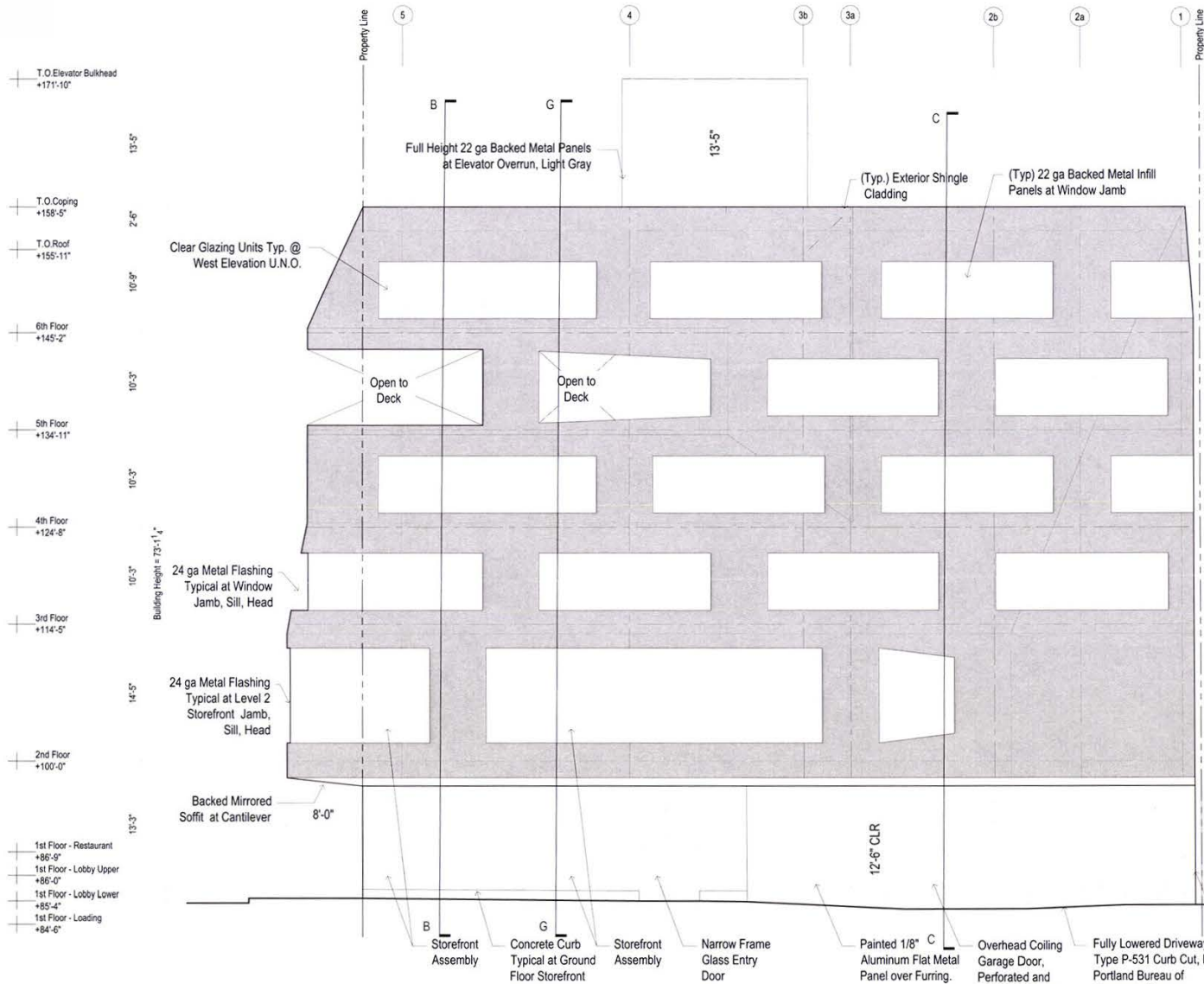


Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date 4-21-16
*This approved approval is only to the
revision indicated and is subject to all
conditions of the code.
Approval does not constitute a warranty.

South Exterior Elevation
scale : 3/32"=1'-0"
0 5 10 20ft

W15-276553 DM

AX-C-23



Approved

City of Portland
Bureau of Development Services

Planner *Julia*

Date 4.21.16

* This approval applies only to the
revisions requested and is subject to all
conditions of approval. If
Additional zoning requirements may apply.

West Exterior Elevation

scale : 3/32"=1'-0"



LO 15-226553 07m

EX. C-24

T.O. Elevator Bulkhead
+171'-10"

13'-5"

T.O. Capping
+158'-5"

T.O. Roof
+155'-11"

6th Floor
+145'-2"

5th Floor
+134'-11"

4th Floor
+124'-8"

3rd Floor
+114'-5"

2nd Floor
+100'-0"

1st Floor - Restaurant
+86'-9"

1st Floor - Lobby Upper
+86'-0"

1st Floor - Lobby Lower
+55'-4"

1st Floor - Loading
+84'-6"

2'-6"

10'-9"

10'-3"

10'-3"

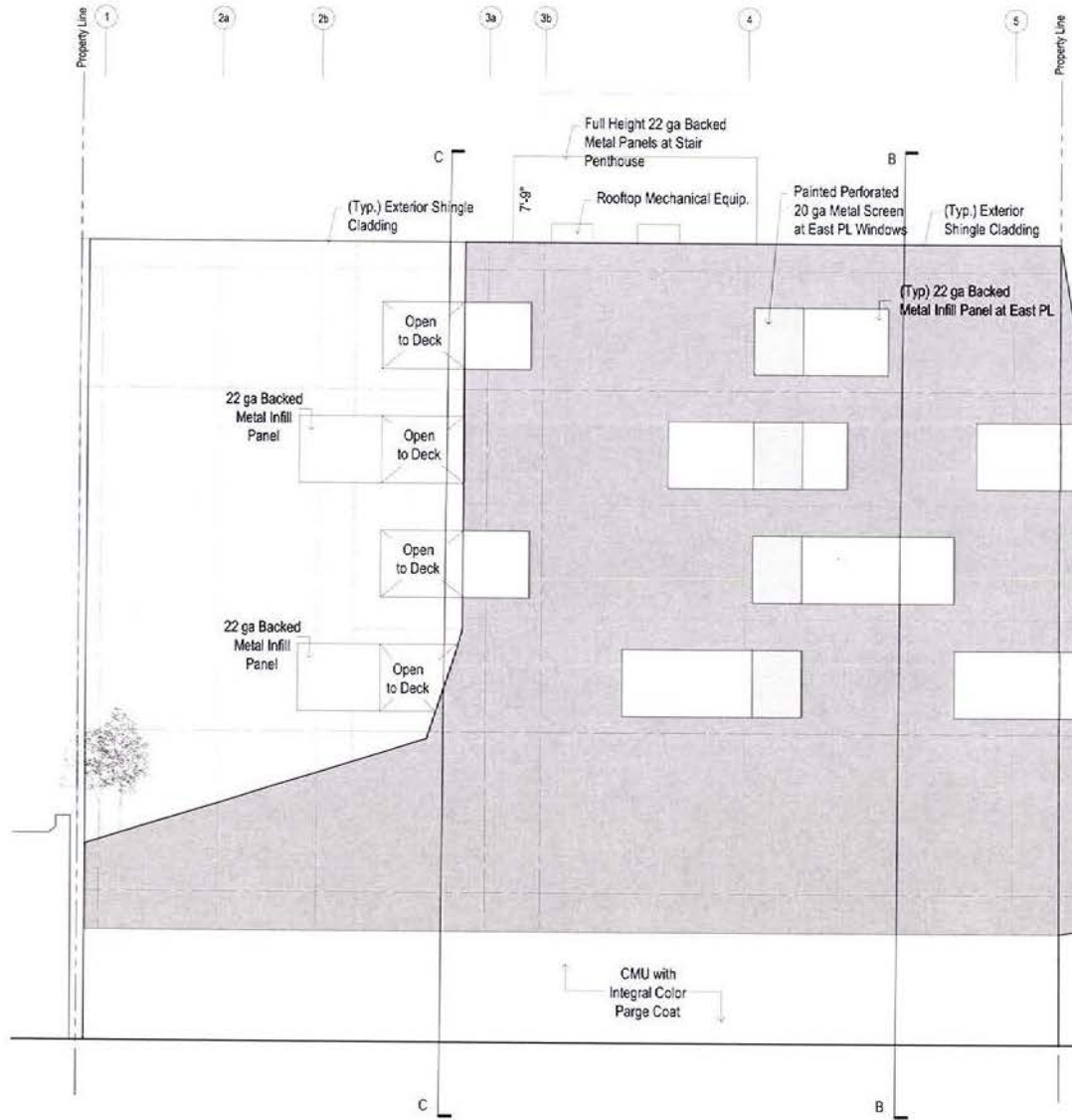
10'-3"

10'-3"

14'-5"

13'-3"

Building Height = 73'-1"



Approved
 City of Portland
 Bureau of Development Services
 Planner: *Sonia*
 Date: *4-21-16*

* This approval applies only to the review conducted and is subject to all conditions of approval. Additional zoning requirements may apply.

East Exterior Elevation
 scale: 3/32" = 1'-0"
 0 5 10 20'

LU 15-276553 ITEM EX. (1-31)



View of North-West Corner from Burnside

- Material Key
1. Exterior Shingle Cladding
 2. 1/8" Aluminum Panel, White
 3. Aluminum Storefront; Silicone Capture Verticals, Slate Grey
 4. Fixed Picture Window with Clear Glazing Units, Concealed Frame
 5. Flat Metal 22 Ga. Backed Infill Panel
 6. Backed Mirrored Panel Soffit
 7. Narrow Frame Aluminum Glass Entrance Door, Slate Grey Frame
 8. Flushline Aluminum Entrance Door (Solid), White
 9. Coiling Overhead Door, Perforated Slats, Slate Grey





City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 • 503-823-7300 • www.portlandoregon.gov/bds



Type III Decision Appeal Form

LU Number: 15-276553 DZM

FOR INTAKE, STAFF USE ONLY

Date/Time Received 5/13/16; 4:34PM

Action Attached

Received By AP

Fee Amount \$5000.00

Appeal Deadline Date 5/20/16

Fee Waived

Entered in Appeal Log

Bill # 3940257

Notice to Auditor

Unincorporated MC

Notice to Dev. Review

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS 910 East Burnside Street DEADLINE OF APPEAL May 20, 2016

Name Kegan Flanderka, Works Partnership Architecture

Address 524 E Burnside St. #320 City Portland State/Zip Code Oregon 97214

Day Phone 503.234.2945 Email kegan@worksarchitecture.net Fax _____

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

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

Zoning Code Section 33. 825 . 065

Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____

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

Per 33.825.065, the Central City Fundamental Design Guidelines governs design standards for this property's plan district.

Discrepancies were found in Design Commission's interpretation and enforcement of Section C 2 Promote Quality and Permanence in Development, specifically in regard to the proposed exterior cladding material.

Appellant's Signature [Signature]

FILE THE APPEAL - Submit the following:

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

The appeal must be filed by 4:30 pm on the deadline listed in the Decision. To ensure the appeal is received within this deadline, the appeal should be filed in the Development Services Center at 1900 SW 4th Ave, 1st Floor, Suite 1500, Portland, Oregon, between 8:00 am and 3:00 pm on Monday through Wednesday and Friday, and between 8:00 am and 12:00 pm on Thursday. After 3:00 pm on Monday through Wednesday and Friday, and after 12:00 pm on Thursday, the form(s) must be submitted at the Reception Desk on the 5th Floor.

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

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

**GENERAL EXPLANATION OF THE CITY COUNCIL HEARINGS PROCESS
FOR AN EVIDENTIARY HEARING**

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted via email to CCTestimony@portlandoregon.gov or in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Applicant	10 minutes
Supporters of Applicant	3 minutes each
Principal Opponent	15 minutes
Other Opponents	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	As needed

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The applicant's rebuttal testimony is limited to addressing the testimony of the opponent.
- e. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

If you have a disability and need accommodations, please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.