



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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MEMORANDUM

July 28, 2020

TO: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Amanda Fritz
Commissioner Jo Ann Hardesty

FROM: Rebecca Esau, Director
Bureau of Development Services

RE: City Council hearing on LU 19-145295 DZ

The purpose of this memorandum is to provide a brief description of the land use review decision that was appealed and which will be presented to you in a public hearing on August 20, 2020 at 2:00pm.

Site Address: 350 NW 12th Ave.

BDS Representative: Arthur Graves, City Planner

- 1. Land Use Review Requested:** Type III Design Review for a new 23-story, 250' high, quarter block building located in the Pearl Sub-District of the Central City Plan District. The proposed building includes 160 hotel rooms and 113 dwelling units and no on-site parking.
- 2. Key Elements of Proposal:** The Type III Design Review approval took advantage of new 2035 code that allowed additional Floor Area Ratio (FAR) and height to the quarter block site in the Pearl Sub-District. FAR bonuses taken advantage of included unlimited FAR transfer from historic resources. Height bonuses allowed the site to exceed the base height of 100' up to the proposed maximum height of 250'. No on-site parking was proposed, and on-site parking is not mandatory within the Central City Plan District.

In addition, the site fronts NW Flanders St. (to the north) which PBOT has been designated as the "Flanders Greenway". This had a late effect on the site's hotel valet loading which was moved to NW 12th Ave.

The proposal was re-noticed due to procedural errors resulting from omitted addresses and the appellant's request to remove Patricia Cliff from the appellants title, to be replaced with *Pearl Neighbors for Integrity of Design*.

The applicant is Li Alligood with Otak, Inc.

3. Design Commission Decision: The Design Commission found that the applicable approval criteria had been met. A condition of approval was added regarding the color of proposed metal panel (ACM = aluminum composite material).

4. Alternatives Facing Council:

- Deny the appeal and uphold the Design Commission's findings and conditions of approval, including the condition of approval regarding metal panel color.
- Deny the appeal and uphold the Design Commission's findings and conditions of approval, but with modified findings or conditions.
- Grant the appeal and modify the Design Commission's findings and conditions.

675
Agenda No.
REPORT
 Title

Consider appeal of the Pearl Neighbors for Integrity in Design against the Design Commission's decision to approve, with conditions Hyatt Place, a 23-story mixed use building at 350 NW 12th Ave in the Pearl Sub-District of the Central City Plan District (Hearing; LU 19-145295 DZ)

INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>August 11, 2020</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <small>Mustafa Washington</small> Position 1/Utilities - Fritz Position 2/Works - Vacant Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland Karla Moore-Love Deputy <small>Digitally signed by Karla Moore-Love Date: 2020.08.13 14:51:11 -07'00'</small>
BUREAU APPROVAL Bureau: Development Services Bureau Head: Rebecca Esau <small>Digitally signed by Rebecca Esau Date: 2020.07.30 10:01:11 -07'00'</small> Prepared by: Leanne Torgerson Date Prepared: 7/30/2020 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan Council Meeting Date August 20, 2020	ACTION TAKEN:

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>2:00</u> Total amount of time needed: <u>3 hours</u> (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz</td> <td></td> </tr> <tr> <td>2. Vacant</td> <td>2. Vacant</td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td>3. Hardesty</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly</td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz		2. Vacant	2. Vacant		3. Hardesty	3. Hardesty		4. Eudaly	4. Eudaly		Wheeler	Wheeler	
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MEMORANDUM

COMMISSIONERS' ASSISTANTS BRIEFING ON QUASI-JUDICIAL CASES

Date: July 28, 2020
To: Commissioners' Assistants and City Attorney
From: Arthur Graves, City Planner, BDS Land Use Services Division
503.823.7803
Re: LU 19-145295 DZ: 350 NW 12th Avenue
Hearing Date: August 20, 2020 at 2:00 pm
Briefing Date: August 03, 2020 at 2:30 pm

1. Land Use Review Proposal

The applicant is seeking Design Review approval for a 23-story mixed use building, which includes hotel and residential uses, in the Pearl Sub-District of the Central City Plan District. The proposed height of the quarter-block building is 250' with 197,118 square feet of floor area. 160 hotel rooms and 113 dwelling units are proposed. No on-site parking is proposed. Two loading spaces are proposed. Exterior materials include ribbed and flat metal paneling, aluminum windows, glass guardrails, steel canopies, formed concrete piers and aluminum storefronts.

2. **Applicant:** Li Alligood with Otak, Inc.

3. **Appellant:** Pearl Neighbors for Integrity of Design, represented by Carrie Richter (Bateman Seidel)

4. Approval Criteria

The applicable approval criteria for the Design Review are: 33.825, Design Review; *The Central City Fundamental Design Guidelines*; *The River District Design Guidelines*; Oregon Statewide Planning Goals.

5. Staff Recommendation

The Staff Report for the July 18, 2019 hearing recommended denial due to the proposal not fully meeting applicable guidelines – this was upheld by the Design Commission. The Staff Report for the return hearing (November 21, 2019) recommended approval due to the applicant's response to Commission comments from the first hearing. The Design Commission upheld the Staff Report and added a condition of approval regarding the color of proposed metal panel (ACM = aluminum composite material).

6. **Design Commission Findings and Decision:** Approval with condition.

7. **Appeal**

The appellant's appeal form (attached) lists 15 items believed to be insufficiently addressed. A partial list includes: vehicle demand and intensity of development generated by the proposed development that is unfavorable to the neighborhood; negative impacts to the Flanders Greenway; issues due to the height of the building; issues with the architectural compatibility of the building with surrounding development; impacts to a tree; failure to provide on-site vehicle parking; the precedent established with this development; and the impact this development will have on the cultural and ethnic diversity of the "South Pearl".

8. Alternatives Facing Council

- Deny the appeal and uphold the Design Commission's findings and conditions of approval, including the condition of approval regarding metal panel color.
- Deny the appeal and uphold the Design Commission's findings and conditions of approval, but with modified findings or conditions.
- Grant the appeal and modify the Design Commission's findings and conditions.

From: [Carolyn Wheatley](#)
To: [Graves, Arthur](#)
Subject: Fwd: Land Use Hearing. Case # LU 19-145295. Hyatt Place
Date: Thursday, October 22, 2020 11:43:08 AM

Begin forwarded message:

From: Carolyn Wheatley <ecwheat@comcast.net>
Subject: Land Use Hearing. Case # LU 19-145295. Hyatt Place
Date: October 22, 2020 at 11:31:32 AM PDT
To: Carolyn Wheatley <ecwheat@comcast.net>

Dear Mr Graves and City Council,

I am Carolyn Wheatley and I live in the McKenzie Lofts, at 408 NW 12th ave #413, Portland, Oregon 97209. My condo unit is on the Flanders side of our building, directly across Flanders from the proposed Hyatt and its restaurant opening, and above the driveway of our building. I am writing to object to any further approval of this Hyatt Place Hotel proposal . LU 19-145295.

For the neighborhood, the proposed Hotel on NW 12th & Flanders is a completely inappropriate size to be built a hundred feet from the Historic District, and set on such a tiny lot, with really no room even for trees without causing difficulty. It's 7 stories taller than any building near and would dwarf the smaller, brick and stucco historic buildings. The design is massive with brown metal/glass versus the historic neighborhood brick, not at all complementing the nature of the South Pearl. The Hotel, even without the residencies, brings an incredible number of high intensity and conflicting uses aimed at non residents, including also a Restaurant both inside, and outside on the sidewalk, a rental EventSpace, three separate building entrances for different uses of hotel and residences, a mailbox room for scores of residences daily, inadequate bike storage for the number of residents, etc. Because even now there are not enough parking spaces on those two short half blocks, it's apparent there will often be no room for guests to arrive, for street drop offs, pick ups, car and luggage transfers, and that forces them to block the streets. The builder says he can use the loading zone across the street on Flanders, but that is currently for move ins and out, building maintenance, window equipment etc for other residences. Many kind of service deliveries will further impact the intersection, full of neighbors, cars, shoppers, etc. a Sadly, this proposal it can't help but be detrimental to the livability of the neighborhood..

A hotel is unneeded here with 5 others very close by and rarely filled to capacity. Its complexities of uses makes it absolutely too much for this quarter block. The varied uses just for the hotel, not to mention residents' activities, actually overwhelms the site and two streets. The Hyatt/Resident combination here is the wrong location for this skyscraper and the neighborhood will suffer, and be

changed forever. It would be far better suited to The North Pearl, or other city areas with commercial buildings of similar size, sitting on larger land parcels of half blocks, and in several cases, on whole blocks, facilitating the varied uses needed by hotels.

The 23 story Hyatt plan arrived rapidly on the heels of the height limit being changed to 250 ft. It is designed include many things, for maximum profitability, which is not unusual, but which in this case inflicts tremendous damage and danger to a residential area. Interestingly, there are several new Hyatt Hotel projects currently in the city, none the size of this, and all on larger parcels of land, with more street parking room, and fewer uses. This is the Biggest new Hyatt proposal, on the Smallest lot, with the Most varying uses, on one tiny intersection, with only 3 street parking spaces per half block, and with absolutely no valet parking feasible, or room for idling Lyfts, Ubers and taxis, airport limos, food and supply deliveries, tour buses, trucks, postal vehicles, Fed Ex and Amazon deliveries, etc.

So, ask yourselves if this hotel building, bringing 500 new people in, as the builder claims, is added to a current neighborhood of 3 blocks with four buildings, five if you include the Gregory a half block away, added to those 600 or so residents, their 519 cars & bikes parked underground, 3 driveways on the two sides of the proposed site, "Is this good use, or even functional, on this corner?"

Now, ADD to that the increased daily traffic on the new Greenway: the runners, bikes, scooters, electric or not, skateboards, strollers, grocery walkers, children walking, cars, motorcycles etc, Does it even seem possible to fit all this in? Would you want to live there with all that traffic congestion, less sunlight, plus the hotel lights, all night and always with noise? The city has recently contracted with companies for 350 more electric bikes and scooters according to an OregonLive report. The flow for these people will be complicated and unsafe.

It is absurd for me to think that with 11-12 floors of hotel guests, another 11-12 floors of apartments, with no outside official bike parking and none for cars of even guests at the restaurant and arriving for Event Space rental events such as weddings, yes impossible to think, that this doesn't forever change the beautiful nature and sweet quiet culture of the South Pearl & brick Historic District! It absolutely would. No PBOT traffic study can be valid until after the Greenway is built.

So much was tossed into this proposal without even considering or asking about the Negative impacts for hundreds of neighbors who will be forced to live with a very dangerous situation. For all of us it seems unbelievable. At one meeting the builder bragged "I'm bringing you 500 people with no cars." That fell flat and in reality is not true. It will be a nightmare for for all vehicles, cars, trucks, fire engines that use the through street now, mixed with pedestrians and bikes etc. The builder acknowledged he and the developer had no idea about the planned Greenway when they started, and now under construction. They at first easily dismissed locals concern for the beautiful old Maple tree.

While the mass, materials and height of the Hotel renders it unsuitable for the

historic nature of the neighborhood, that to me is only part of the problem. Improving the appearance has little to do with the danger that the variety of needs and numbers of uses this brings to such a small area and intersection. The impact is huge, the congestion overwhelming,

A Flood is defined as an increase of water in a place that cannot drain it and thus the water spreads out of its banks, out of control, causing untoward, significant damages.

If this hotel is built there will be no drain that can clear the congestion that will result from so many uses and traffic in so small a space. It will be inconvenient even for hotel guests, which could impact hotel success. Traffic conflicts with driveways, lack of visibility, surface traffic at a standstill, people, pedestrians, cars, bikes, skateboards, scooters etc, will all be at Risk for Damage And Injury and cannot then not be a safe area. Children will be using the Greenway and navigating traffic and street blockages with less driving experience.

What was the purpose of the Greenway in the first place? Will this bottleneck defeat the original hope? What will 3 years of Building congestion, dust, noise, trucks, cranes etc mean for our new Greenway? It seems unreal to sacrifice the quality of the greenway for a building that causes so many additional problems for the neighborhood, The investment in the Greenway may be wasted as bikes especially will detour to a faster safer road. The goal in part was to get them off busy street and dedicate a neighborhood road for them, connecting a route west and east of there 405 year to the river, The beautiful old Maple tree on the property, now 6+ stories tall, was “The Main Green in the Greenway! “ It offers a shade stop and is the biggest tree within view of the whole area. It may be partly why Flanders was chosen for The Greenway Bike Trail.

With too much going on simultaneously, accidents are just waiting to happen. The negative impact on the quiet, residential culture of the residents and small businesses whose customers all ready have trouble finding parking, need to be considered. Is the city required to accept proposals that do not fit with their vision as it does its job to create good community?

An irony is that the nearly 100 yr old Maple, now sequestering 50000 tons of carbon, can easily be cut down, which then starts the release of the carbon. However, then it seems a bit disingenuous to requests to use environmental offsets, having done so much damage all ready. Picture an L shaped Brick building with a circle drive around the tree for a shorter apartment building. If you remove the Hyatt section with all its complexities, the apartment plan for that block would fit in and be welcomed.

Sadly, because of this proposal, many owners are selling, anticipating a worse environment to live in or rent out. Values are down, and with 2-3 years of construction noise, dirt, blockage, equipment etc, many don't see it as either a desirable to live or to rent out. If built the hotel will block the winter sun for three hours a day, the view will become a skyscraper towering overhead, shading for blocks with brown metal panels reflecting little light. Adding the skyscraper tower, means the South Pearl loses its distinction of an old, brick, low buildings

full of art/ craft/creatives, galleries, breweries, good food, street parties. It won't be as unique.

I lived in Seattle in the late 1960's when the City Council proposed to tear down that "Old Rattletrap," The PIKE STREET MARKET and developers wanted to build tall Condo and Apartment buildings along that cliff with fabulous view of the water. The public objected and the City finally put it on the Ballot. Citizens worked hard to save that funky, old market for farmers and citizens, and The Pike Street Market WON! It was saved. Can you imagine what that historic waterfront part of Seattle would be like now if the Pike Street Market were gone and just skyscrapers stood there? We here will lose that old sense too putting glass and metal towers, (this maybe only the first as it sets a precedent,) into the South Pearl historic area, with mostly brick buildings and that will now connect us to west of the 405 and that old Victorian era neighborhood of homes and small businesses.

The Hyatt part of this plan Is what Causes these multiple issues and Problems; The Hyatt plan offers little to the integrity of our historic neighborhood. It adds little of good, and adds, not solves, problems.

I recommend "The Hyatt Place" plan developers find a bigger parcel of land in an area of like buildings, where it will not interrupt the dream that created the South Pearl neighborhood.

Thank you

Carolyn Wheatley

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Thank you

Carolyn Wheatley



October 22, 2020

VIA EMAIL

Portland Design Commission
1900 SW 4th Ave.
Portland, OR 97201

Re: Hyatt Place / Allison Residences (LU 19-145295 DZ)

Design Commission Vice Chair Rodriguez and Commission Members:

This firm represents the Pearl Neighbors for Integrity in Design, the Appellant in the above referenced case.

During deliberation, a majority of City Commissioners expressed concerns with the proposed design. Some of those concerns were presented along with identification of specific design guidelines that were not met, whereas others were more generalized reservations that this was the wrong building for this site. In conclusion, the Council instructed staff to memorialize these concerns in a way that gave direction to the Design Review Committee. With the greatest respect, the October 14 staff memorandum fails to comply with these instructions. The staff memorandum offers only the most generalized statement of the Council's concerns, does not identify any particular guidelines at issue and offers no analysis of the same. Rather, the staff report essentially mirrors the Applicant's over-generalized approach, setting this proceeding off on the wrong foot.

The failure to properly brief this Commission suggests an intent to make this remand effectively pro forma. Remand was requested, as Mayor Wheeler pointed out, to acknowledge that this was a "marquee project" and to "do something exceptional." All of the Councilors appeared to agree that this project was precedent setting. Yet, the Applicant has failed to step up to this challenge. The only substantive change - increasing the building step-back by less than two feet at various levels is insignificant, in the face of a 250' building that will tower over the South Pearl District like a specter and cramp all of the vehicular service demands generated by 160 hotel rooms, 113 dwelling units along with a publicly available event space, adjacent along a 50 foot frontage.

During its deliberation, the City Council was quite clear that remand was intended to allow for a meeting between impacted parties in the hope that the parties could "find a way through." This suggests a collaborative effort. Since that time, neither the Applicant, nor City staff have reached out to the Appellant or other interested parties to see if any consensus could be reached. Appellant is disheartened by the Applicant and staff's refusal to take this remand effort seriously.

Given that this review may serve to be an empty formality, Appellant offers only a short summary of its concerns with the revised proposal:

- Reinforce the Identity of the Pearl District – Guideline A-5 and A5-1 1 – The Commissioners concerns were not limited solely to the setback, nor were they specifically directed to a tripartite design solution, as the Applicant suggests. The recommendation was that the design failed to reflect the unique qualities of the Pearl District, particularly the 13th Avenue Historic District. Rather than conduct a survey to identify how this new tower construction responds to the District, the Applicant submitted a survey of material variety that is not responsive to the concern. No survey of the use of tripartite design elements in the South Pearl was offered to evaluate these features, either historically or in new construction to consider how they respond in proportion or scale. Where tripartite design is used, the guidelines require the use of a “distinct cornice” and yet no distinct cornice elements are included. No renderings when viewed from the Historic District are offered allowing for the level of contextual evaluation of Pearl identity that the guideline requires. What about the use of tripartite design contributes to the distinctive character of the Pearl District? This cornice-less tripartite design does not evoke urban warehouses. Further, one Commissioner noted concern over the lack of street trees (an issue before the Design Commission as well), the use of separated, modern awnings (a problem that is only exacerbated by enlarging them), and the lack of arts function within the building. This revised proposal does not respond to any of these concerns.
- Contribute to a Vibrant Streetscape and Stopping and Viewing Areas – Guidelines A8, B-1-1, and B-4 – Many of the Commissioners expressed concern over the lack of street front area for public stopping and sitting. Mayor Wheeler pointed out that The Gregory has a setback of at least 50 feet. Yet, rather than complete a survey comparing setbacks and the level of streetfront amenities that might be appropriate for this building given its height and intensity, the Applicant offers to set the window bays back an additional 2’6”. There is no reasonable basis justification for determining this is the appropriate contextual response. It is also important to point out that what the Applicant is offering here is not a greater “setback” as that term is defined in the Zoning Code. “Setback” is defined as a distance “between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object.” The amended proposal does not increase the “setbacks” i.e. push the entire building back from the edge of the sidewalk. The amended proposal relocates the window bays so that they recede further from the columns creating deeper building insets. No additional pedestrian thruway is offered by these revisions. The Guideline mandates “increase the space for potential public use.” These revisions do not offer inviting public space but make what was previously indoor private space, effectively outdoor private space. As the applicant

states, this additional 3'6" area will "provide space for outdoor tables for hotel-provided café service as well as space to simply step out of the traffic areas to rest or view the building interiors." There is no reason to believe that this additional area will not be occupied entirely by tables, merely increasing outdoor space for private use. This retention of private outdoor space should be contrasted with the Canopy Hotel, where the setback window bay areas are used to accommodate short term public bicycle parking. Further, the Canopy Hotel window bays are inset 6' for a building that is 12 stories tall. This redesigned building includes 5' 6" insets for a building that is 250' feet tall. Using the Canopy Hotel as a guide, as the Applicant suggests, and applying a ratio of setback to height, as recommended by Commissioner Fritz, would mean that the appropriate setback along the north and west elevations must be 11' 6". This proposal comes 6' short of the mark. Under Guideline B-2 stopping and resting places must be "safe, comfortable places where people can stop, view, socialize, and rest." Providing a standing space in a vacant alcoves with no public seating, that by the applicant's own admission will be opened most of the time to host café tables, will not serve as a comfortable stopping places for the public.

- Reduce the Impact of Residential Unit Garages on Pedestrians – Guidelines C 9-1, B-1 and B-7 – Although no residential garages are proposed with this project, the Council expressed concerns that the two-bay loading dock, that will serve the residences (as well as the hotel and public meeting space), will be insufficient to serve this development, directing congestion from deliveries into the street, and creating a safety hazard. The Council noted that this project – located on an "extremely small lot" – will have negative impacts on traffic, bicyclists and pedestrians. Guideline C 9-1 notes that garages are to be located away from pedestrian accessways. Here, the only entry to the residences is located adjacent to this double vehicle loading bay. The proposed amendments do not respond to this concern as noted by the attached report by a licensed traffic engineer. A related Guideline B-1 calls for reinforcing and enhancing the pedestrian system. One Commissioner noted that the traffic generation and circulation assumptions do not reflect the realistic "day-to-day operation" of this project. It fails to reasonably consider how people actually travel and that the overall "flow of people" doesn't make sense. The Appellant's traffic engineer identified numerous dangerous pedestrian safety conditions existing at the Hampton Hotel, which has a comparable number of hotel rooms but without the delivery demands from an additional 113 residential units. These unsafe conditions at the Hampton exist, notwithstanding its full block of frontage. This is an benefit that the Hyatt, on the other hand, does not enjoy. The constrained building frontage and site coupled with high temporary vehicle demanding uses at a high density compromises the pedestrian emphasis, contrary to Guideline B-1. It is not reasonable to assume that hotel guests' and residents' delivery demands will be "infrequent," simply because this development only includes a two-vehicle off-street loading bay. Those who face mobility-challenges will face barriers to access as they require greater reliance on

vehicles for mobility, greater demand for deliveries, and need additional space, both inside and outside of buildings, to get around. Guidelines B-7 requires barrier-free design that will safely accommodate the service demands of all people. This high-intensity development will not be welcoming to anyone who might have mobility limitations. The pedestrian realm is not enhanced by this design, as reviewed by the City Council, and the proposed alterations do not address these shortcomings.

In conclusion, the proposed changes to this design are insufficient. They do not respond to the concerns raised by the City Council.

Please take the time to review the proceedings before the City Council for yourself. At best, the consensus of the City Council was that the previous design barely met the design guidelines. This design must go further than the bare minimum. Ask yourself whether this proposal represents a “marquee” development that should set the future trajectory for high-level design within the Pearl District as envisioned by Central City 2035. For the reasons set forth above, and as discussed previously, this proposal will not. The proposed alterations are insufficient to satisfy the Design Guidelines. This application should be denied.

Sincerely,



Carrie A. Richter

CAR:kms
Enclosures
cc: Client

October 22, 2020

Honorable Mayor Ted Wheeler & City Council Members
Portland City Council
City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Subject: Hyatt Place & the Allison Residences (LU 19-145295)

This memorandum responds to the October 9, 2020 “Hyatt Place Type III Design Review – Revised Concepts” and “Hyatt Place – Design Response to City Council Remand Direction” documents prepared by Otak.

At the September 16, 2020 City Council hearing, the City Council expressed concerns about the impact of the development on pedestrians, the ability of the development and transportation system to adequately accommodate deliveries, and on-street traffic flow related to the arrival and departure of hotel guests and residents by various modes of transport.

In our July 18, 2019, November 21, 2019 and September 3, 2020 reports, we provided detailed analysis of the possible negative outcomes of the proposed development.

In reviewing the October 9, 2020 documents, it is clear that the applicant has not addressed City Council's traffic flow concerns on NW 12th Avenue. Instead, the applicant suggests City Council's concerns be addressed by “PBOT during permitting.” The applicant has not offered any modifications that demonstrably improve overall traffic flow for pedestrians, bicyclists, service vehicles, or hotel guest or resident loading/unloading.

As we've reported previously, the proposed development may create a situation similar to the Hampton Inn located off NW 9th Avenue. The proposed development is expected to generate a similar amount of vehicular trips as the Hampton Inn. The Hampton Inn operations result in frequent undesirable behavior on NW 9th Avenue. Unlike the Hampton Inn, the proposed development is located on the NW Flanders Street bikeway, a bikeway upon which the city would presumably prefer to limit conflicts. There were numerous vehicle/pedestrian conflicts observed due to the lack of available curbside space, double parking and frequent vehicle turnover at the Hampton Inn. While attempting to find any place near the proposed development to drop off or pick up passengers, make deliveries, etc., there will be frequent vehicle turnover on both NW 12th Avenue and NW Flanders Street, where the proposed metered parking spaces adjacent to this development will also have these vehicles interact with bikeway traffic thereby impacting the bicyclist and pedestrian experience.

The applicant has presented conflicting estimates and description regarding the amount of delivery/service vehicle activities that will be present at the development site. Completely absent from the applicant's traffic engineer's analysis are parcel deliveries such as Amazon, FedEx, UPS, grocery delivery or other food delivery. These deliveries are likely to number in the dozens per day. While we cannot speculate on the amount of deliveries that will take place at the proposed development, it will be a significant number given the large number of units of the proposed development. The proposed development will be constructed with a large meeting space on the 22nd floor as well as a meeting room and board room on the mezzanine

which will be available for event rental by the public, increasing the demand for loading/unloading of people and goods beyond just the needs of the 160 hotel rooms and 113 dwelling units.

Regarding compliance with design guideline C9-1, which requires locating loading areas on the less trafficked street, the applicant argues that “Given that the loading space [truck loading bay] accommodates only 2 vehicles at a time, and loading needs are expected to be infrequent, this location is appropriate [on NW 12th Avenue].” There is no substantial evidence that illustrates the loading demands from this building will be infrequent.

Furthermore, there is evidence that NW 12th Avenue is not and will not be the “less trafficked street.” Per the City of Portland traffic count data (<https://pdx.maps.arcgis.com/>), NW Flanders Street carries an average daily traffic of approximately 650 vehicles per day between NW 11th Avenue and NW 12th Avenue. With the anticipated changes to NW Flanders Street which aim to keep vehicular traffic volumes below 1000 vehicles per day (<https://www.portland.gov/transportation/policy-and-planning/construction/nw-flanders-neighborhood-greenway-project#toc-planning-documents>), traffic volumes along NW Flanders Street are anticipated to remain lower than NW 12th Avenue. As reported in our July 18, 2019 report, the average daily traffic on NW 12th Avenue is 1900 vehicles per day. It appears that the end result is that NW Flanders Street will be the less trafficked street.

The proposed “Scheme 3,” which would move the hotel entry from the intersection of NW 12th Avenue and NW Flanders Street east along NW Flanders Street, may have additional deleterious effects as it may create additional mid-block crossing activity like observed at the Hampton Inn as detailed in our July 18, 2019 report. In this regard, the proposed revised concept does not address City Council's concerns regarding on-street activities and the circulation and significant safety conflicts created by the access demands of the proposed building design.

Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,

Rick Nys

Rick Nys, P.E.
Principal Traffic Engineer



EXPIRES: 12/31/2020

My name is Patricia Cliff; I reside at 311 NW 12th Avenue in the Pearl. I am the President of Pearl Neighbors for Integrity in Design, PNID, whose mission it is to protect and enhance the livability of the Pearl District by promoting good, sustainable architectural development which incorporates inclusionary housing.

Having spent over 40 years of my career working with developers in many aspects of the real estate business in NY City, I am cognizant of the numerous and diverse current studies that are being made by international architects and urban designers to address the built environment which should evolve in a post-Covid-19 pandemic threatened world.

These include:

- Alternatives to high-rise developments in favor of lower rise developments on larger sites which can be serviced by high speed escalators which allow for social distancing.
- High speed elevators with kick buttons, upscale ventilation units, UV disinfection systems and touch free technologies galore.
- Larger apartments in multi-family buildings which lend themselves to flexible layouts and incorporate separate areas for home offices and home schooling space as well as private outdoor family recreational space.
- Reduced use of crowded public transportation and increased use of Hybrid E-Bikes including those large enough to transport goods and children, which will necessitate electric charging stations for E-bikes.
- Increased use of E-Delivery trucks, as Amazon is putting into use, to transport goods and food ordered on-line.
- Automatic elevated on-site garage parking equipped with charging stations for e-vehicles, that obviate the need for personal off-street parking of vehicles.

It should be noted that Robert Corsi, the dean of engineering and computer science at Portland State University and indoor air specialist ran a model of a hypothetical elevator ride which showed that viral droplets can linger in the air and infect other passengers using the elevator well after an infected person exits.

The general consensus of emerging opinions is to AVOID CROWDING in hallways and public areas of buildings, as well as on abutting sidewalks.

By these standards, the Hyatt project presents as an antediluvian structure, rather than the marquee, precedent setting building that Mayor Wheeler had hoped it would become. Consequently, it should be viewed as such and not approved for construction in a post-pandemic adjusted environment.

For these reasons, I request that the Design Commission re-evaluate the design of this structure in light of the present health pandemic environment.

My name is Karl von Frieling and for the past ten years I have resided at 311 NW 12th Avenue in the Pearl after a career in management consulting. My wife and I chose to move to Portland because, at the time, it was a vibrant, progressive, walkable city, replete with exciting cultural events and a creative food and wine culture. In the interim much has changed reducing the livability factor dramatically.

Portland has been overwhelmed by the effects of disease.

First, Covid-19 and then another epidemic in Portland's homeless camps of Shigellosis, a highly contagious form of diarrhea, prevalent in areas of extreme poverty in third world countries. The failure of the city to address the contagion factor of these illnesses is a failure of civic responsibility.

There is little doubt in medical circles about how these diseases spread throughout the community: **CROWDING! Crowding on the streets where people walk adjacent to the tented homeless community and crowding in restaurants, schools, hotels and event spaces within high rise buildings dependent upon elevators to transport the public to their destination.**

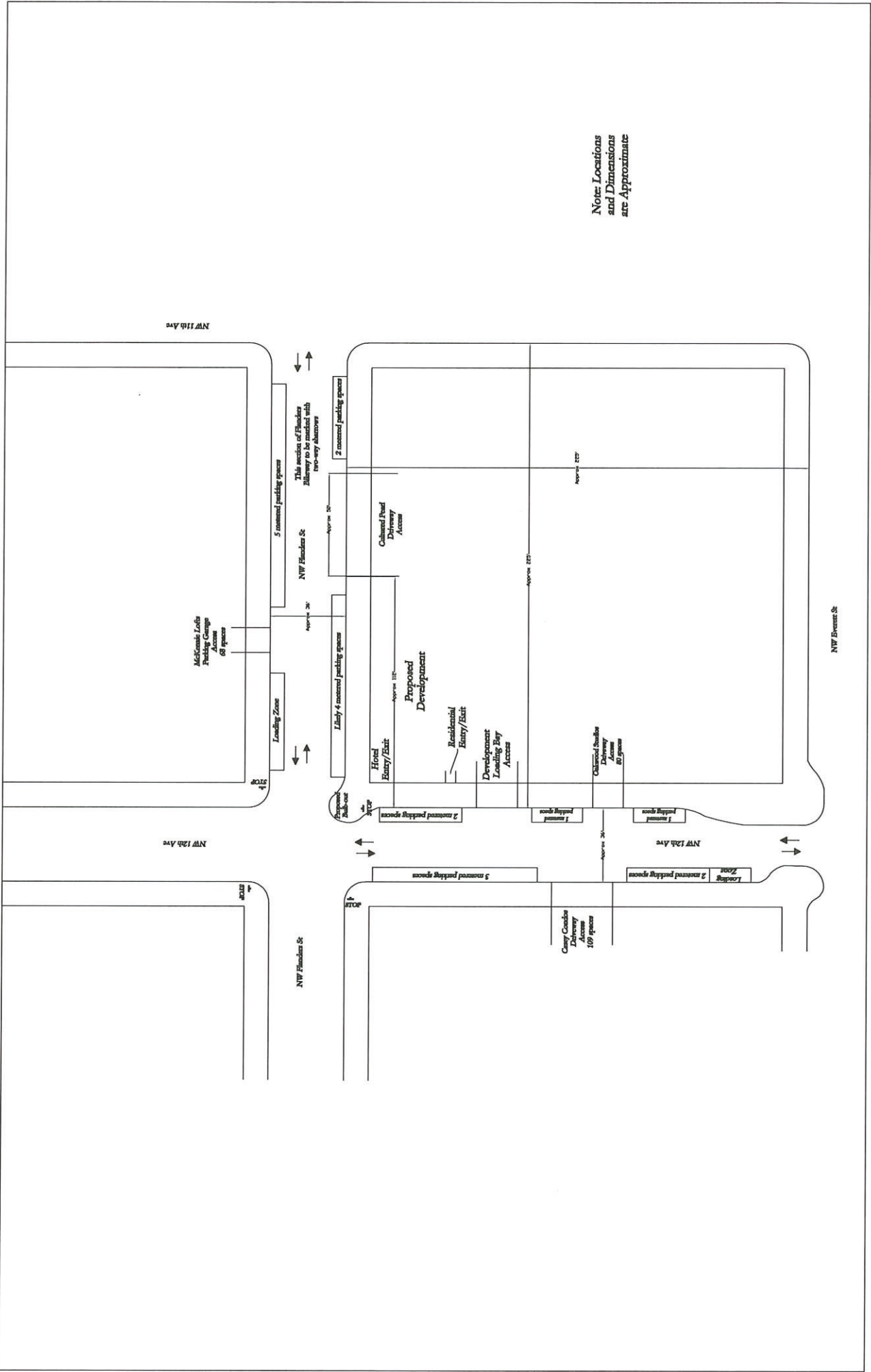
The Design Commission approved the Hyatt development project in January 2020 after numerous hearings which primarily focused on the exterior design of the building. There was no consideration, in spite of repeated urging by the large numbers of community members who participated the Design Commission hearings, to focus on the intensity of use: 160 hotel rooms, plus event rooms and 113 small studio and one bedroom apartments squeezed onto a 10,000 square foot site with one 100 linear foot street access to service the ingress/egress and service needs of this 273 unit, 23 floor high rise. Community members were repeatedly told by the Bureau of Development and Sustainability (BDS), who conducted these hearings, that this was not within the purview of the Design Commission. I beg to differ.

The **Public Realm** category of concern with which the Design Commission is clearly charged, is very negatively affected by the **OVERCROWDING** on this very limited site. Approval of a design of this type is approval of a potentially **SUPER-SPREADER EDIFACE** with major public health implications.

I believe this was a grave error on behalf of the Design Commission and BDS, which deserves re-consideration at this time. I respectfully request that the Design Commission re-evaluate its prior approval of the Hyatt project in light of the public health issues which are at stake now as well as in the future post pandemic environment. Urban planners and architects nationally and internationally are already engaged in designing safer, more sustainable and user-friendly built environments. Portland deserves to be at the cutting edge of this movement, not trailing behind it.

Respectfully submitted,

KARL VON FRIELING



Note: Locations
and Dimensions
are Approximate



ADDENDUM to MEMORANDUM

COMMISSIONERS' ASSISTANTS BRIEFING ON QUASI-JUDICIAL CASES

Date: December 29, 2020
To: Commissioners' Assistants and City Attorney
From: Arthur Graves, City Planner, BDS Land Use Services Division
Arthur.Graves@PortlandOregon.gov | 503.653.6517
Re: **Hyatt Place:** LU 19-145295 DZ: 350 NW 12th Avenue
Hearing Date: Anticipated to be January 14, 2021.
Briefing Date: January 04, 2021

At the conclusion of the September 16, 2020 City Council appeal hearing, in which City Commissioners agree with the applicant's suggestion to remand this project to the Design Commission for further review and refinement under the applicable design guidelines (*The Central City Fundamental Design Guidelines*; *The River District Design Guidelines*;) two meetings before the Design Commission were scheduled: October 22, 2020 and November 12, 2020.

The November 12, 2020 meeting with the Design Commission concluded with the Design Commission unanimously approving the *Design Commission Recommendation to City Council* ([link below](#)), dated November 12, 2020. Within the *Design Commission Recommendation to City Council* the Commission clarified the following recommendations to better meet the applicable design guidelines, which are organized broadly below into Context, Pedestrian Realm, and Sculpting/Massing/Setbacks:

Context:

To further emphasize the base-middle-top expression that is found in other buildings in the Pearl District and 13th Avenue Historic District, the middle of the north and west elevations have been setback an additional foot, the top has been recessed an additional 2 feet on each elevation. The middle mass of the tower has also been further sculpted being lowered by one level to better emphasize the tripartite form of the building.

Pedestrian Realm:

Storefront setbacks on the north and west elevations have not been changed from what was originally approved by the Design Commission. Canopy projections for the lower canopies have been increased by 1'-6" (from 4'-6" to 6'-0"). Canopy projections for the corner entrance canopy have been increased from 5'-6" to 6'-0".

Sculpting/Massing/Setbacks:

As mentioned previously, the middle of the north and west elevations has been setback an additional foot, the top has been recessed an additional 2 feet on each elevation. The mass of the middle has been dropped down an additional level from the top on both the north and west elevations.

Materials and Links: Information updated since the Sept 16th Council hearing:

- [Design Commission Recommendation to City Council](#) on a revised proposal, dated November 12, 2020
- [Appendix](#) Drawings, dated October 30, 2020, and submitted for the November 12, 2020 briefing with the Design Commission. These include alterations and responses to Design Commission comments from the October 22, 2020 Design Commission briefing.

- [Attached Exhibits](#) - Drawings, dated October 30, 2020, and submitted for the November 12, 2020 briefing with the Design Commission. These include alterations and responses to Design Commission comments from the October 22, 2020 Design Commission briefing.
- Additional testimony submitted:
 - Appellant's Submittal/Comments to Design Commission: October 22, 2020. (Attached)
 - Wheatly Letter: October 22, 2020. (Attached)
- [Main Folder link to all Drawings in Efiles](#): This includes all Design Commission Materials related to this project.

Additional Materials and Links: On and Prior to the Sept 16th Council hearing:

- City Council Hearing #2: September 16, 2020 – [YouTube](#) (This hearing begins at: 1:24:50)
- City Council Hearing #1: August 20, 2020 – [YouTube](#) (This hearing is the first agenda item.)
- City Council Hearing #1: August 20, 2020: [Submittals to Council Clerk](#).
- Initial [Appeal Submittal Form](#): February 18, 2020.