

From: [Moore-Love, Karla](#)
To: [Commissioner Hardesty](#); [Eudaly, Chloe](#); [Fritz, Amanda](#); [Wheeler, Ted](#)
Cc: [McClymont, Keelan](#); [King, Lauren](#); [Aiten, Herico](#); [Bradley, Derek](#); [Carrillo, Yesenia](#); [Eale, Ocean](#); [Pierce, Meeseon Kwon](#); [Washington, Mustafa](#); [Williams, Tia](#)
Subject: FW: LU 19-145295 DZ- Record Submissions
Date: Monday, August 17, 2020 5:17:00 PM
Attachments: [image001.jpg](#)

Hello,

Please see the email below regarding accessing documents and viewing two models for the record that have been submitted for the 2:00, Thursday, August 20, 2020 land use meeting.

Karla



Karla Moore-Love
Acting Council Clerk | Operations Management
503.823.4086
Working Remotely

From: King, Lauren <Lauren.King@portlandoregon.gov>
Sent: Monday, August 17, 2020 4:46 PM
To: Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov>
Cc: Graves, Arthur <Arthur.Graves@portlandoregon.gov>; Fioravanti, Kara <Kara.Fioravanti@portlandoregon.gov>
Subject: LU 19-145295 DZ- Record Submissions

Good afternoon Karla,

Please let the Council know that the record for the Hyatt includes the documents found here:
<https://efiles.portlandoregon.gov/Record?pagesize=200&sortBy=recCreatedOn&q=19-145295>

Also, please inform Council that the appellants placed two models in the record. The models can be viewed through the window at the "1900 Building" at 1900 SW 4th Avenue. The models are in the southwest corner of the atrium and easily viewable from the exterior of the building.

Thank you,

LAUREN A. KING | Deputy City Attorney (She/Her)
PORTLAND OFFICE OF THE CITY ATTORNEY

1221 SW Fourth Avenue, Room 430
Portland, OR 97204
Voice: 503-823-3069 | Fax: 503-823-3089
lauren.king@portlandoregon.gov

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August 19th, 2020

Mayor Ted Wheeler
Commissioner Jo Ann Hardesty
Commissioner Chloe Eudaly
Commissioner Amanda Fritz
Commissioner-Elect Dan Ryan

City of Portland
1221 SW 4th Avenue
Portland, OR 97204

Honorable Mayor Wheeler & Commissioners,

RE: Hyatt Place & Lawson Apartments Development (Casefile #LU 19-145295 DZ)

The Portland Business Alliance (the Alliance) is greater Portland's Chamber of Commerce and represents the largest, most diverse network of businesses in the region. The Alliance advocates for business at all levels of government to support commerce, community health and the region's overall prosperity. We represent more than 1,900 members, from 27 counties, 13 states and virtually every industry sector. More than 80% of our members are small businesses.

Our city is experiencing a historic multitude of crises all at once - a pandemic, depression-level unemployment, a collapse in tourism, an unsustainable rise in the cost of living, and record levels of Portlanders experiencing homelessness. At the foundation is Portland's ongoing housing crisis.

Our [2020 housing affordability report](#) found that despite the adoption of new regulations and the passage of two affordable housing bonds, nearly half of all renters, and a quarter of all Portland homeowners spend 40% or more of their monthly income on housing. Rents continue to rise at the bottom and middle price ranges.

The reason is quite clear – the Portland region's housing market is broken.

The Portland region underbuilt housing stock by approximately 23,000 units over the past decade, and we are still only building 8 units for every 10 we need. With the onset of a severe economic downturn, these statistics, and the thousands of Portlanders they represent, will only get worse. A problem of this magnitude requires the Council to prioritize actions to incentivize and approve projects that add critically needed mixed-income units to our housing supply, align with our planning and density goals, and generate badly needed economic activity.

The Hyatt Place project is an example of a project that contributes to solutions to several of these challenges. The fact that it has taken over two years to get to this point is also an example of why Portland's housing market is in crises.

This project is exactly the type of development called for in the Central City 2035 Plan. It will provide 113 units of housing, including 23 affordable units. This location is served by nearby significant public

transit investments for use by residents and visitors, including light rail, streetcar, and bikeways. The project meets all City zoning code requirements, and the approved design does not include any modifications or adjustments. And there has never been a more critical time for the City to support project like this, which will support our local economic recovery efforts, and add to the long-term vitality of the central city.

For these critical reasons, we urge the City Council to affirm the Design Commission's unanimous decision approving the project after a lengthy and thorough process, reject the appeal, and allow this important project to proceed to construction and completion.

Jon Isaacs | *Vice President, Government Affairs*
Portland Business Alliance, *Greater Portland's Chamber of Commerce*
Desk: 503-552-6746 | Mobile: 503-757-5721 | jisaacs@portlandalliance.com



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www.portlandalliance.com [#WeArePDXBiz](https://twitter.com/WeArePDXBiz)

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From: [Jon Isaacs](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony on agenda item 675
Date: Wednesday, August 19, 2020 11:12:12 AM
Attachments: [image001.png](#)
[8 19 20 Lawson apartments Hyatt place letter.pdf](#)

Greetings. Attached please find written testimony from the Portland Business Alliance on 8/20/20 agenda item 675. Thank you!

Jon Isaacs | *Vice President, Government Affairs*
Portland Business Alliance, *Greater Portland's Chamber of Commerce*
Desk: 503-552-6746 | Mobile: 503-757-5721 | jisaacs@portlandalliance.com



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August 19th, 2020

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Commissioner Jo Ann Hardesty
Commissioner Chloe Eudaly
Commissioner Amanda Fritz
Commissioner-Elect Dan Ryan

City of Portland
1221 SW 4th Avenue
Portland, OR 97204

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Jon Isaacs | *Vice President, Government Affairs*
Portland Business Alliance, *Greater Portland's Chamber of Commerce*
Desk: 503-552-6746 | Mobile: 503-757-5721 | jisaacs@portlandalliance.com



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From: [Michael Morgan](#)
To: [Council Clerk – Testimony](#)
Subject: Appeal of Design Commission Approval Hyatt Place LU 19-145295 DZM
Date: Wednesday, August 19, 2020 5:13:54 PM

Dear Portland City Council Clerk,

I am writing to ask the Portland City Council members to approve the appeal of the Design Commission approval of the proposed Hyatt Place building at 350 NW 12th Avenue.

This precedent setting building would result in decreased livability in the Pearl District, some of the reasons for which are self evident. You probably know from experience that there is a world of difference between a neighborhood of short buildings and one of tall ones. The presence of tall buildings has already had a detrimental impact in this district, and adding more would worsen it.

If livability worsens here, I am afraid that many current residents, such as myself, will want to move out, and many potential residents will not want to move in. And working from home and living away from the inner city is becoming more feasible. Demand for Pearl District real estate is not a given, and decreased demand itself would affect livability.

Let us create buildings to make the Pearl District a better place to live instead of a worse one as the proposed building would do.

Sincerely,

Michael Morgan
333 NW 9th Avenue Unit 1014
Portland, Oregon 97209

From: [Neilson Abeel](#)
To: [Council Clerk – Testimony](#)
Subject: LU 19-145295DZ Testimony to City Council
Date: Wednesday, August 19, 2020 5:26:31 PM

NEILSON ABEEL

1325 NW Flanders Street

Portland OR 97209-2641

T:503-222-3895

E: NAbeel1940@gmail.com

Portland City Council August 20 2020

Rachel Hoy Bureau of P & S

Re: LU 19-145295DZ

350 NW 12th Ave Portland

Good afternoon:

I continue to oppose this project as a total “overload” of the site and the neighborhood. The dual program of a hotel and a residential apartment house will overwhelm the intersection with vehicular traffic and create chaos for the surrounding blocks.

The defining issue here is the transfer of additional FAR from yet unknown locations.

In Portland's CC2035 Plan the area from which FAR can be transferred is completely too large. This section needs to be revisited and the requirements for transfers needs to totally tightened.

If the joint benefit to the neighborhood: preserving the older buildings and increasing the density of the new ones; is to function correctly then the transfers need to come from the

immediate neighborhood.

As a co-founder of the Pearl District Neighborhood Association, past president from 1996-2003, renovator and resident of an historic building since 1992, I can assure The Council that we embraced increased heights and density where appropriate and that has been the crowning success of the District.

The proposed building for NW12th and Flanders is the wrong building for that location.

Sincerely,

NA

From: [Carrie Richter](#)
To: [Council Clerk – Testimony](#); [Moore-Love, Karla](#)
Subject: Hyatt Place Appeal: LU 19-145295 DZ, EA 18-181375 APPT, PC 18-202411, EA 18-210300
Date: Thursday, August 20, 2020 8:24:02 AM
Attachments: [20200820081948141.pdf](#)

Good Morning:

Attached is written testimony for inclusion in the record in the above-referenced appeal. I would appreciate it if you would distribute it to the Council in advance of the hearing this afternoon.

Please confirm receipt.

Thank you,
Carrie

Carrie Richter
Bateman&Seidel
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.
1000 SW Broadway, Suite 1910
Portland, OR 97205
(503) 972-9903 (direct phone)
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August 20, 2020

VIA EMAIL: CCTestimony@portlandoregon.gov

Portland City Council
1221 SW 4th Avenue
Portland, Oregon 97204

Re: Case File: LU 19-145295 DZ, EA 18-181375 APPT, PC 18-202411, EA 18-210300
DA

Dear Honorable Mayor and City Council:

This firm represents the Appellant Pearl Neighbors for Integrity in Design, an affiliation of residents and business owners committed to promoting livable, safe and high-quality design, which incorporates inclusionary housing, within the Pearl District neighborhood. The Design Commission approval violates a number of the applicable Design Guidelines that mandate the protection and integration of special characteristics of the South Pearl. Overstuffing the site with the maximum height and FAR, available solely through bonus and transfer densities, this design creates safety conflicts for multiple modes placing pedestrians and cyclists in danger. Rather than grapple with these concerns, the Design Commission failed to understand the breadth of its discretion interpreting and applying the criteria. In many cases rather than finding a guideline satisfied, the Commission glossed over and concluded that the design merely “improved over a previous proposal” or in other cases, the criterion was satisfied without actually interpreting the standard required, given the precedent-setting nature of this proposal. Each of these concerns is explained in greater detail below and in sum, this application should have been denied.

The Approved Design is Bigger, More Massive and More Intense than Any Other ¼ Block Development in the South Pearl District

The Hyatt Place development is significantly more intense than any other development approved in the South Pearl. This approval authorizes a building that:

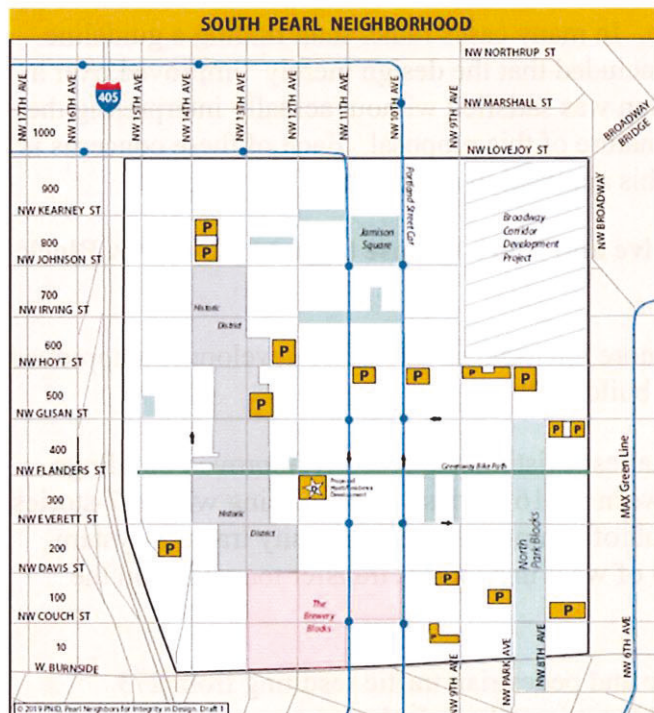
- Will extend 23-stories in height. The tallest existing and recently approved buildings within the South Pearl District are between 10-16 stories. This building will be 7-stories taller. This excessive height is the result of an unencumbered density transfer system that does not require any consideration of what impact that transfer may have on the receiving or the sending locations.
- Will generate intensive vehicle, bicycle and pedestrian traffic resulting from 273 dwelling units (160 hotel rooms and 113 studio and one bedroom apartments) including

tourist ride-share demand, tour buses, service truck backing and loading which is severely constrained onto two adjacent quarter-blocks that have long been planned for protected use by cyclists.

- Will tower over the mid-portion of the fully intact and protected 13th Avenue Historic District, casting much of it in all-day shadow.
- Will not include ANY off-street, short-term bicycle parking or make ANY other accommodations to celebrate or support bicycling when both of the adjacent roadways are designated as protected bicycle thruways.
- Will not include ANY off-street parking (coupled with the loss of 39 publicly accessible parking spaces) and yet most of the newly approved towers in The Pearl, particularly hotels, do provide some level of off-street parking.
- Places building service demands including a two-bay loading dock and valet parking within a few feet of the door serving as the sole access point for 113 residential uses.

This extensive list of building demands is being forced onto an extremely constricted ¼ quarter block that contains special and character defining features that were not acknowledged, nor integrated in the approved design.

Characteristics and Special Areas of The South Pearl Neighborhood



For purposes of an introduction, the South Pearl District is geographically demarcated as the area located south of NW Lovejoy and north of W Burnside which houses the entirety of the 6-block NW 13th Avenue Historic District. It is characterized by 3-4 story historic turn-of-the-century converted warehouse buildings as well as new construction of 10-16 story residential infill that reflects the historic character through use of significant tower setbacks, materials that simulate the look of masonry, and punched (often multi-pane windows). Abutting the north side of the property is the Flanders Greenway that will connect the I-405 Flanders Crossover Bike and Pedestrian Bridge with The Green Loop.

The Design Commission Erred by Assuming that the Height and FAR were Entitled

Last month, the City Council re-adopted the Central City 2035 Plan (CC 2035). This proposal relies on CC 2035 as making bonus density and height available, raising what would otherwise be a maximum of 175-foot building to be 250 feet tall. In re-adopting CC 2035, the City Council made it clear that the height and density called for in the various adopted zoning maps are the “MAXIMUM” that can be allowed and as such, can only be approved if doing so does not run afoul of the Fundamental Design or River Design Guidelines. More specifically, in adopted CC 2035, the City Council found:

“The City Council recognizes the Bureau of Planning and Sustainability memo dated June 3, 2020, as additional evidence supporting Historic Resource Review. Specifically, the City Council agrees with the statement that “Historic Resource Review is discretionary and that *the height limits provided on maps 510-3 and 510-4 are maximum allowances, not entitlements*, subject to Historic Resource Review *and/or other land use reviews*.”

Outside of Historic Districts, most new development within a non-industrially zoned area, is subject to discretionary Design Review using the Central City Fundamental Design Guidelines. These guidelines work with the existing height and FAR assigned to a site to ensure that new development is designed to respond to and enhance the character of an area, enhances the public realm, and is designed and developed such that the quality and character of the architecture of a structure will not detract from the setting it is located within. The design review process is discretionary. *It is intended to result in development that uses some or all of its FAR in a manner that is also consistent with all applicable design guidelines.*” Emphasis added. Findings P 75. Excerpt attached.

These findings establish that building height and FAR are not entitled but are on the table for reduction as necessary to protect, enhance and integrate significant characteristics of an area. The Design Commission is to exercise its discretion to allow only as much height and FAR as will satisfy the guidelines. During the proceedings below, a number of Design Commissioners expressed concern that the building was too tall and massive. Staff responded that these bonuses were entitled and could not be reduced as part of the review. These instructions were wrong.

The Design Commission was misled into believing that they could not require reductions in height or massing beyond what was proposed as may be necessary to satisfy the guidelines. Hamstrung, the Design Commission was left to focus solely on the less significant design details such as internal design coherency, water features, glazing style and building color, that did not, and could not, mitigate for the fundamental flaw that this design – at this height and FAR - is not contextual. At the approved scale and height, this design is not integrated with, nor reflect the special features of the South Pearl, compromised pedestrian and bicyclist safety through vehicle uses resulting from the over-stuffed height and density. As a result, this bonus height and FAR

included as part of this request should have been denied and a building that acknowledged the building context and special features required.

The Design Commission Erred by Failing to Acknowledge the Precedent-Setting Nature of the Request

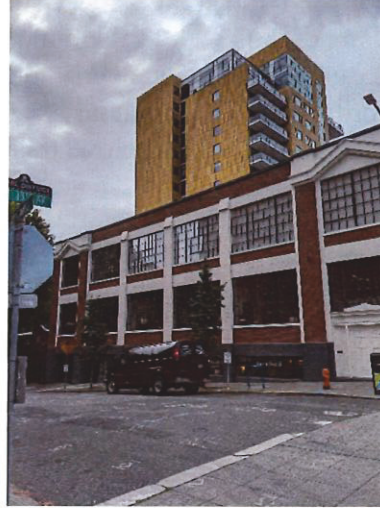
The purpose of design review is to “conserve and enhance the recognized special design values of a site or area” to ensure that “infill development will be compatible with the neighborhood and enhance the area.” ZC 33.825.010. A design is compatible when it satisfies the applicable Central City Fundamental Design Guidelines and the more specific River District Design Guidelines (referenced collectively as “Guidelines”). These Guidelines were last updated in 2003 and 2008 respectively; they do not implement the 2035 Plan but instead, predate it. One of the tasks identified in CC 2035, to be accomplished over the next 5 years, is to update the design guidelines but this update has not yet occurred.

This left the Design Commission (and now the City Council on appeal) to apply guidelines that never contemplated a building of this scale for the first time. The Guidelines rely on narrative and pictorial examples of building elements that potentially satisfy the guidelines but none of them assumed a building of this height and FAR. For example, where new materials - metal and glass - are introduced as a new and differentiating material from the more prevalent brick, it occurs on a 10-story, LEED certified building and not one that is 23-stories with no LEED rating. See River Guidelines p 23 and photo below.

Rather than rely on these entirely unrepresentative narrative or pictorial examples of what might satisfy the Guidelines, the City must interpret what the guidelines require in the first instance. For example, Guideline C4 requires that the development “complement the context of existing buildings by using the local design vocabulary.” The Design Commission’s findings do not identify, nor explain, what design vocabulary it was relying on in allowing a building that was 7-stories taller than any building in the South Pearl. Or how an “Aluminum Composite Material (ACM) metal panel and window wall system that reads as vertical spandrels of metal and glass is contextually appropriate in a district where the “local design vocabulary” is brick or materials that otherwise read as masonry. Or where metal and glass are used, they are applied to buildings that are significantly less than 23-stories and include a LEED certification.



The Gregory – 420 NW 11th



The Casey – 311 NW 12th



The Edge Lofts – 1410 NW Kearney

Comparable South Pearl towers include The Gregory with brick and multi-panel windows to simulate warehouse style extending the full length of the tower. The Casey, with broken down massing, punched small-sized openings and cement paneling that provides a richness and color variation of brick stands in stark contrast to the sleek, modern, glass Hyatt building that will tower 7-stories over the top of The Casey. The Edge building - that is depicted in the Design Guidelines - although of concrete and glass, it is also only 10-stories such that it does not loom over the top of the 4-story buildings within the 13th Avenue Historic District.

Further, in addition to misapplying the examples set forth in the guidelines, the Design Commission focused its attention too narrowly on the examples of how Guideline 5-1, such as recognizing the urban warehouse character, may be accomplished rather than on the Guideline itself. The Introduction to the River Guidelines explains that it is the guideline rather than the examples of various methods that serve as the applicable approval standard. “The design guideline language serves as the approval criteria. It is the only part of the design guideline that is adopted by ordinance.” P 9.

Nothing in the Design Commission findings acknowledge the precedent setting nature of this request and the Design Commission’s obligation to interpret the Guidelines to require compliance in ways that exceed the identified examples. Examples such as large storefront window systems, concrete paneling on the ground floor to imitate the 13th Avenue Historic District and a tri-partite design are elements that are required for development that does not take advantage of the new CC 2035 bonus heights. The fact that this development includes the same design elements as would be appropriate to a 175-foot building does not make the building “compatible” when it is 7-stories taller and includes more FAR-authorized density than any other quarter-block building in the South Pearl. Achieving compatibility required: (1) identifying what characteristics make this “area distinctive,” (2) interpreting what it means to “reinforce,” “unify,”

“connect” and “integrate” a to “complement the context of existing buildings;” (3) evaluate this building, both individual design components as well as the building a whole, to determine whether significant resources are adequately protected and if not, (4) recommend reductions in height, massing or design details in order satisfy the standards. The Design Commission failed to make these inquiries and for the reasons explained below, this design does not satisfy these requirements.

The Approved Design Fails to In Enhance or Identify Special Features of the South Pearl District

Guideline A5 requires that new development “enhance, embellish and identify *areas*.” This is to be accomplished “through the integration of distinct landmarks or special features with new development.”

The Pearl District-specific River District Guideline re-states this obligation to “Reinforce the identity of the Pearl District Neighborhood.” The Guidelines go on to note the “Pearl District is characterized by views of the Fremont Bridge, *a rich fabric of historic buildings*, the presence of streetcar, and the city’s greatest concentration of art galleries. River District Guidelines.” (Emphasis added.) p 16. “The integration of local features such as heritage trees, *historic structures, or other unique elements helps to identify them* as important to the area’s character.” p 36. In addition to calling out historic structures as a critical component of the neighborhood character, the Background explanation offers some additional context:

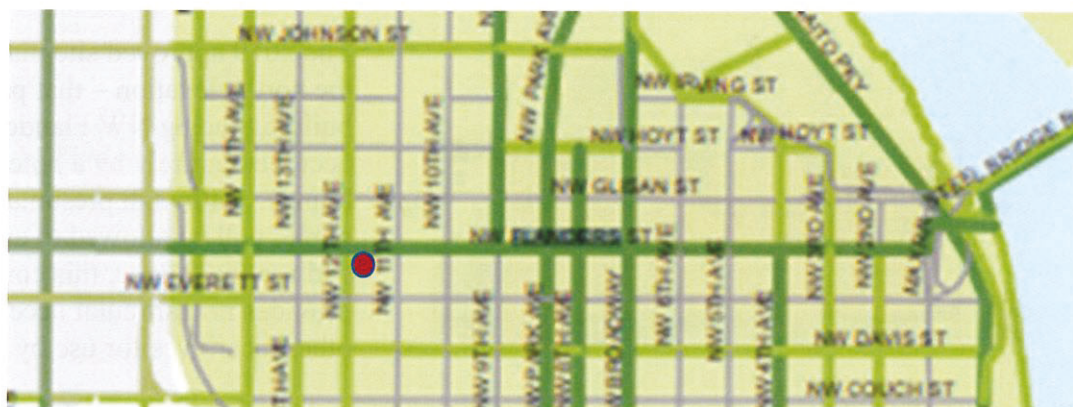
“New development should enhance the qualities that make each area distinctive. Design should acknowledge the context of its surroundings, with an approach that *responds to the character and identity of three blocks in every direction.*” (Emphasis added) p16

Both the 13th Avenue Historic District and the Flanders Greenway serve as special, unique elements that had to be enhanced and integrated into the proposed design and are located within three blocks. Yet, the proposed design fails to integrate its design and complement these significant and proximate place-making elements in the first instance.

The Flanders Greenway

The recently adopted Central City 2035 Plan, which applies to this application, calls for the creation of a Green Loop described as: “A key element of the city’s active transportation network and Citywide Greenway System, the Green Loop will offer thousands of people an easy and safe way to walk, jog or bike the Central City.” The NW Flanders Greenway is designated within the CC 2035 Plan as a major City bikeway. NW Flanders will serve as the critical artery

feeding into the I-405 pedestrian and bike bridge and the primary connection between NW Naito Parkway and Northwest Portland.¹



Recommended Central City Bicycle Classifications

- Major City Bikeway
- City Bikeway
- Local Service Bikeway
- Bicycle Districts

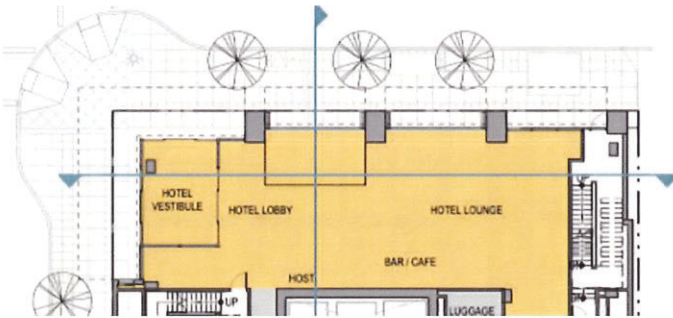
Bicycle Classifications beyond the Central City were adopted by City Council in December 2016. They are shown for contextual reference only. CC2035 | Re-Adoption Draft

To the extent that there may be any doubt that new construction must respond to the Greenway as “special feature,” Guideline B5 requires that development must take steps to make “Public open space successful.” Although not a park *per se*, the Flanders Greenway is a public open space that plays a critical and vital role in the City’s greenway system. For all intent and purposes, the Greenway is to function as place for active recreation and travel.

Yet, the proposed development does nothing to highlight or encourage the use of the Greenway for non-vehicular traffic. The Design Commission concluded that this development will activate this highly dynamic greenway area by recessing the building along the north elevation by 3 feet between the concrete bays to allow for café tables and installing folding storefront systems providing additional access and fewer barriers into the hotel lobby. P 9. These amenities are not responsive to guidelines that require encouraging and facilitating cycling or the protection and

¹ Currently, Portland Bureau of Transportation staff has begun the detailed engineering planning for many of these blocks along NW Flanders. Notice was recently sent that construction for some of the traffic calming measures will begin in the next few months. That said, although designated for these improvements, none of the published engineering details or renderings depict any dedicated bicycle lanes between NW 11th and NW 12th. It is not clear why this is the case or how the City plans to provide these improvement as required by the CC 2035 Plan in the future.

use of the Greenway for this purpose. What is critically missing from this meager recitation of design elements is any contribution to or connection with this feature, particularly Pearl District resident bicyclists, who are most likely to use the Greenway.



The 2019 approved site plan shows that the north elevation – that part of the building facing NW Flanders - will be occupied entirely by a hotel lobby and lounge. Although presumably the public will be allowed to enter the hotel and use the lounge, this configuration provides no particular accessibility or other incentives for use by cyclists.

First, the only curb cut to access the building is the curb extension made available to pedestrians – tourists likely to scoping directions or their ride-share. Further, no off-street, on-site short-term bicycle parking will be provided. At best, a cyclist would be required to locate off-site parking and then proceed to the lounge as a pedestrian in order to take advantage of these amenities.

More problematic, perhaps, is that bicycle access to the residential units is not direct from the Bikeway but instead is an afterthought, conflated with the residential pedestrian access on NW 12th, to be served by two limited occupancy elevators. The Design Commission expressed reluctance to approve a design that did not more directly accommodate bicycles but it felt that this was the best that the applicant could do. Simply throwing up one's hands that this marked an overall design improvement or that it is best that could be done given the applicant's other self-imposed programmatic demand, fails to acknowledge that the building did not have to include a hotel use, thereby freeing up ground floor space to celebrate residents to "go-by bicycle" and integrate cycling into the design.

Finally, the Design Commission failed to consider how the unique vehicle trip types and characteristics associated with a 160-room hotel when coupled with a 113-dwelling units, compromise bicycle safety. The Design Commission heard considerable, qualified testimony from bicycle advocates and commuters explaining the conflicts between cyclists and tourist-generated traffic.² The Design Commission refused to consider these concerns citing no jurisdiction over traffic-related issues. However, this is not merely about traffic. The City would not allow an applicant the maximum development potential when doing so would compromise the public's use of a park. The same is true here. High-turnover vehicle generating uses can be allowed when they are spread out to allow for multi-modes to intersect and move around each

² The Guidelines must be interpreted and applied in a way that is consistent with the Central City 2035 Plan. POLICY 2.PL-1 of CC 2035 provides: "Complete neighborhoods. Enhance bicycle and pedestrian connections between existing parks, as well as future parks. Encourage the development of new public schools to serve the district." The Flanders greenway is a bicycle connection that must be encouraged through right-of-way improvements that facilitate its success.

other safely. No level of café seating setbacks or folding storefront systems will make up for the critical sacrifice of the Flanders Greenway bikeway resulting from this proposed design.

The NW 13th Avenue Historic District

Since the Guidelines pre-date the 2035 Plan, the Design Commission had an obligation to interpret the guidelines in a way that was supported by the 2035 Plan. The Plan provides:

“The Pearl NW 13th Avenue Historic District and main street. Protect the historic warehouse character and architecturally significant resources within the district.....”
POLICY 5.PL-1

Again, although the Historic District is not a park *per se*, Guideline B5 talks about protections to be provided to “public spaces” which should include some acknowledgment of historic resources. It provides:

“When new development proposals are located adjacent to dedicated public spaces, height, bulk, and shadow regulations protect the public spaces from excessive shadow during anticipated high use periods. These mechanisms are intended to ensure that new construction and/or additions to existing buildings will not negatively impact access to sunlight for public open spaces.” Guideline B5.

Guideline C4 requires that buildings “complement the context of existing buildings.” These guidelines work together to require the integration of design elements found in the Historic District as a way to complement and acknowledge it. The existing building context to the west is a fully intact 13th Avenue Historic District made up of largely contributing, 4-story buildings and where new non-contributing structures provide generous setbacks.

The Design Commission’s only historic district responsive finding was to conclude that the base of this building uses concrete panels, reflective of the district, and that the height of the building base is consistent with heights within the historic district. Findings p 10-11. However, neither the concrete paneling, nor the comparative base proportion, with the meager 6” setback will be visible from the Historic District. The only part of the building that will be visible will be the glass and metal clad middle and top portions towering far above and casting the historic district into shadow.



These two conceptual massing studies illustrate how this application will tower over the Historic District:



This photo looking south along NW 13th Avenue illustrates the character of the Historic District. The taller building in the middle of this photo is The Louisa – a full-block 4-story building, it is a 15-story tower significantly setback in all directions with windows that read as separately

punched multi-paned windows. In stark contrast, notice the long, continuous glass vertical spandrels used on The Indigo, directly in the center of this photo. It resembles the proposed Hyatt Place. The Indigo is 22 story building located on the south side of W Burnside, outside of the Pearl and the NW 13th Ave Historic District. It is located 5 blocks away from where this picture was taken and it appears as tall as the Louisa. Imagine how monolithic and jarring that building would appear less than one block away from where this photo was taken.

During the proceedings before the Design Commission, the Appellant submitted a detailed analysis of recently approved tower development in proximity of the historic district. This analysis showed that new construction is set back from the street, the massing is broken down to convey scale and elements within the tower such as window sizing, placement and materials that are actually visible from the Historic District. The Design Commission's findings make no reference to it.

In sum, nothing about the portions of this building that are visible from the District reflect the "context" or design features that make the Historic District "special." This design does not highlight or protect the Historic District, as viewed from the Historic District, in any respect.

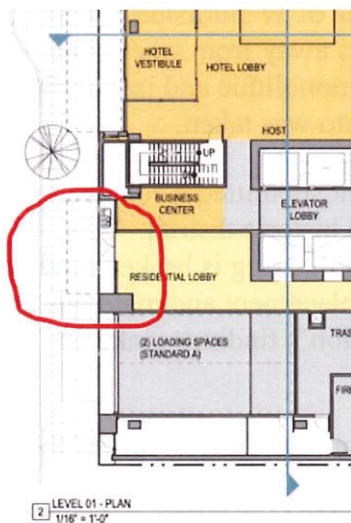
The Development Creates Conflicts Within the Right-of Way Compromising Safety

Guideline B2 requires: "Protect the pedestrian environment from vehicular movement." The Design Commission's findings in response to this requirement focus solely on a single amenity: a curb extension at the corner of NW 12th Ave and NW Flanders explaining that it will provide traffic calming and pedestrian protection. This curb extension serves solely the hotel, whose lobby feeds directly onto this area; the 113 dwelling units will access the building (along with their bicycles) on an undersized 12' sidewalk, adjacent to a two-bay loading dock.³ There is insufficient space for residents to unload their bikes or unfold their strollers with a 12' wide space that must also accommodate passing pedestrians and the unloading of hotel guests.

To make matters worse, this residential entry point is less than 5' from the curb cut for the loading area. Guideline B3 focuses on connectivity and ease of pedestrian movement including the bridging of obstacles. Rather than bridge obstacles, this proposal places the loading dock directly adjacent to and separating the residential pedestrian and bicycle access points. Service trucks including food supplies, linens, and moving trucks will be backing into and out of this loading area where pedestrians and bicyclists are bound to loiter as well as pass by. This

³ The Design Commission findings cite a change from a separated residential bicycle access door from the residential door divided by the loading dock to a merged singular entrance but the vehicle loading bay has not been relocated, nor its proximity to this new consolidated access-point. By consolidating the bicycle and pedestrian access only increases the likelihood of bicycle / pedestrian conflict.

congested layout compromises safety for pedestrians and the applicant and staff err in suggesting that no obstacles exist.



The proximity of this curb cut adjacent to a resident pedestrian and bicycle accessway is not safe.

The Guidelines go on to explain that: “Street furniture elements such as trees, streetlights, benches, and bollards within the street furniture zone create physical barriers between pedestrian and vehicular traffic.” The only “street furniture” offered along the west side is a single tree well located north of the residential access such that it will not provide any separation or protection for pedestrians.

Most importantly, the Design Commission erred in taking an overly myopic view of this condition to focus solely on the sidewalk. The background for Guideline B2, offers additional context for this obligation, noting that: “Successful right-of-way

design must recognize the implications of mixing pedestrians, bicyclists, and motor vehicles.” p 65. Right-Of-Way is defined as: “An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned.” ZC 33.910.030. The obligation to “protect the pedestrian” is not limited solely to those on foot but rather includes those on bicycle as well as in vehicles. In addition, this obligation extends beyond the elevated, cement sidewalk but includes the full right-of-way design including “all streets.” The Design Commission misunderstood that its review was limited solely to the sidewalk directly adjacent to the building. Pedestrians do not stay on sidewalks, rather they must also cross streets and they need to do so in a way that is safe and free from hazards. Bicyclists on the roadways, particularly those using designated bicycle streets, must be able to see all vehicles and pedestrians at intersections (which is restricted by the curb extension) in order to safely navigate.

The Design Commission erred by failing to consider that the 100’ of frontage on NW 12th is not long enough to accommodate the vehicle loading demands generated by a 273 unit structure, including tourist ride-share demand, tour buses, coupled with adjacent service truck backing and loading. The Appellant submitted detailed analysis completed by a licensed traffic engineer explaining that this frontage was undersized and would not accommodate the density demands of this building. This expert explained that this lack of capacity will result in cars backing up, blocking traffic, turning into oncoming traffic to avoid the back-up and create safety hazards for bicyclists and pedestrians. It is likely that this undersized hotel loading area will block traffic to such a degree that thru-cars will violate the double-yellow line no passing marking and pass into on-coming traffic. This quick turnover of cars, coupled with illegal passing, will eliminate any effective barrier that on-street parking could provide. Further, residents and hotel guest will

likely be exiting or entering vehicles mid-block and/or within vehicle travel lanes, as vehicle cues will exceed the on-street parking capacity. This is a dangerous condition resulting from a design that fails to “protect the pedestrian.”

A hotel use is permitted in this zone, as are residences, but only to the extent that those uses may be designed in a way that “protects the pedestrian.” The evidence suggests that there is simply not enough room within this quarter block – 100’ of linear frontage - to accommodate the transportation demands of a 160 hotel rooms and 113 dwelling units in a way that is safe. These conflicts between modes were well-documented by a qualified traffic engineer Rick Nys recommending that either PBOT require a traffic impact study or the Design Commission require the same in order to provide evidence of sufficient protections for pedestrians and bicyclists as required by the Design Guidelines. Until evidence of this analysis is available, the Design Commission lacked an adequate basis to find that these applicable standards were satisfied.

Conclusion

This Design Review may seem insignificant given the pandemic and other challenges facing the City right now but unlike these other issues, this building will stand for 50-100 years, setting a precedent for incompatible asparagus-towers throughout the South Pearl as well as the Central City. Hotel and residential uses are permitted at heights and FAR authorized through the City’s expanded transferrable development program but not when doing so compromises the special features and high-pedestrian accessibility that make the South Pearl District unique.

Inclusionary zoning requirements will ensure that the 113 dwelling units proposed will trigger the provision of some affordable housing but this benefit could be realized in a 10-12 story building without generating the same visual and functional impacts generated largely from the need to include a hotel. No affordable housing opportunities will result from the approval of a 160 hotel rooms and the evidence shows that in this configuration, the impacts of tourist generated traffic will have a severe impact on pedestrian safety and the functioning of the Greenway.

If you will not deny this request, at the very least send it back to the Design Commission with instructions to exercise the discretion to interpret and apply the Design Guidelines to regulate building height and massing as necessary to preserve the quality and unique characteristics of the South Pearl District.

Very truly yours,



Carrie A. Richter

CAR:kms

cc: Client

Attachment: Excerpts of Central City 2035 Findings of Fact Report As Amended, June 2020

Exhibit A:

Central City 2035 Findings of Fact Report As Amended June 2020

Findings on Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. The Statewide Planning Goals addressing citizen involvement and coordination apply to all legislative reviews. Many of the other goals focus on the assembly of information, proper analysis, and policy decisions.

The Statewide Planning Goals that apply to Portland are:

- Goal 1, Citizen Involvement
- Goal 2, Land Use Planning
- Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6, Air, Water and Land Resource Quality
- Goal 7, Areas Subject to Natural Hazards
- Goal 8, Recreational Needs
- Goal 9, Economic Development
- Goal 10, Housing
- Goal 11, Public Facilities and Services
- Goal 12, Transportation
- Goal 13, Energy Conservation
- Goal 14, Urbanization
- Goal 15, Willamette River Greenway

There are approximately 560 acres of land both within Portland's municipal boundaries and beyond the regional urban growth boundary that can be classified as rural land. In 1991, as part of Ordinance 164517, the City Council took an exception to Goal 3 and 4, the agriculture and forestry goals, in the manner described and authorized by state law and Goal 2. Because of the acknowledged exception, **the following goals do not apply:**

- Goal 3, Agricultural Lands
- Goal 4, Forest Lands

Other Statewide Planning Goals apply only within Oregon's coastal zone. The Statewide Planning Goal Glossary defines "Coast Zone" as "The area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg; (b) The Rogue River basin, where the coastal zone shall extend to Agness; (c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Island. (Formerly ORS191.110)." Since Portland is not within Oregon's coastal zone, **the following goals do not apply to this decision:**

- Goal 16, Estuarine Resources
- Goal 17, Coastal Shorelands
- Goal 18, Beaches and Dunes

Projects and studies in the plan increase walking and bicycling opportunities and infrastructure. 64% of TSP projects support pedestrian use and 74% support bicycle use. Policies and actions to develop the Green Loop, design streets as public spaces and enhance the Willamette for people also meet this policy.

	Bike	Ped	Auto, Freight	Transit	Safety	Total
# of projects	87	76	41	8	85	118
% total	73.7%	64.4%	34.7%	6.8%	72.0%	
Cost of projects	\$ 962,419,223	\$ 954,169,223	\$ 563,352,391	\$ 302,000,000	784,581,249	\$ 1,169,907,301
% total	82.3%	81.6%	48.2%	25.8%	67.1%	

Design and Development: Goals

158. **Goal 4.A: Context-sensitive design and development.** New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

City Council interprets the term *distinctive physical, historic, and cultural qualities of its location* to mean *established urban fabric* as described in Policy 4.48.

The CC2035 Plan results in height and limited FAR increases in various locations throughout the Central City. As noted previously, FAR increases generally occur in areas well served by transit and other multimodal transportation infrastructure as well as in areas where previous public investment has been made to support additional density. However, in other situations height and FAR were modified and reduced to ensure that development within designated historic districts will be more compatible with the existing character of these unique areas.

In most situations, the ability to earn bonus height in a Historic District has been repealed, while the ability to earn bonus FAR has been retained. This was done so that applicants could propose utilizing the existing floor area assigned to a site, while creating a building envelope more consistent with those typically found within these historic districts. The one exception is in the New Chinatown/Japantown Historic District, where the height on the vacant and underutilized Block 33 site is increased to 125 feet and, through bonus height, to a maximum of 200 feet on the western half of the block. Currently Block 33 is a surface parking lot that fronts on the neighborhood light rail transit station. Increasing the height on the western half of the block provides flexibility to utilize floor area for denser mixed-use development along the station area while sculpting a new building to maintain lower heights along the eastern half of the block facing the interior of the district. Based on the evidence in the record, including the memo from John M. Tess on May 8, 2020, this arrangement of building height responds to and enhances the physical, historic, and cultural qualities of the district; complements contributing resources by increasing the economic viability of rehabilitation and reuse; and accommodates growth and change in conformance with Goal 4.A.

As also discussed in the findings for Policy 4.48, in the NW 13th Avenue, East Portland/Grand Avenue, Irvington, and New Chinatown/Japantown Historic Districts, the maximum allowable height was adjusted to be more consistent with the established urban fabric and applicable Historic Resource Review criteria for each district. Further, the adopted Historic Resource Review approval criteria for each district have been retained. New development in these areas will be reviewed using these district-specific criteria to determine that the new development is responsive to and compatible with the character of the district.

City Council finds that the allowed heights in each of the districts are equally or more supportive of the comprehensive plan goals and policies related to historic resources. Council finds that the adopted historic design guidelines for each district are essential implementation tool to ensure that the designs for each proposed development respond to and enhance physical, historic and cultural qualities of their locations. City Council finds that application of these guidelines as part of Historic Resource Review process, which is a component of the City's Goal 5 program, may result in disapproval of a proposed development at its maximum allowable height and requirement that the building height be modified to respond to the contributing resources found in that particular district. The City Council recognizes the Bureau of Planning and Sustainability memo dated June 3, 2020, as additional evidence supporting Historic Resource Review. Specifically, the City Council agrees with the statement that "Historic Resource Review is discretionary and that the height limits provided on maps 510-3 and 510-4 are maximum allowances, not entitlements, subject to Historic Resource Review and/or other land use reviews."

Outside of Historic Districts, most new development within a non-industrially zoned area, is subject to discretionary Design Review using the Central City Fundamental Design Guidelines. These guidelines work with the existing height and FAR assigned to a site to ensure that new development is designed to respond to and enhance the character of an area, enhances the public realm, and is designed and developed such that the quality and character of the architecture of a structure will not detract from the setting it is located within. The design review process is discretionary. It is intended to result in development that uses some or all of its FAR in a manner that is also consistent with all applicable design guidelines.

159. **Goal 4.B: Historic and cultural resources.** Historic and cultural resources are integral parts of an urban environment that continue to evolve and are preserved.

Over the years, there have been regular additions and evolutions to how historic resources are conserved in the Central City Plan District. Several designated Historic and Conservation Landmarks and Districts were created – NW 13th Avenue, East Portland/Grand Avenue, Yamhill, Skidmore/Old Town, Halprin, and New Chinatown/Japantown Historic Districts and the Russell Street Conservation Districts. Other historic districts were also established that are partially within the Central City, such as the Irvington and Alphabet Historic Districts.

Under CC2035, Historic Landmarks listed in the National Register of Historic Places and contributing buildings in Historic Districts will continue to be subject to discretionary Demolition Review. Also, development within all Historic and Conservation Landmark and District boundaries in the Central City will continue to be subject to discretionary Historic Resource Review. District-specific design guidelines have been adopted for most of the Historic Districts in the Central City, providing resource-specific Historic Resource Review approval criteria. This includes Skidmore/Old Town Design Guidelines adopted in 2016 and New Chinatown/Japantown Design Guidelines adopted in 2017, which were developed as an early deliverable of the CC2035 project.

Historic District design guidelines provide guidance to property owners, designers, architects, and developers related to the established urban fabric of the district as well as resource-specific Historic Resource Review approval criteria for alterations, additions, and new construction. These district-specific approval criteria conserve the specific architectural and cultural qualities that make the particular district significant.

The CC2035 Plan retains the design guidelines applicable to each district where they've been adopted. And, although the maximum heights have been adjusted in all or parts of four Central City Historic Districts, the design guidelines for each district will continue to serve as the Historic Resource Review approval criteria to determine if proposals for new development integrate with the established urban fabric of each district on a case by case basis.

The CC2035 Plan also includes new incentives to encourage the preservation and rehabilitation of designated historic resources. Under CC2035, unused FAR on a site containing a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District can be sold and transferred to another site in the Central City Plan District. This creates financial resources to support improvement of the historic building. An additional 3:1 FAR may be transferred if the historic building is seismically upgraded.

The CC2035 Plan generally maintains or reduces maximum height limits in Historic and Conservation Districts. This includes a reduction in the maximum height limit in all or part of four Historic Districts. The specifics of how this was applied varies by district in response to the historic, physical, economic, and planning context of the district.

In January 2017, the Land Conservation and Development Commission adopted a new State Administrative Rule (OAR 660-023-0200) implementing the historic resources provisions of Goal 5. This new Rule applies directly to resources listed in the National Register of Historic Places after January 2017. As of April 2020, the new rule would apply to only two individual resources in the Central City Plan District—Wheeldon Annex and Alco Apartments. The City is advancing a separate code project, the Historic Resources Code Project, to amend Chapter 33.445 to achieve consistency with the provisions of the new State Administrative Rule.

The findings for Comprehensive Plan policies 4.46-4.57 further describe programs for historic resources that support this goal.

Based on the above findings and the evidence in the record, Council finds that CC2035 is equally or more supportive of this goal to preserve historic resources.

160. **Goal 4.C: Human and environmental health.** Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.
161. **Goal 4.D: Urban resilience.** Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

Whereas the Urban Design chapter of the 2035 Comprehensive Plan takes a bird's eye view of the city's systems and layout, the Design and Development chapter focuses on the specifics of the built environment. Issues such as site design, pedestrian realm, transitions between districts, place making, and scenic and historic resources are considered in fine detail, among other issues. As the



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

MEMO

DATE: June 3, 2020

TO: Andrea Durbin, Director (BPS)
Joe Zehnder, Chief Planner (BPS)

FROM: Brandon Spencer-Hartle, Senior Planner (BPS)

CC: Sandra Wood, Principal Planner (BPS)
Sallie Edmunds, Supervising Planner (BPS)
Kara Fioravanti, Supervising Planner (BDS)

SUBJECT: Historic Resource Review and Height

On May 28, 2020, the Portland City Council held a public hearing on the re-adoption of the Central City 2035 Plan. Testimony was received from the Architectural Heritage Center, Restore Oregon, Japanese American Museum of Oregon, and others requesting code changes related to Historic Resource Review. The Architectural Heritage Center testimony specifically provided the following specific requests:

- A. *Codify clearly that zoned heights in historic districts are permissive, not an entitlement.*
- B. *Codify that the Landmarks Commission has authority to adjust heights and setbacks.*

Staff from the Bureau of Planning and Sustainability and the Bureau of Development Services reviewed the request. Staff found that Historic Resource Review already provides the decision-maker with the authority to adjust development allowances in order to find that a given development proposal meets the adopted approval criteria for the site. For example, while many Historic Landmarks are located in areas of the city zoned for greater development allowances, there is no guarantee that a property owner will gain Historic Resource Review approval to overwhelm their Historic Landmark with a vertical addition. Similarly, in Historic Districts, there is no guarantee that a property owner will gain Historic Resource Review approval for a proposed new building that is considerably larger or considerably smaller than its historic neighbors.

Staff therefore agrees that Historic Resource Review is discretionary and that the height limits provided on maps 510-3 and 510-4 are maximum allowances, not entitlements, subject to Historic Resource Review and/or other land use reviews.



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandoregon.gov/bps

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Historic Resource Review is established in Title 33.846.060. The approval criteria for the Review are provided in Title 33.846.060 and/or in adopted design guidelines. Under the various Historic Resource Review criteria that apply to historic resources, the decision-maker considers whether proposals for alterations, additions, or new construction comply with the applicable approval criteria. The Review is discretionary, considering a variety of elements of the urban fabric on site-by-site basis. Proposals that are not found to meet the approval criteria—including proposals that are found to be too tall (or too short) to meet the applicable criteria—may be denied by the decision-maker.

This discretion is supported by ORS 227.175, which specifically provides that the City may reduce the height or density of housing development if the reduction is necessary to comply with a statewide planning goal. Designated historic resources fall within statewide planning goal 5 and Portland's Historic Resource Review approval criteria are adopted pursuant to goal 5.

While staff agree that proposals for buildings at the maximum height allowed on sites subject to Historic Resource Review are not entitled to approval, staff do not agree that changes to the zoning code as part of Central City 2035 are necessary to satisfy the requests made by testifiers.

In addition to Historic Resource Review, other discretionary land use reviews allow decision-makers to place limits on otherwise allowed development to ensure planning objectives are met, such as protecting trees, limiting shadows on parks, and conserving environmental areas. Staff are concerned that specifying "height" as a factor that can be considered in Historic Resource Review will introduce questions about what can and cannot be considered in the other land use reviews. Similarly, codifying a list of every aspect of urban fabric that can be considered in Historic Resource Review would create inherent limits on the review body's authority to apply approval criteria and would limit opportunities to consider items raised in testimony or other factors germane to a proposed development that fall outside of the defined list.

As has been the case since the codification of Historic Resource Review, Historic Resource Review is a discretionary land use review that protects historic resources by applying approval criteria that address a myriad of elements of the urban fabric—including height.



From: [Doug K](#)
To: [Council Clerk – Testimony](#)
Subject: LU 19-145295 DZ Appeal for 350 NW 12th- oppose
Date: Thursday, August 20, 2020 8:31:01 AM
Attachments: [350 NW 12th Council Appeal 8-20-20 comment letter.docx](#)

Attached is my testimony in opposition to this appeal, and in support of the proposal.

Doug Klotz
dougurb@gmail.com

Doug Klotz
1908 SE 35th Pl.
Portland, OR 97214
8-20-20

Mayor Ted Wheeler and City Commissioners

Re: LU 19-145295 DZ Appeal to Council
350 NW 12th Ave.

Mayor Wheeler and Commissioners:

I oppose this appeal, and support the proposed Hyatt and Allison Residences at 250 NW 12th Ave.

This project will add 113 residences in an area with excellent transit by streetcar and bus, as well as nearby Max light rail. There are several grocery stores within easy walking distance, and thousands of jobs nearby. Inclusionary Zoning will require Affordable units, which may include up to 17 units or bedrooms.

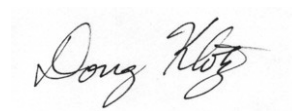
Residents in the Allison Apartments in this building will very likely drive less, and walk, bike or use transit more than the average Portlander, and puts 113 residences on a 100 x 100' lot, as well as a hotel, making good use of its prime location.

The arguments in the appeal are not compelling. There several different arguments regarding auto, bike and pedestrian traffic. However, these issues are not a part of Design Review. PBOT has professionals who consider all of the issues cited, and PBOT is satisfied with the resulting configuration, which keeps loading away from the Flanders bikeway, and also puts the hotel entrance on NW 12th.

The height is also determined by zoning, not Design Review. The building, at 250' high, is only one-fifth higher than the 200' Casey, right across the street. This design is compatible with the emerging form of the neighborhood, which is determined by the zoning.

I urge you to reject this appeal, so the housing can be built.

Thank you

A handwritten signature in black ink, reading "Doug Klotz". The signature is written in a cursive, flowing style. The "D" is large and loops around the "oug". The "Klotz" is written with a large "K" and a long, sweeping "z".

Doug Klotz



August 17, 2020

Mayor Ted Wheeler and City Commissioners Eudaly, Fritz, and Hardesty
1220 SW Fourth Ave.
Portland, OR 97201

Dear Mayor Wheeler and Commissioners,

Oregon Smart Growth (OSG) urges you to support the Hyatt Place hotel and housing project (LU19-145295) and reject the appeal by the Pearl Neighbors for Integrity in Design (PNID). OSG is a coalition of developers, investors and allied professions that supports policies encouraging walkable, compact development that is economically, environmentally and socially sustainable.

The Hyatt Place project is an ideal smart growth mixed-use project that includes affordable housing through the Inclusionary Housing program, meets *all* zoning codes—without adjustments or modifications—and was approved *unanimously* by the Design Commission. The location is ideal for mixed use development with a range of housing affordability, as it is served by significant public transit investments (light rail, streetcar, bikeways/greenways) and is exactly the type of project that CC 2035 envisions and encourages. The project's developers also worked to address reasonable concerns, including moving on-site loading zones to NW 12th to avoid conflicts with the proposed future PBOT NW Flanders Greenway.

OSG recognizes the challenges that the City faces to process development projects under the coronavirus guidelines and at the same time, the City needs to move projects ahead efficiently to recover the economy and meet housing needs. The applicant first began the land use process in July 2018, and while the coronavirus slowed the process, the delays due to the CC 2035 remand and PNID opposition tactics have been significant.

Further delays at this point, given the support of the Design Commission and adherence to CC 2035 and zoning codes would not only be challenging to the project, but would send a negative message to the development community trying to help rebuild the economy and provide housing.

Nearby multifamily tower residents fighting new apartment towers that are like the ones they live in is highly ironic and should not sway Council. We must choose to prioritize housing to meet the full range of needs in Portland over the objections of a few individuals, as well as the mixed-use, walkable development called for in CC 2035, especially in areas with strong services and transit.

OSG appreciates your consideration of this matter and urges you to support the Hyatt Place project and reject the appeal by PNID.

Sincerely,

Gwenn A. Baldwin
Executive Director

cc: Commissioner-elect Dan Ryan

President
Sam Rodriguez
Mill Creek Development

Vice President
Sarah Zahn
Urban Development Partners

Secretary/Treasurer
Tim O'Brien
Urban Asset Advisors

Board Members

Dennis Allen
Urban One

Doug Burges
Greystar

Brenner Daniels
Holland Partner Group

Brian Fleener
OTAK

Matthew Goodman
Downtown Development Group

Jeremiah Jolicoeur
Alliance Residential Company

Noel Johnson
Cairn Pacific

Elia Popovich
Oregon Law Group

Mike Kingsella
Up for Growth Action

Dana Krawczuk
Stoel Rives

Michael Nagy
Wood Partners

Michi Slick
Killian Pacific

Damian Uecker
Banner Bank

Christe White
Radler White Parks & Alexander LLP

Executive Director
Gwenn A. Baldwin
gbaldwin@oregonsmartgrowth.org

From: [Amy Ruiz](#)
To: [Wheeler, Mayor](#); [Chloe Eudaly](#); [Commissioner Fritz](#); [Commissioner Hardesty](#)
Cc: [Dan Ryan](#); [Council Clerk – Testimony](#); [Diaz, Samuel](#); [Duhamel, Jamey](#); [Adamsick, Claire](#); [Bradley, Derek](#)
Subject: Oregon Smart Growth testimony on LU 19-145295 DZ
Date: Thursday, August 20, 2020 10:38:13 AM
Attachments: [OSG Letter Opposing Appeal of Hyatt Place project 8-17-20.pdf](#)

Attached, please find Oregon Smart Growth's testimony in support of the Design Commission's decision to approve the Hyatt Place project.

The Hyatt Place project is an ideal smart growth mixed-use project that includes affordable housing through the Inclusionary Housing program, meets all zoning codes—without adjustments or modifications—and was approved unanimously by the Design Commission. The location is ideal for mixed use development with a range of housing affordability, as it is served by significant public transit investments (light rail, streetcar, bikeways/greenways) and is exactly the type of project that CC 2035 envisions and encourages. The project's developers also worked to address reasonable concerns, including moving on-site loading zones to NW 12th to avoid conflicts with the proposed future PBOT NW Flanders Greenway.

We urge council to reject the appeal.

LU19-145295 DZ Appeal

August 20, 2020

I would like to thank the Mayor and City Council for the opportunity to speak today. My name is Denise Green and I live at 311 NW 12th Avenue. During my 35+ years prior to my retirement I was both a tax advisor to numerous real developers and served as the CFO for a large multifamily developer building in multiple states.

Obviously, I am pro development. But let me be very clear, I am pro development for great, well designed projects that add value to their communities. In my last position I was a member of the committee that had final vetting on all projects our company was going to develop. I understand the pain and money involved in telling a development partner that their project was not going forward. But the reality was not all proposed projects achieved the high standards our company represented. A bad project is a permanent reminder of a development that no one had the courage to say no to.

Our attorney, Ms. Richter and others have outlined the errors that were made during the Design Review process. Once the Design Commission was incorrectly instructed by City Staff that all height bonuses were ENTITLED AND COULD NOT BE REDUCED THRU REVIEW, despite their expressed concerns that the building was too tall and massive – all opportunities for the Design Commission to acknowledge the precedent setting nature of this development request were dead.

One would think that the City would want the first building to be constructed in the South Pearl under the CC2035 plan to be a design standout and enhance our community. The Hyatt Project does not meet either of these goals. In fact, this project just magnifies some of the problems with the interaction of City Staff, the Design Commission, PBOT and other city departments to work together to produce a building that all of us would be proud of and that is compatible with already planned projects such as the Flanders Greenway.

This project is using density bonuses thru transfer development rights to achieve 150 ft of its height of 250 ft on a 10,000-sf lot. In the Central City Plan District,

density bonuses are offered to incent developers to provide different community benefits. (e.g. affordable housing, preservation of historic buildings and open spaces)

Due to the opaque nature of TDRs, (no requirement to disclose what property the rights were purchased and from what location) a citizen cannot evaluate what benefits their community received. Since our current code does not provide transparency, I think it is critical that the Mayor and City Council must articulate what benefits the community has received.

Having participated in meetings on this project since the beginning, I can attest how the Flanders Greenway was never considered by the developers. It required actions by the PNID and the Pearl District Neighborhood Association to force discussions with PBOT and the Design Commission on this critical aspect. An important part of the development that has not been addressed properly.

Additionally, pedestrians, bikers and cars will be navigating traffic from the two garages that currently serve 262 parking spaces that exit on NW 12th between Everett and Flanders.

In conclusion, I must believe when the developers are inspecting their building while on their 23rd floor amenity deck they will be too high up to see or notice

- The dangerous traffic chaos created by having a 160-room hotel coupled with a 113-dwelling unit abutted at the corner of 2 two-way streets, one of which is the long-anticipated Flanders Greenway, the City's primary north/south bikeway. This traffic chaos is not compatible with Commissioner Eudaly's Vision Zero Plan for Portland
- Maybe they will be so high up that they will not notice the shadows engulfing the NW 13th Avenue Historic District. Or see visitors to the District scratching their heads about how this 23 story tower fits in the South Pearl.
- When you're that high up you can't see how your project design and materials don't fit the neighborhood.
- And I know you will not notice me when I walk out my front door holding the hand of my 5 year old nephew, while pushing his baby sister in the

stroller dodging tour buses, cars and delivery trucks to try and enjoy the community I live in.

Now is the time that you can say NO, and NOT allow a bad project to be a permanent reminder of a flawed design approval.

From: [Denise Green](#)
To: [Council Clerk – Testimony](#)
Subject: Appeal LU 19-145295 DZ written testimony
Date: Thursday, August 20, 2020 12:10:59 PM
Attachments: [PNID testimony.docx](#)

Please find my written testimony in the matter of the Appeal LU 19-145295 DZ.

Sincerely,
Denise Green
311 NW 12th Avenue #403
Portland, OR 97209

Thank you Mr. Mayor, city council and staff for accepting comments from concerned citizens many of whom are Portland residents of the South Pearl.

I have lived in the Chown Pella lofts on the Historic 13th Ave Development of the Pearl for over twenty years meaning that along with a number of neighbors, I moved in when exposed railroad tracks marked 12th Ave, small Mom & Pop businesses and dark streets at night were the norm. We have enjoyed seeing the South Pearl become a vibrant neighborhood with more residential and commercial development, lighting up the nighttime street scene with neighbors and visitors. The issue isn't development; the issue is livability, i.e. retaining the atmosphere of the historic streets which was the original vision of the Portlanders who worked to restore and preserve the neighborhood's history and its buildings.

Prior to the passage of the 2035 Plan the Central City Plan dictated that in-fill development must mirror the buildings on the three corners adjoining said development, which is why the Pearl district remained a neighborhood rather than commercial city within itself. The twenty-three story proposal dwarfs the three buildings on adjoining corners by seventeen stories. Currently under 2035, we believe: just because developers CAN build hotel and high-end residential spaces does not mean they SHOULD do so. Many professional disciplines wrestle with the integrity and empathy of a concept considered legal. The elephant in this room really is that amid a burgeoning homeless population on street after street, interstate exit after exit, beneath overpass after overpass, including but not limited to the village that has been sanctioned and grided near the Greyhound Station off Broadway, density is taking the shape of tent communities while out of town applicants are proposing a massive cathedral of metal and glass expanded from their own original 12 story plan, having bought their way out of providing ANY affordable housing. A rise in evictions is coming. The Design Commission has, and perhaps you as City commissioners are diverting attention to another hotel and expensive residential development.

I am not alone in simply being unable to connect the dots in order to understand your rationale which sticks your fingers in the eyes of the residents of the Pearl District and those Portlanders IMMEDIATELY at risk of living outside on the streets, under a bridge or at a highway exit. Please, I ask you to vote against this vulgar insult and together let's try to get a 12 story affordable housing proposal for this small parking lot!











From: [Rita F. Silen](#)
To: [Council Clerk – Testimony](#)
Cc: [Rita Silen](#)
Subject: Testimony from Rita Silen August 20, 2020
Date: Thursday, August 20, 2020 12:40:14 PM
Attachments: [City Council 8-2020.docx](#)

Enclosed please find my testimony as well as photographs illustrating the intersection at 12th and Flanders, each corner's building's height.

Thank you!

Rita F. Silen

From: [Floravanti, Kara](#)
To: [Moore-Love, Kadar](#); [McClumont, Keelan](#)
Cc: [King, Lauren](#); [Graves, Arthur](#); [Heron, Tim](#)
Subject: Please enter into the record LU 19-145295 DZ
Date: Thursday, August 20, 2020 12:44:23 PM

August 20, 2020

Memo to File LU 19-145295 DZ

From: Art Graves, City Planner Bureau of Development Services

To: City Council

Re: Models Submitted by PNID

Due to the COVID-19 pandemic, Governor Brown has issued a series of executive orders that impact local governments. Specifically, on March 8, 2020, Governor Brown issued Executive Order 20-03 declaring a state of emergency due to COVID-19. Later, on March 23, Governor Brown issued Executive Order 20-12 declaring that non-essential gatherings outside of the home or place of residence are prohibited immediately, regardless of size. On April 15, Governor Brown issued Executive Order No. 20-16 due to the COVID-19 pandemic requiring local governments to conduct public meetings by telephone, video, or other electronic means whenever possible.

At the same time, the Mayor of Portland has declared an emergency on March 12, 2020. The Mayor's Declaration has been renewed and extended every two weeks. During the local emergency, City hall and the Bureau of Development Services Center (the "1900 Building") are closed to the general public and accessible to City staff on a very limited basis.

In order to protect public health while complying with Oregon legislative intent stated in ORS 197.707 "not to prohibit, deter, or delay development" and statutory requirements including but not limited to ORS 227.178, the City transitioned all quasi-judicial land use hearings to virtual meetings conducted via Zoom.

On August 11, 2020, appellant Pearl Neighbors for Integrity of Design (PNID) requested to place two building models in the record. Staff initially suggested that PNID present the models through photo and video during the virtual hearing. PNID rejected this suggestion and requested to place the physical models into the record. Staff worked with City facilities to make arrangements to gain access to the Bureau of Development Services to accept the models. Because City staff are not actively working in City facilities and staff members were required to make special arrangements to access City buildings, staff requested PNID state a time for delivery. PNID stated the models would be delivered between 10:30 and 11:00 on Monday, August 17. On Friday, August 14 at 4:00 PM, PNID requested staff accept the models at 9:00 AM on Monday, instead of 10:30 AM. Staff again made arrangements to gain access to City facilities to accept the models.

The models were placed on the first floor in the southeast corner of the 1900 Building located at 1900 SW 4th Avenue, Portland, OR. See attached photos showing what it looks like from outside. Members of the Council were alerted that the models were placed into the record and available for viewing from the exterior of the 1900 Building. As with all items placed into the record, interested parties are entitled to the same access to view the evidence. Neither members of the Council nor interested parties are permitted to touch the models or view the models from the inside of the 1900 Building. Instead, everyone is entitled to the same experience—viewing the models through the window.

The models will remain in the window until the record closes. After that the record closes, staff will retain the models with the rest of the evidentiary record.































Doug Klotz
1908 SE 35th PI
Portland, OR 97214

Mayor Ted Wheeler and City Commissioners
Re: LU 19-145295 DZ , 350 NW 12th, Appeal to Council
Mayor Wheeler and Commissioners:

I oppose this appeal, and support the proposed Hyatt and Allison Residences

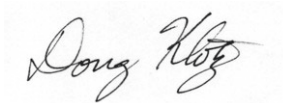
This project will add 113 homes in an area with excellent transit service, with Bus, Streetcar and Max nearby. There are several grocery stores within easy walking distance, and thousands of jobs nearby. Residents in the Allison Apartments will likely drive less, and walk, bike or use transit more than the average Portlander.

This project will be required to comply with Inclusionary Housing. Depending on which compliance option they choose, this project could provide up to 23 units of affordable housing.

The appellant's arguments are not compelling. They have several theories about auto, bike and pedestrian traffic. However, these issues are not a part of Design Review, and PBOT has professionals who considered all of the issues cited, and comments from walkers, cyclists, and came up with the resulting plan, which keeps the hotel entrance, as well as the loading, away from the Flanders bikeway.

The height is also determined by zoning, not Design Review. The building, at 250' high, is only one-fifth higher than the 200' Casey Condominiums, right across the street. This design is compatible with the emerging form of the neighborhood, which was decided on as part of the long public process for CC 2035. Height limits were reduced in the 13th Av. Historic District and increased elsewhere in the South Pearl, at the neighborhood's request.

I urge you to reject this appeal, and allow this housing, as well as the Affordable units, to be built. Thank you

A handwritten signature in black ink, appearing to read "Doug Klotz", is written over a light blue rectangular background.

Doug Klotz

From: [Doug K](#)
To: [Council Clerk – Testimony](#)
Subject: Updated testimony re LU 19-145295 DZ at 350 NW 12th Appeal
Date: Thursday, August 20, 2020 12:47:20 PM
Attachments: [Updated testimony 350 NW 12th appeal at Council 8-20-20.docx](#)

Testimony for today, 8-20-20 hearing on Appeal of this case LU 19-145295 DZ attached.

Black Lives Mattered in the South Pearl

My name is Patricia Cliff and I reside at 350 NW 12th Avenue in the Pearl. I am the President of Pearl Neighbors for Integrity in Design, a non-profit dedicated to promoting good architectural development which incorporates affordable housing in the Pearl.

I would like to shine a bit of historical light on the presence of Black Lives in the South Pearl and the importance of dignifying the history of this area with protection from super-tall, super-dense, out of context edifices which threaten the architectural integrity and unique history of the South Pearl African American neighborhood.

In the early 1900s Blacks migrated from the South to Portland, where jobs were plentiful in the hotels and the Union Pacific Railroad. They established commercial establishments in a quadrant bordered by Glisan and Everett and Broadway and NW 10th Avenue.

In 1906 an African American entrepreneur from Tennessee, William D. Allen, built the Golden West Hotel, on NW Broadway and Everett. It was the first hotel in Portland to permit overnight accommodations for people of color. The

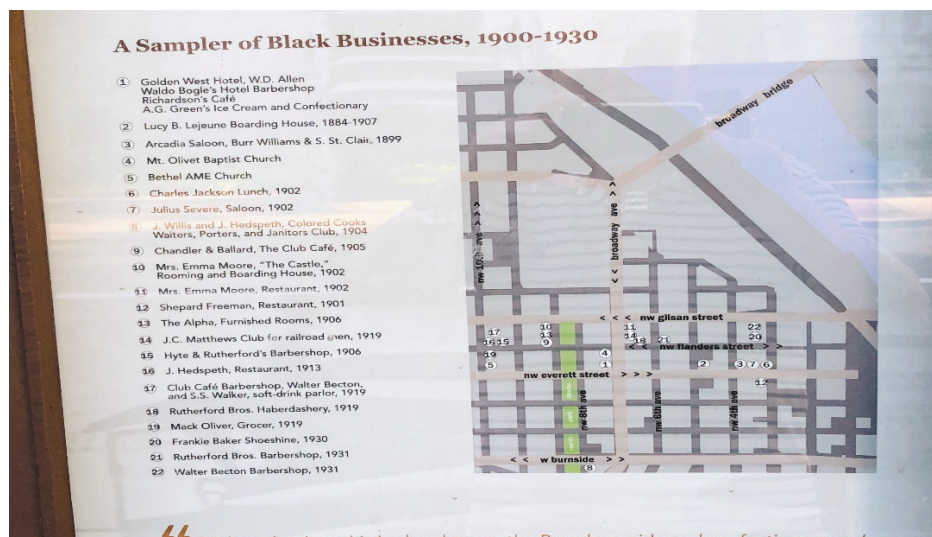
building contained 100 rooms as well as a grand ballroom, a restaurant, a barber shop, a confectionary, and an athletic club. It was adjacent to the Mt Olivet Baptist Church and close to the nearby Bethel AME Church, prominent places for Black worshippers.

The Golden West Hotel became the social center of a solid middle class community in NW Portland. It was also the birth- place in 1903 of “The Advocate”, a weekly newspaper reporting issues of interest to the Black Community. The Advocate was founded and edited by Edward D. Cannady and his wife, Beatrice Morrow Cannady, who were also major civil rights advocates in Portland.

With the increasing influence of the Klu Klux Klan, and racially restrictive covenants, this African American community was pushed across the River to NE Albina, where 80% of the Portland Black Community resided until much of it was obliterated by urban renewal efforts in the 1970s . Much has been made of memorializing this area as a part of Black History by the Albina Vision Trust and other organizations, but the presence of African Americans in the South Pearl has been totally overlooked.

In an effort to acknowledge the fact that “Black Lives Matter” in Portland, we are requesting that the City Council acknowledge this history by overturning the

Design Commission's approval of the Hyatt project, which threatens to destroy the traditional architectural context and spirit of African American history in the South Pearl neighborhood. Thank you.



From: [Patricia Cliff](#)
To: [Council Clerk – Testimony](#)
Cc: [Carrie Richter \(CRichter@batemanseidel.com\)](mailto:CRichter@batemanseidel.com)
Subject: City Council Appeal of the Design Commission's approval of the Hyatt Project - LU 19 145 DZ
Date: Thursday, August 20, 2020 1:19:45 PM
Attachments: [image001.png](#)
[BLM third version.docx](#)

Attached please find a copy of my testimony which I request be placed in the above mentioned appeal document on August 20th 2020.

N email

Thank you.

P.



PATRICIA CLIFF, President

Pearl Neighbors For Integrity in Design, PNID

Patricia@patriciacliff.com

www.pearlneighbors.org

From: [Iain Mackenzie](#)
To: [Council Clerk – Testimony](#); [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Fritz](#); [Commissioner Eudaly](#)
Subject: LU 19-145295 DZ - Hyatt Place appeal
Date: Thursday, August 20, 2020 4:22:29 PM

City Commissioners--

At the hearing today there was discussion about whether or not height and FAR limits are discretionary. In [Restore Oregon et al v. City of Portland](#) LUBA found that these apply "as of right":

CC 2035 adopts base and bonus maximum height limits that apply as of right to all new development across the District, the question of whether those base and bonus maximum heights "preserv[e] and complement historic resources," and thus comply with PCP Policy 4.48, is a question that the city council must answer. It may not be deferred to discretionary historic resources review of individual development proposals for compliance with the PCC criteria and the Guidelines.

A vote to overturn the Design Commission's approval because of the building's height would almost certainly put the city at legal risk.

Regarding the short term bicycle parking: City Code does not allow private development to place bike racks in the right-of-way. For a building that is built to the property lines, as encouraged by the zoning code and the design guidelines, the only option is to pay into the fund. PBOT can then use this money to build bicycle parking: perhaps adjacent to this site, or another location in the vicinity that may need it more if there is already ample parking nearby.

Regards,

Iain MacKenzie

From: [Doug K](#)
To: [Iain Mackenzie](#)
Cc: [Council Clerk – Testimony](#); [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Fritz](#); [Commissioner Eudaly](#)
Subject: Re: LU 19-145295 DZ - Hyatt Place appeal
Date: Thursday, August 20, 2020 5:38:00 PM

This discussion today may show how much grief we'll get supporting the DOZA recommendation that Design Commission not review height, even though the Design Commission was in agreement on that point. I think the two commissions also approved no reduction in FAR. But obviously the Council is not yet on that page.

On Thu, Aug 20, 2020 at 4:22 PM Iain Mackenzie <i.f.mackenzie@gmail.com> wrote:

City Commissioners--

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Regards,

Iain MacKenzie

From: [Joe McGee](#)
To: [Council Clerk – Testimony](#)
Subject: Appeal LU 19-145295 DZ (Hyatt Place Development Proposal)
Date: Sunday, August 23, 2020 12:32:13 PM

Mayor Wheeler and City Commissioners—

My wife and I retired and relocated to the Pearl District after living in Seattle for over 30 years. We pay higher taxes on property with a lower value here, and also now have a state income tax as Oregon residents. But we affirmatively chose Portland and this neighborhood because of its human scale and unique urban charm and liveability, coupled with good cycling and pedestrian amenities.

We are not opposed to development or density, but the proposed Hyatt development is just such an amazingly out of proportion monstrosity that we urge you to please come down on the side of the people who have chosen this city and this neighborhood over the narrow, profit motivated interests of out of town developers (Seattle and Mississippi-???)

We've waited years for the Flanders Greenway and bridge over the 405 to come to life and hopefully become the crown jewel it has the potential to be. Yet this project will massively and irrevocably interrupt this bike and pedestrian thoroughfare right at its midpoint. It's a potential safety nightmare to cram so much intensive large and small vehicle usage onto such a tight intersection on a Greenway. It's just so ludicrous an intrusion that it's amazing the project has been allowed to advance this far, especially in a city that claims to prioritize cycling and pedestrian rights and safety and promotes the benefits of these transport modes in light of climate change and now, pandemic concerns. The main responses from the developers, PBOT, and the Design Commission seem to be a "don't worry, it will all work out" attitude, but once this avoidable mistake is constructed, then it will be too late to undo the damage our city and neighborhood will be stuck with long into the future. The developers will move on and PBOT will disclaim and perhaps express regret but it will be too late. The time to avoid a bad result is now and I urge you to show the courage and good sense to protect this neighborhood and city and its core values.

Sad to say, right now, Portland is a semi-dysfunctional city (perhaps it's even fully dysfunctional, per the letter sent to all of you by Greg Goodman). You all can continue to assume all of the rosy projections about future growth that the 2035 Plan was based on will hold but in light of the pandemic and the chronic and ongoing destructive aftermath of the protests that began in May, I think Portland's future is going to be considerably different than forecast. And yes, other cities have similar challenges these days, such as Seattle and San Francisco, but Portland does not have some of the innate advantages of these cities, such as geography and a diverse array of large corporate employers etc. So now, more than ever, Portland should play to its strengths and protect and enhance them. And I would assert that its unique neighborhoods and notable cycling infrastructure are key among these. It's what attracted us to pay more to live here and to relocate here. These qualities will continue to attract others. But permitting inappropriate development that detracts from these strengths will ultimately hasten and assure the decline which is already well under way.

So please, as the elected stewards of this city, please show some resolve. Show the gumption to say no to developers who could care less about the short and long term best interests of this city, and support the people who pay to live here and care passionately about the place and its future. Please uphold this appeal and force these developers to do a better job for our neighborhood, our city and our future.

Thank you for your time and attention.

Best regards,
Joseph L. McGee
333 NW 9th Ave, #1115, Portland, OR 97209

Sent from my iPad

My name is Ezra Rabie and I reside at 333 NW 9th Ave in the South Pearl. I would like to make this statement in opposition to the Hyatt project on NW 12th.

City Councillors, Staff, Mr Mayor

Thank you for the opportunity to have my voice heard. I live at 333 NW 9th Ave and have been a strong objector to this project from the get go. Why? It's just plain wrong headed. Mr Mayor I know you're a strong proponent for more density and I, as well as all objectors here today are fully cognizant of the 2035 Plan and the tax base it will generate. But where do we draw the line on a reasonable approach to those lofty long term goals? Is this popsicle stick / whale-in-a-bath-tub development, truly contributing to the quality of life of residents or adding even one iota of esthetic quality to the Pearl? The answer to any fair minded thinker is clearly an emphatic NO! Apart from its incongruent mass, it will impede bicycle flow along the Flanders pedestrian/cyclist corridor, congest motor vehicle traffic to a standstill for several blocks around it, rob the neighborhood of available street parking so critical to local business and most importantly pose a safety risk to pedestrians trying to navigate their way past. We ask ourselves how can this happen? Where is the reasoning behind placing a behemoth project like this on the equivalent of a hopscotch court? Day after day we're inundated by the needs for low income housing, yet developers like these easily buy their way out of that requirement. Either you're true to your cause of housing low income citizens or, selling out to the highest bidder. I would add that these developers surprisingly stated at the City Council hearing (August 19/2020) that they DO offer low income housing. Really? They've *never* asserted that in all the past hearings which PNID carefully followed, even though asked directly on numerous occasions. What staff did say was that they paid the appropriate fee to exempt themselves of that

requirement. They also did not specify how many units they've allotted as a percentage of their total number of studio and 1 bedroom condos. I also want to add that we find it a grossly unfair conflict of interest that the Senior Managing Director of Mill Creek Development (that's his exact title), Sam Rodriguez, sits on the Design Review Committee. Unsurprisingly he did not recuse himself, instead giving unequivocal full throated support to this project. Yes, the City Attorney reviewed this and found no conflict of interest, but Mr Mayor and City Councillors we're not stupid either. If it walks like a duck and quacks like a duck – well, you have to admit the optics are pretty bad. It's common knowledge, based on street and crane signage that Mill Creek has been a long standing significant developer and stakeholder in the Pearl District.

We feel this hotel development is taking advantage of Pearl residents on multiple levels, building a ridiculously outsized and gawdy monument to one percenters who can pay over \$1000/sf for their condos and rent fancy hotel rooms, leaving us in the dust to deal with the nightmare of chaotic congestion, while kicking the low-income housing can down the road.

Finally, we've made it abundantly clear from the very beginning, this is not about restraining development in the Pearl. We're not opposed to reasonable height development. This particular one started out as 12 stories, then the developers were handed the motherlode of good fortune - the 2035 Central City Plan. Now they can go up another 12 and ½ stories, exploiting bonuses of height, no requirement for indoor onsite parking, and buying their way out of low income housing.

Ladies and gentlemen, make no mistake. This is nothing short of a bold faced money grab at the expense of the neighborhood. We implore you to deny this application.

From: [ezra rabie](#)
To: [Council Clerk – Testimony](#)
Subject: Letter of Appeal Hyatt Hotel Project NW 12th and Flanders
Date: Monday, August 24, 2020 11:04:33 AM
Attachments: [City Council.pdf](#)

Dear Sir or Madam

Please enter the attached letter of appeal into the record.

Thank You

Re: Appeal to the City Council of the Design Commission Decision to Approve:

The Hyatt Place Project: LU 19-145295DZ

My name is Karl von Frieling and I reside 311 NW 12th Avenue in the Pearl, where I have owned a condo with my wife for the past ten years.

When we first moved to the Pearl from NYC, we were very impressed by the fact that the Pearl District had the largest amount of affordable housing of any of the Districts in Portland. There are seven, well designed, attractive 4-8 story apartment buildings which are 100% occupied by residents with low and moderate incomes, which have contributed to an agreeable neighborhood with diverse economic demographics.



In the intervening years, the need for affordable housing has increased exponentially, as has the homeless population. “Inclusionary Housing” was introduced requiring newly constructed buildings with more than 20 units, to build 20% of the units for residents having Medium Family incomes, (MFIs) below 80%, or to pay a sum of money into an affordable housing fund in lieu of building the units on the site of their development. Compared to the buildings which have been completely dedicated to affordable housing, this is sheer tokenism and does not sufficiently address the need. In Portland, 80% of MFI is approximately \$65,000 per annum for a family of four, which doesn’t begin to fulfill the housing needs of the many families whose incomes fall significantly below this level.

Further complicating matters has been the passage of the 2035 Central City Plan, a windfall for developers of high level market rate apartments, condos and office space, which threatens to destroy the architectural uniqueness of the existing Pearl neighborhood by permitting out of context high rises and hotels which do not address affordable housing needs.

The Hyatt project which was approved by the Design Commission is exactly such a project. It towers 23 stories over neighboring buildings and the Historic District and crams 160 hotel rooms and 113 studio and one bedroom apartments onto a 10,000 square foot corner lot.

Further troublesome is the fact that this site on NW 12th and Everett falls into an “Opportunity Zone” which grants the developer significant tax incentives in return for alleviating poverty in the immediate area. Given the benefits offered, the whole site should be developed with a 12 story apartment building with 100% of the family sized units offered to low and moderate income residents.

For all of these reasons, the Design Commission approval of the project should be overturned.

From: [Karl Von Frieling](#)
To: [Council Clerk – Testimony](#)
Subject: Appeal to the City Council of the Design Commission approval of the Hyatt Project LU134295 DZ
Date: Monday, August 24, 2020 11:19:26 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
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[image.png](#)
[affordable housing Pearl \(3\).docx](#)

**Re: Appeal to the City Council of the Design Commission Decision to Approve:
The Hyatt Place Project: LU 19-145295DZ**

My name is Karl von Frieling and I reside at 311 NW 12th Avenue in the Pearl, where I have owned a condo with my wife for the past ten years.

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For all of these reasons, the Design Commission approval of the project should be overturned.

From: [ethel katz](#)
To: [Council Clerk – Testimony](#)
Subject: Project LU19-145295 . Site 350 NW 12th Avenue, Hyatt Hotel and apartments
Date: Monday, August 24, 2020 9:29:59 PM

Dear Portland Mayor and City COuncil,

I think that much has been said about this project in the South Pearl. My letter just reiterates the potential destruction of the Pearl neighborhood by allowing a disproportionate building on a relatively small corner lot on a busy thoroughfare . The Pearl has already changed as a result of the COVID -19 Pandemic and Portland is no longer one of the top ranking cities in the country due to civil and economic unrest. I would hope that the CityCouncil would recognize the historical beauty of the brick warehouses and the conversions of industrial to residential properties and foliage lined streets that makes the area attractive and livable. Adding a structure that easily fits with the environment would be desirable, but 23 stories of metal panels does not do that. The City Government has an opportunity to beautify its SW and NW downtown areas . I am saddened that you have not taken that stance.

--Sincerely,
Ethel C. Katz
311 NW 12th Avenue
Portland, OR. 97209

From: cggilmore1@me.com
To: [Council Clerk – Testimony](#)
Subject: LU 19- 145295 DZ
Date: Tuesday, August 25, 2020 8:44:18 AM

Mayor Wheeler and City Commissioners:

After 35 years in Madison, WI, my wife and I came to Portland and specifically the Pearl District 10 years ago. Given the congestion we already experience on 12th avenue, we ask that you reconsider approval of the LU 19- 145295 DZ project as it will negatively impact the safety of our already busy neighborhood. In short, this proposed project will create a level of congestion and potential danger to our neighborhood that the City of Portland has worked hard to avoid.

Thankyou for your consideration.

Chris Gilmore

311 NW 12th Ave Unit 1303
Portland, OR. 97209
608-249-3610

From: [Ashley Carson](#)
To: [Council Clerk – Testimony](#)
Cc: [George McNiel](#)
Subject: Hyatt Project LU 19-145295 DZ
Date: Thursday, August 27, 2020 7:29:52 AM

City Council,

While there are numerous challenges with the Hyatt project on the corner of NW 12th Avenue and NW Flanders Street, we will focus this appeal to the City Council on the subject of setbacks. The Hyatt, as currently designed, incorporates a meager 3-foot setback half-way up the side of the building alluding to an image of a base. As former members of the PDNA Planning and Transportation Committee during the time the Rodney's design was under review, we know that substantial setbacks were actively promoted by the Committee – and in turn, the developer incorporated several substantial refinements in response. The step-down design of the Rodney is evidence of a developer who listened and responded to feedback to reduce an overly monolithic appearance. At the time, I strongly opposed the project due to its height and the use of a small park by the highway to gain several more floors. However, I do concede that the building does respond well to being a block away from a historic district. Why then is this project, which is the same distance from NW 13th and is far taller than any other building nearby, not being held to the same standard and required to consider fully the context within which it is being designed? The building's high-rise structure and materials do not meet the typical aesthetic required by the local design guides. Further, it has maintained very vocal opposition by neighborhood residents. It simply does not fit. We strongly implore the Council to listen to the community's objections and reject this design.

Thank you,
Ashley Carson & George McNiel
311 NW 12th Avenue Unit 1204
Portland, OR 97209

From: [Tobi Travis](#)
To: [Council Clerk – Testimony](#)
Subject: Proposed Hyatt
Date: Wednesday, August 26, 2020 1:06:06 PM
Attachments: [McKenzie appeal letter text 2.pages](#)

The enclosed letter is for Mayor Wheeler and the City Council.

From: [Faun .](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt Place Development
Date: Wednesday, August 26, 2020 3:49:42 PM

August 24, 2020

To: Mayor Wheeler and the City Council

Re: LU 19- 145295 DZ

From: Faun Tiedge

Hyatt Place Project, Portland, OR

We moved to the Pearl District last year because of its identity as a residential neighborhood with cultural events, diverse shops, restaurants, walkability, trees and parks with benches, and a unique mix of old and new buildings. We also enjoy its reputation as a friendly area with many dog owners. We walk our dog several times a day and meet other residents who recognize each other and sincerely care about the quality and safety of our neighborhood.

One of the major problems with the Hyatt Place project is that it will cause an increase in dangerous traffic congestion. This will have a very negative impact on the quality of life in the South Pearl and the public realm around this development. As a recent senior citizen, I worry about how this will affect the future comfort, safety, and pedestrian lifestyle for all of us in our South Pearl neighborhood.

Please support this appeal and say no to the developers of the Hyatt Place project in the South Pearl District.

Thank you for your consideration.

August 26th 2020

To the Mayor Wheeler and City Council Members,

My name is Arlene Matusow. I have been an owner in the Casey HOA for the past 12 years and have followed the proposed Hyatt development across the street closely. The balcony of my third floor condo looks directly onto the Hyatt building site on NW 12th Street. When I purchased my unit, I always assumed that there would be a building built across the street on this surface parking lot. I am not anti-development and have no objection to a well -designed, contextual structure being built on this site. The traffic and parking situations, however, are of great concern to me. I worry that the street traffic in a building which has no on-site parking will seriously endanger the lives of pedestrians, cyclists and multi-modal vehicles.

On 100 linear feet on NW 12th, it is proposed that here will be two loading docks immediately adjacent to the Oakwood garage; 5 feet away from the loading docks will be the entrance/exit to the residential lobby which will service 113 apartments and 170 bicycles. Many residents and vehicles will be entering and leaving in the middle of this 100' linear space. The space will also be used by taxis, Ubers and Lyfts bringing guests to the hotel, and picking them up, many of these vehicles will double park and block the north bound lane on NW 12th, blocking the site line of the traffic and bicycles on Flanders. Tour busses will also idle there while guests are getting in and out of them.



August 26th 2020

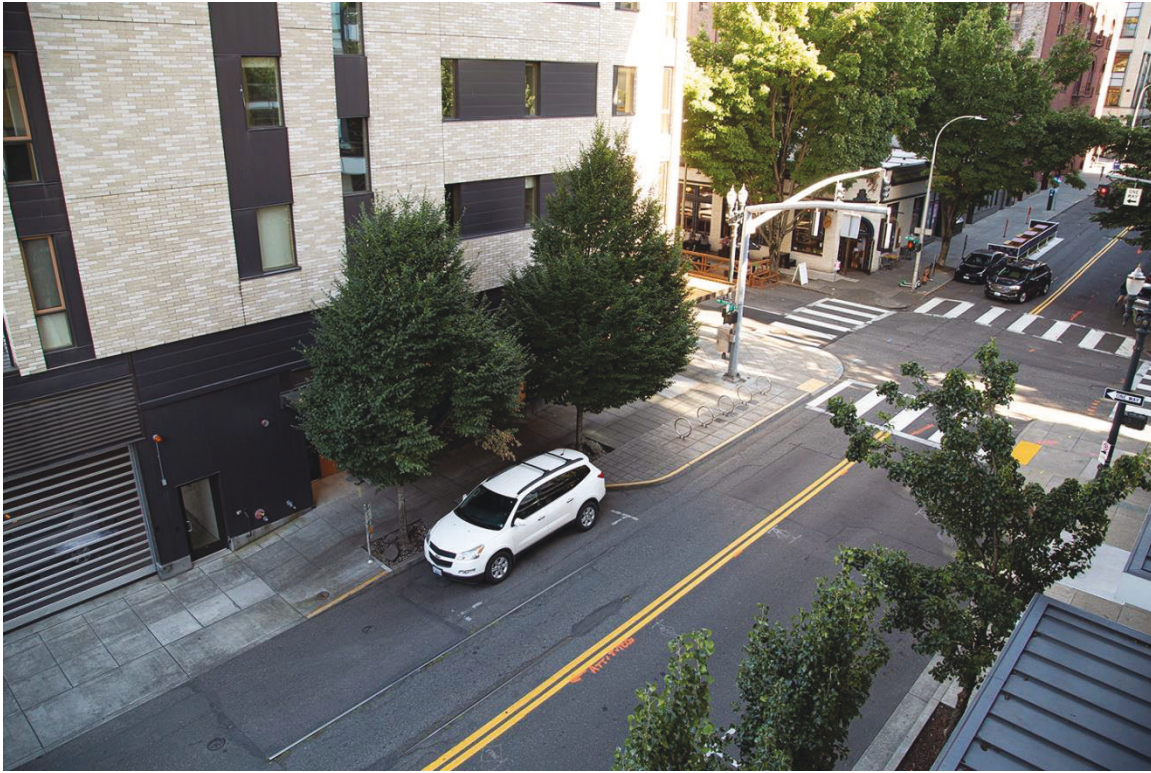
In addition, there will need to be a valet parking station with space for the cars of hotel guests and residents of the Hyatt to pull up so that valets can take their cars to parking facilities in the neighborhood. Not all hotel guests will be arriving by bicycle! The cars waiting to be valet parked will take up whatever available spaces at the curb are available and not occupied by other vehicles and deliveries from Amazon, Fred Meyer, Whole Foods, Hello Fresh, Safeway, Freshly, Uber-Eats, UPS, FedEx, and many other vendors, as well as deliveries of food from the Pearl restaurants. Most of these deliveries require at least 5 – 7 minutes to park and idle while the deliveries are completed. Judging from the approximately 15-20 such deliveries that our management company tells me arrive at the Casey daily, which only has 60 units, it should be assumed that the Hyatt residences with 113 individual apartments, will have approximately double this amount of deliveries.

How can these possibly be accommodated in this small street space? Furthermore, the carbon footprint of all of this traffic will be very detrimental to the air quality of nearby residents and pedestrians and have a very negative impact on the Public Realm, which was not considered by the Design Commission. Any social distancing on that side of NW 12th will also be impossible!

From my balcony directly overlooking NW 12th, I can also clearly observe the 80 cars emptying onto the street from the Oakwood garage immediately adjacent to where the Hyatt loading docks are planned. I can also see the cars coming from our Casey garage onto NW 12th; Our garage has 109 below- ground parking spaces and there is constant traffic in and out up and down NW 12th. Frankly, I am really worried about all of that traffic, especially during rush hours, being complicated by the tremendous increased traffic and street blockage brought about by all of the activities from the Hyatt hotel and residences. It does not take much imagination to foresee traffic congestion that will back up all the way to NW Burnside and cause major collisions. We would need a traffic light in the middle of this section of NW 12th between Everett and Flanders just to regulate all of these ins and outs on this 100 linear foot space!



August 26th 2020



Please also take note that picture above shows the corner at Everett and NW 12th Avenue adjacent to the Oakwood apartment building. Please note the extended sidewalk bump out offering extended pedestrian sanctuary and on-site bicycle parking.

The traffic issues were never entertained by the Design Commission who were advised by staff that that this was not within their purview. I disagree. How can you pass judgement on the acceptability of a building design without being able to consider and evaluate the ingress and egress to the building in question? Clearly this should have been a part of the total consideration by the Design Commission.

August 26th 2020



Traffic on NW 12th Avenue in the evening..

One further note, you will see from the photos attached below, that the Oakwood, like most of the more recent construction erected in the South Pearl, has a significant, green planted set-back. The Oakwood was built by a responsible Portland developer, cognizant of the context of the neighborhood. There was a successful effort to incorporate the architectural history of the South Pearl on a 20,000 square foot lot that was only 8 stories high. What is the justification for permitting an adjacent 23 story building to be erected, built full on the site, with no significant set-back? It is totally out of context for the South Pearl and should not be permitted.

August 26th 2020



It should be noted that the Pearl is already one of the most densely populated districts of the Central City districts. It also has the largest percentage of Senior Citizens of any Central City district. Many of these Senior Citizens, myself included, have chosen the Pearl for its walkability and bike friendly streets, which the city government claims to prioritize in its land use policies. Residents of the Pearl, deserve to be treated fairly and not have our lives endangered or the Public Realm and livability surrounding this development diminished!

We cannot emphasize enough that the residents of the Pearl and especially Senior Citizens look to the City government to protect the safety, livability, and public realm of their neighborhood. This November will offer an opportunity to pass judgement on how well our government has fulfilled this role.

For all of these reasons, I urge the City Council to overturn the approval of this development as it will create serious dangerous conditions, more specifically, a potential crash site, for neighborhood residents, the Hyatt hotel guests, inhabitants of the 113 apartments, the cyclists entering and leaving the Hyatt hotel and residences and most especially for the cyclists using the new, long planned Flanders Greenway bike path on NW Flanders.

I greatly appreciate your attention to this important matter.

Arlene Matusow
311 NW 12th Avenue, Unit # 301
Portland, OR 97209

From: [Arlene Matusow](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt Place Development Appeal Testimony LU 19-145295 DZ
Date: Wednesday, August 26, 2020 4:03:24 PM
Attachments: [Hyatt Place City Council Appeal letter .pdf](#)
[ATT00001.txt](#)

Dear Mayor Wheeler and Commissioners Eudlay and Fritz,

Please find the attached PDF file of my testimony in the appeal of the Hyatt Place Development Project, LU 19-145295DZ.

From: [Jerry Marger](#)
To: [Council Clerk – Testimony](#)
Cc: [jerry.marger](#)
Subject: LU 19-145295 DZ
Date: Wednesday, August 26, 2020 4:44:35 PM

Portland Mayor Wheeler and City Commissioners,

My wife, a Portland native, and I moved to the Portland metro area 50 years ago after I finished law school. I have been a member of the Oregon State Bar for about 50 years and am a retired patent attorney. The law firm I co-founded, Marger Johnson, was recently merged into the Miller Nash law firm.

In 1991 we moved into a house we built in the Forest Heights residential development where we lived for 26 years. Forest Heights is located in a beautiful scenic area. We could see the coast mountain range from our bedroom window.

We remember when South Pearl District was filled with industrial buildings and witnessed them being replaced by distinctly designed condominiums, restaurants, shops, etc. In 2016 we decided to relocate to a condo in the South Pearl District. It was a walkable, public friendly district where we could safely stroll around as pedestrians and avail ourselves of the neighborhood amenities. These livability aspects were critical conditions precedent to our decision to move to the South Pearl District from our beautiful home in Forest Heights.

When we moved to the South Pearl District, i did realize that there would eventually be development on quarter block lot sites, such as the parking lot located on southeast corner of NW 12th and NW Flanders (“Hyatt Project”). Our condo is across the street from the site of the proposed Hyatt Project.

I have been a commercial real estate developer for 45 years and am not opposed to reasonable development in the South Pearl District. We have built a number of apartment complexes and many other types of commercial property in Clark County Washington. But even though I am a longtime real real estate developer, it never crossed my mind that the zoning of each of these quarter block lots would be able to be increased to a height of 250 feet. The proposed Hyatt Project comprises a building structure which is more massive and oversized than on any other quarter

block lot site in the South Pearl District. Accordingly, it is not a reasonable real estate project worthy of your approval.

Traffic and safety on NW 12th and the NW 12th/NW Flanders intersection is a major problem for the Hyatt Project. Vehicles leave and enter the Oakwood Apts garage and the Casey Condo garage, there will be crowding on 2 Hyatt loading docks, guests and Hyatt staff will be entering and leaving from the Hyatt hotel, and residents will be entering and leaving from 113 apartments. Taxis, Uber/Lyft vehicles, city buses, tour buses, etc, will be loading and unloading passengers. Pickup and delivery vehicles will be double parked.

We have done a number of high end commercial real estate projects in Clark County over the past 20 years. We were required to do traffic impact studies for these projects. How unconscionable is it to approve a project of this magnitude without conducting a traffic impact study. Please require the Design Commission to conduct a traffic impact study using a truly independent qualified consultant.

When it came to the re-enactment of the Central City 2035 Plan, you said that the 250 foot maximum height which you enacted would not be as a matter of right, but rather “discretionary”, and only be granted if the development would not negatively impact the safety and livability of a given neighborhood. At the Appeal hearing this week, it appears that the out of town developers have maintained that this out of scale building can be built as a matter of right. As an attorney I believe that this would set a terrible precedent for the development of the other dozen or so corner quarter block lots in the South Pearl. The South Pearl District is a gem that we can all be proud of. The Hyatt Project, and other potential similar projects which would follow, would totally destroy the unique character of the South Pearl District.

You need to support the PNID appeal with respect to the Hyatt Project. We rely on our Mayor and City Commissioners to act in the best interest of their constituents. Out of state developers are not your constituents. Your actual constituents will assess how you have performed on our behalf in November.

Thank you for reviewing our above concerns regarding the Hyatt Project.

Jerome Marger
311 NW 12th Avenue
Portland, OR 97209

From: [John McCalla](#)
To: [Council Clerk – Testimony](#)
Subject: Local voice in opposition to the Hyatt Place development
Date: Thursday, August 27, 2020 10:26:57 AM

To whom it may concern,

I am writing to you today from the perspective of a father of two children, living at the address below, that I fear will be seriously endangered trying to cross the street or even walk on the other side of the street, given the unavoidable pile up of traffic on the 100 linear feet on Eastside of NW 12th, which will prevent any kind of social distancing on that side of the street and compromise the site line for traffic on NW 12th and the Flanders Bikeway.

All of these issues are affecting the Public Realm which the Design Commission should have considered more seriously. To that end, I continue to vehemently oppose the development of this project right across the street from my home.

Please reconsider your approval on this project and force the developers to fix the open issues that so dramatically change our local neighborhood for the worse.

Thank you-

John McCalla
311 NW 12th Avenue #1001
Portland, OR 97209
503-341-7183

From: [Jeanni Chrisman](#)
To: [Council Clerk – Testimony](#)
Subject: Pearl District business & parking
Date: Thursday, August 27, 2020 8:59:06 AM

Dear Mayor Wheeler and Commissioners, Fritz and Eudaly,

My name is Jeanni Chrisman and I am the owner of Pearl Pilates Studio which I have operated successfully in the Pearl for the past twelve and a half years.

I have a diverse group of clients of all ages, approximately half of whom do not have the option to come by bicycle or public transportation.

Over the past several years, the increased heavy traffic in the Pearl, especially on NW 12th have negatively impacted my business. The reduced amount of street parking has been a factor, exacerbated by the amount of construction on the nearby streets. Many of my clients regularly take advantage of the nearby parking lot at 350 NW 12th, which has 39 publicly accessible parking spots. The proposed Hyatt development will now also remove these possible parking opportunities for my clients, some of whom cannot walk long distances from the parking garages and other surface lots which are further away.

Moreover, If this proposed Hyatt Hotel project is permitted, the overwhelming traffic congestion that it will bring about on NW 12th, will have a serious negative impact on my business as well as that of other local Pearl businesses in the nearby blocks.

I understand that some structure will eventually be built on this site, but something of this magnitude and density with 273 units and no onsite parking for the residents and hotel guests, will have a catastrophic effect on local businesses in the area. The failure of the Design Commission to seriously consider the affect of this project on the Public Realm is remarkable.

For this reason, I request that the City Council overturn the Design Commission's approval of the Hyatt Place project and wait for another day to approve a more appropriate building that will fit into the context of the South Pearl and not disrupt the lifestyle and successful businesses that many of us have enjoyed over the years. Thank you for your attention to this matter.

JEANNI CHRISMAN
PEARL PILATES STUDIO
1211 NW Glisan, #207
Portland, Or 97209
[Www.pearlpilatesstudio.com](http://www.pearlpilatesstudio.com)

From: [Sarah Mace](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt Project LU 19-145295 DZ
Date: Thursday, August 27, 2020 9:08:51 AM

My name is Sarah Mace and I live in the McKenzie building (408 NW 12th) at the intersection of NW 12th and Flanders in the Pearl.

As a parent and an avid cyclist who commutes daily on my bicycle, the Greenway Bike Path on Flanders is important to me. It's incredibly exciting to see the construction begin on the Flanders Greenway and incredibly irresponsible to see what an unsafe crash zone would be created by the Hyatt development at 350 NW 12th Avenue and Flanders. The Hyatt development plan rejects all ideas of safety for the people on the streets: the pedestrians, the cyclists, the foot traffic, the strollers, the wheelchairs, the children. Its size and shadow and shallowness are designed to turn a busy intersection into a very dangerous one, and one that is not part of the Vision Zero plan.

This inappropriate development will negatively impact the safety and the livability of our neighborhood and refutes the ideas of safe public realm exemplified by the Greenway. **The same care and concern for our city that allowed for the creation of the Greenway needs to be applied to block this development.** It is your responsibility to make sure the city is safe for all.

PLEASE MAKE MY REQUEST A PART OF THE OFFICIAL FILE.

From: [jane.starbird](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt Project
Date: Thursday, August 27, 2020 9:33:13 AM

If the Hyatt hotel/condo goes through I will move out of the Pearl District.
Jane

To Mayor Wheeler and the City Council Members, Amanda Fritz and Chloe Eudaly,

My name is Tobi Travis and I own a condominium in the McKenzie Lofts, located at 408 NW 12th Avenue. I'm writing in reference to project number: LU-145295 DZ. The balcony of my sixth floor condo overlooks the intersection of Flanders and NW 12th. This gives me a better understanding than most people of the existing traffic problems and potential future traffic dangers to the wider community.

The McKenzie Lofts, a six story edifice, is built on a 20,000 square foot half block on NW 12th between Flanders and Glisan. Our HOA contains 68 apartments and has an underground garage with 78 individual parking spaces that are owned by the residents for their exclusive use. The entrance to this garage opens midway onto the Flanders block between NW 11th and NW 12th opposite the proposed and soon to be installed two way Flanders Greenway Bike Lane which will be the main thoroughfare connecting the Naito Parkway with NW 24th Avenue, via the new Flanders Pedestrian and Bike bridge over I 405.

The maneuver in and out of our garage onto this busy Flanders two way street is presently challenging, as it requires careful observance of the two way traffic flow.

The Flanders Bike Path which is expected to be heavily used by bikes and scooters, approaching the four way Stop traffic intersection at Flanders and NW 12th will make this level of traffic congestion a major potential crash site, endangering bikers, pedestrians, children, disability wheel chair users, dogs being walked on leashes, and multi-modal vehicles.

Considering the fact that the proposed Hyatt Hotel and Residence will dramatically increase all of the traffic approaching and leaving this dual use hotel and apartment structure on a daily basis with 273 individual units occupied by approximately 500 individuals, the dangerous traffic implications are unimaginable!

In addition, the "people congestion" on the sidewalks will make any form of social distancing impossible and totally obviate any pedestrian use of the sidewalk on this south side of Flanders which will doubtless also spill over onto the north side of Flanders in front of the entrance/exit to our garage. The Design Commission failed to consider this impact on the Public Realm that will be brought about if this development is allowed to be constructed. The subject was glossed over and no attention was paid to the traffic or safety implications in any of the Design Hearings.

For all of these reasons, most especially the endangerment to public safety, the City Council should support the Pearl Neighbors for Integrity in Design's Appeal to overturn the approval of this Hyatt Hotel and Residences at 350 NW 12th Avenue.

Thank you,

Tobi Travis

408 NW 12th

208-720-2808

From: [Tobi Travis](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt project appeal
Date: Thursday, August 27, 2020 10:07:06 AM
Attachments: [McKenzie appeal letter text 2.docx](#)

Please be advised the letter I sent yesterday had technical problems opening.

Thank you for your consideration,

Tobi Travis

From: [DERRY TSENG](#)
To: [Council Clerk – Testimony](#)
Cc: [tsengfam](#)
Subject: Written testimony opposing development of Hyatt Place Pearl District
Date: Thursday, August 27, 2020 10:32:16 AM

Derry Tseng
311 NW 12th Avenue, #303
Portland, Oregon. 97209
File number: LU 19-145295 DZ

Thursday, August 27, 2020

To Mayor Ted Wheeler and Portland City Commissioners:

My husband Paul and I moved from Skyline Boulevard to The Casey condominiums five years ago. We moved to this location primarily because of the ability to walk and bike to work, the appeal of local businesses and restaurants, and ultimately, a desire to live in the heart of the city we love.

We were appalled to hear about the possible development of the Hyatt property directly across the street from the Casey. If this is allowed to be constructed, the traffic and parking headache for those of us who live in this area will be staggering. Street parking is already costly and limited. The new Flanders overpass, a move that was meant to ease traffic, will be interrupted by a high rise, defeating the purpose both aesthetically and practically. This will ultimately drive residents and visitors (and therefore revenue) from the city.

The building will also contribute to the decrease of property value that has already taken a massive hit due to the pandemic and downtown riots. A high-rise hotel in the midst of established residential buildings will be an eyesore, not to mention further impacting the safety and livability issues for residents. Sadly, there are already signs of a mass exodus in downtown Portland and adding a high rise hotel without parking in the Pearl District will only add to this situation.

We ask you to please use the weight of your office to put a stop to this and not allow the developers to proceed with this endeavor. As our elected officials, you have the support of residents of the city behind you. If you love this city as much as we do, we ask you to please consider the long-range ramifications of this decision and how it will impact loyal Portlanders who hope to enjoy this city for many years to come.

Best Regards,

Derry and Paul Tseng

file number: LU 19-1452954 DZ

To the Mayor Wheeler and City Council Members,

My name is Ross Laguzza. I live across the street from the proposed Hyatt development on NW 12th Street. While I have no objection to responsible development of the lot, I feel the current project is not only grossly out of character for this neighborhood, it will create a traffic and safety risk for people like me who walk the neighborhood on a regular basis. Specifically, I have a black lab and we are out all the time. NW 12th avenue, as you may know, is a narrow street which pre-covid, would be regularly snarled with traffic, pedestrians and cyclists. As it is right now, a pedestrian has to take great care to not get run over. It doesn't take an expert to understand that adding a huge building with no onsite parking will make the current congestion and peril to motorists, pedestrians and cyclists exponentially worse.

One of the reasons I moved to Portland 7 years ago was because I had read that the city was all about responsible development. I have lived too many places where the developers and their money control city leaders and get their way, no matter the consequences to people who reside in the neighborhoods they destroy. I had read that Portland had a history of making sensible decisions that allowed growth and development without compromising neighborhood aesthetics and the safety of citizens.

Pre-Covid, this massive development did not make sense for this neighborhood, but now, in the ever-evolving Covid environment, there is little need for such a massive structure. I can see two brand new apartment buildings from my own unit. These buildings were erected over the last 2-3 years. They are empty. Much of downtown is boarded up. I have noticed numerous stores that have left the Pearl for good. It may be years before the Pearl rebounds. People have left for the suburbs. The Pearl will rebound someday I am sure, but our times surely have changed and those of us who have chosen to stay in the neighborhood will be facing new challenges that did not exist pre-covid. The Pearl doesn't need this massive building now. Going forward with this ill-conceived project is the worst form of denial of the reality of where we are today. We can't just keep pretending that everything is the same as it was. Indeed, luring people back to downtown is the real challenge that city leaders will be wrestling with now and into the foreseeable future. This project is utterly inconsistent with where we are and what we need.

I have been told that the traffic and safety issues associated with putting this hotel/apartment mega-structure on this lot were never entertained by the Design Commission. If this is true, it is absolutely stunning. I invite you to come and stand in the location and imagine for a moment how this ungainly project will threaten the safety of anyone who visits this area. Cars, delivery vehicles, trucks of all kinds, pedestrians, cyclists, rush hour traffic needlessly thrown together. It will be an absolute mess. To ignore the impact on safety is both irresponsible and grossly negligent. In the original movie *Jaws* the local officials ignored the risks because they wanted the revenue. This building may not be a giant shark, but it is going to kill people just the same.

I strongly urge the City Council to do the right thing: to stand with the residents of this special neighborhood, and overturn the approval of this development. I encourage you to do the right thing and protect our neighbors from the absolute chaos that will without doubt accompany the completion of this project as designed. Stand with us and require responsible development of that corner lot. Stand with us and live up to Portland's image as a walkable and bike-able city. Responsible development will allow the Pearl to come back again. Let's be thoughtful, not

unconscious. Intentional, not reflexive. Let's focus on the neighborhood and the neighbors and yes, the dogs too.

Thank you.

Ross P. Laguzza
311 NW 12th
5405297157

From: [ross laguzza](#)
To: [Council Clerk – Testimony](#)
Subject: LU 19-1452954 DZ
Date: Thursday, August 27, 2020 12:04:39 PM
Attachments: [City Council Appeal letter ROSS LAGUZZA.docx](#)

Hello

the prior attachment may not have been openable.

please try this attachment

thank you

ross laguzza

August 27, 2020

Project #: 24437

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

RE: Supplemental Transportation Testimony Related to LU 19-145295 DZ

Dear Mayor Wheeler & City Council Members,

This letter provides supplemental transportation information related to testimony presented at the August 20, 2020 City Council hearing regarding the proposed Hyatt Place at 350 NW 12th Avenue. Issues addressed herein include (1) transportation comments regarding the “building model” prepared by the project Appellant and displayed in advance of the hearing at the City’s Bureau of Development Services (BDS) building and (2) additional information regarding the anticipated delivery loading considerations for the building.

Transportation Comments on the Appellant’s Building Model

The Pearl Neighbors for Integrity in Design (PNID, the “Appellant”) prepared a scaled model of a previous version of the proposed Hyatt Place development as well as a “street scene” adjacent to the site. As part of the August 20th City Council hearing, the Appellant offered images of the model that depicted various travel modes interacting along NW 12th Avenue. A screen capture of the model from the City Council Hearing is presented below in Exhibit 1 for reference/context. Exhibit 2 depicts a photograph of the model taken on August 18, 2020 through the window of the BDS building where the model was on public display in advance of the hearing. Exhibit 2 also references numbered comments that are discussed in the following paragraphs.

Exhibit 1. Screen Capture from Portland City Council Meeting Appellant Presentation

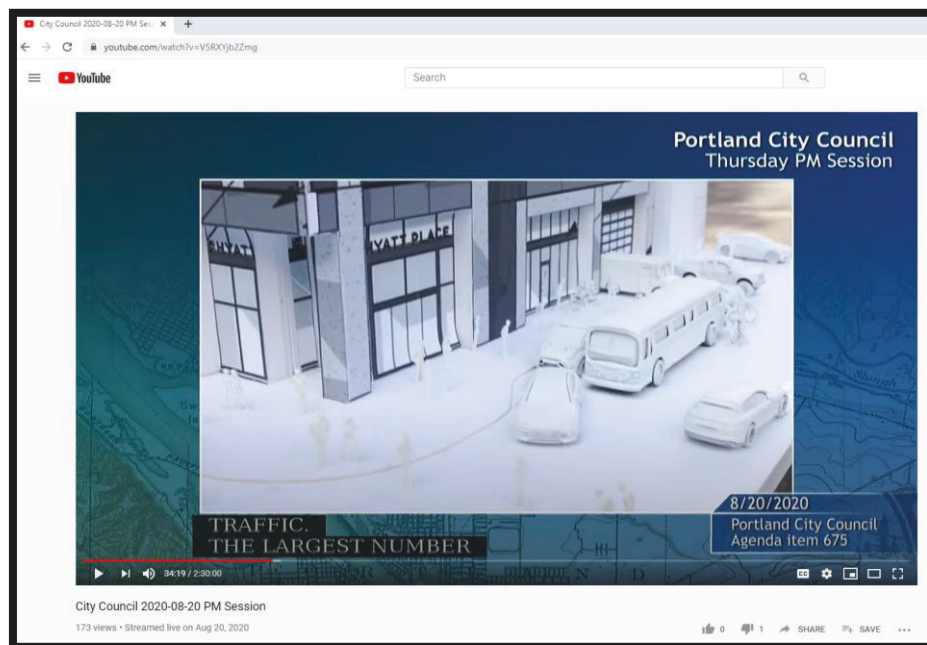


Image Source: City of Portland, <http://www.youtube.com/channel/UCcPIUh7CWwtBXisMPHWG65g>

Exhibit 2. View of Model Depiction of NW 12th Avenue

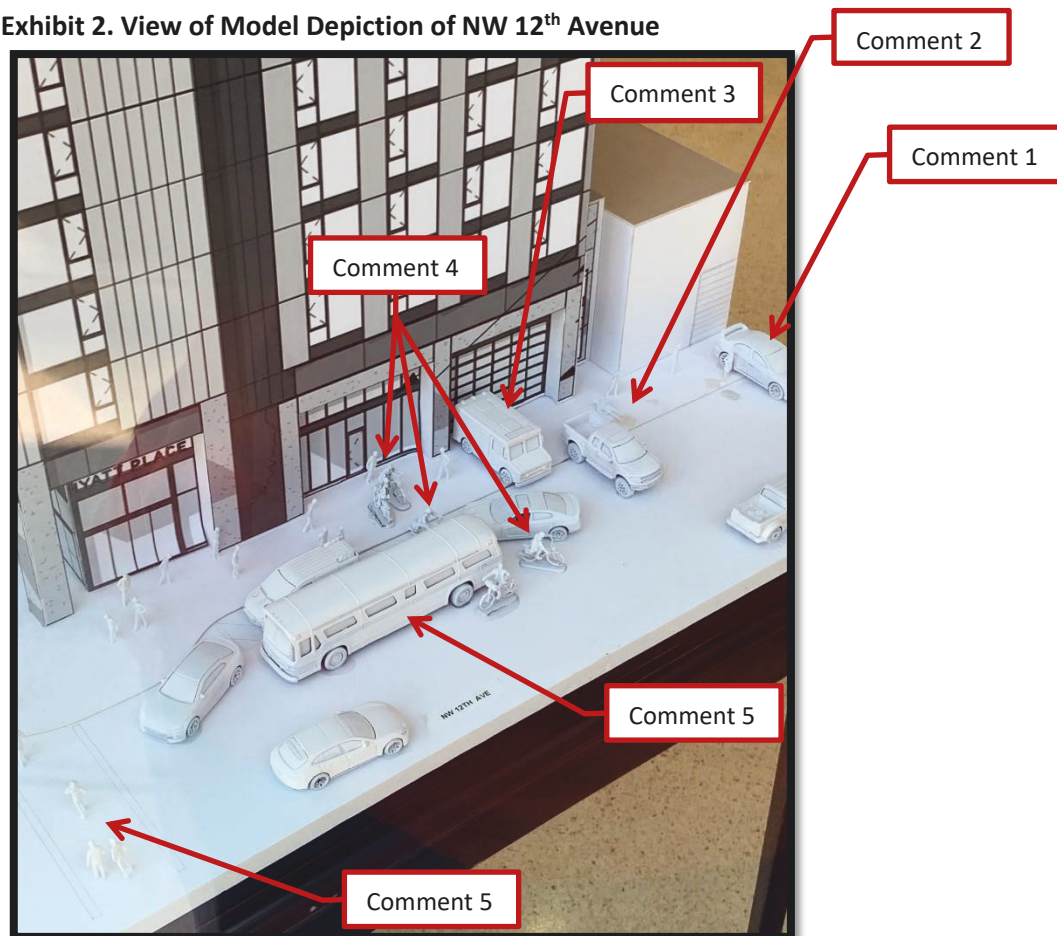


Image Source: Otak

Referring to Exhibits 1 and 2 above, we offer the following comments related to the NW 12th Avenue conditions portrayed in the model.

- The model depicts three vehicles simultaneously perpendicular to and blocking the NW 12th Avenue sidewalk. It is unclear if the modeler is intending to depict parked or moving vehicles. Of these three vehicles:
 - *Comment 1:* The southernmost car (shown to the far right in Exhibit 2) is located off-site and presumably exiting the parking garage serving the adjacent “Janey” building. This garage door remains in a closed position unless activated by a resident of the building. Upon activation, the garage door would be open if the vehicle were indeed exiting (or entering) and would not be in a “closed position” as depicted in the picture. Per the City’s website,¹ the Janey was built in 2012. Use of this adjacent residential garage access is an existing condition and the period during which a pedestrian crossing the residential building garage driveway is blocked by an entering or exiting vehicle is limited.
 - We also note that the Casey Building located to the west on the opposite side of NW 12th Avenue (not included in the model shown in Exhibits 1 and 2) also has a gated garage access. This section of NW 12th is typical of many of the blocks in the Pearl District and downtown in that it provides access to one or more driveway entrances serving the adjacent buildings.
 - In contrast to the existing residential buildings located to the south and west on NW 12th Avenue and contrary to the model prepared by the Appellant, the proposed Hyatt Place building will have no on-site residential parking and thus no parking garage driveway.
 - *Comment 2:* The next vehicle depicted perpendicular to the sidewalk (to the left of the off-site residential driveway) is a pickup truck. It is unclear what the modeler is attempting to illustrate regarding the origin/destination of the truck as no on-site parking is proposed for the Hyatt Place.
 - *Comment 3:* The next vehicle depicted perpendicular to the sidewalk (to the left of the pickup truck) appears to represent a delivery vehicle. The proposed Hyatt Place building has two loading bays that would contain delivery vehicles *inside* the building. Further, vehicles entering the building loading bays will enter the site in a forward motion, not backed in as depicted in the model. Additionally, the loading area door would be open if the vehicle(s) accessing the loading area were entering

¹ https://www.portlandmaps.com/detail/property/1155-NW-EVERETT-ST/R140646_did/

or exiting the building and the vehicle(s) and would not be parked blocking the sidewalk.

- Many loading activities associated with the hotel can and will be scheduled outside peak hours in coordination with the service providers (refer to additional detail presented later in this letter). Scheduling to off-peak periods reduces transportation system impacts and minimizes interaction with hotel guests during typical peak guest registration and check-out times.
 - Small parcel delivery vehicles (UPS, FedEx, Amazon, etc.) typically park on-street and are unlikely to use the in-building loading area. They often serve multiple properties simultaneously and may not even park along the site frontage.
- *Comment 4:* The deployment of bicycle riders depicted departing from the building entry is not representative of typical resident travel patterns. As residents of the building, bicycle riders are expected to walk their bicycles across the sidewalk when going in and out of the building entry and then mount/dismount their bicycle in an appropriate manner. Given the planned bicycle facility on NW Flanders Street directly to the north, we expect many residents will bike via that facility. The suggested single travel path for bicycles straight out of the building and into the middle of NW 12th Avenue between vehicles appears intended to present an image that could evoke an emotional reaction from viewers.
 - *Comment 5:* The model depicts a bus traveling (or perhaps stopped) on NW 12th Avenue.
 - Hyatt Place is a hotel for business customers and not marketed to tour groups and athletic teams traveling via bus. As such, these types of buses are not anticipated at this hotel location (other hotels in the downtown area market to and serve these type of groups today).
 - *Comment 6:* The NW 12th Avenue/NW Flanders Street intersection is controlled as an all-way stop. Consequently, vehicle travel along the NW 12th Avenue site frontage will occur in a low-speed environment and the regular use of crosswalks at the intersection depicted in the model shown in Exhibits 1 and 2 is appropriate.

Additional Considerations

Portland Bureau of Transportation (PBOT) staff provided testimony addressing transportation considerations associated with the site development and operations. The Applicant has been and will continue to coordinate with PBOT to design and operate the site frontage and access points.

As was stated at the Council Hearing, the proposed Hyatt Place design eliminates an existing relatively wide driveway located along the NW Flanders Street site frontage (refer to Exhibit 3) and two driveways on NW 12th Avenue that serve a commercially operated surface parking lot today. The access closure

on NW Flanders Street eliminates all pedestrian/bicycle/vehicle interaction at the existing long NW Flanders Street driveway (benefiting the proposed NW Flanders Street Bikeway project).

Exhibit 3. NW Flanders Street Site Frontage (View Facing West on NW Flanders Street to NW 12th Avenue)



Image Source: Google Earth

HYATT PLACE LOADING CONSIDERATIONS

The subject of resident loading/deliveries was discussed at length by the Appellants during the August 20 City Council hearing; however, fewer details of the Hyatt Place loading considerations were presented. Table 1 below summarizes anticipated loading activities associated with the Hyatt Place. As shown, many of the hotel loading activities can and will be scheduled outside typical commuter peak hours in coordination with the various service providers.

Table 1. Hyatt Place Delivery Vehicle Loading Needs and Anticipated Delivery Schedule/Frequency

Service Provided	Vehicle Length	Deliver Frequency	Delivery Time of Day	Delivery Duration (minutes)	Delivery can be Scheduled?
Guest and Office Supplies	25 feet	2 times weekly	Mid-day twice per week	15-20	Yes
Food and Beverage Retail	25 feet	Daily	Mid-morning twice per week	15-20	Yes
Parcel Pickup (UPS, etc.)	20 – 25 feet	Daily	Mid-afternoon daily	10	No
Garbage Pick-Up	25 – 35 feet	5 times weekly	Early morning 2 – 3 times per week	5	Yes
Recycle Pick-Up	25 – 35 feet	2 times weekly	Early morning 2 – 3 times per week	5	Yes

Note: Other nearby hotels also have off-site laundry/linen service deliveries; however, the Hyatt Place will provide these on-site.

Scheduling hotel deliveries to off-peak periods as identified in Table 1 reduces impacts to the transportation system, minimizes interaction with hotel guests and maximizes hotel staff availability during typical peak guest registration and check-out times.

CLOSING

We hope the information provided in this letter assists Council members in their consideration of the project/hearing deliberations.

Sincerely,
KITTELSON & ASSOCIATES, INC.

Chris Brehmer, P.E.
Senior Principal Engineer

Julia Kuhn, P.E.
Senior Principal Engineer



Hyatt Place & The Lawson Residences

350 NW 12th Ave, Portland, Oregon

Additional Testimony for Hyatt Place Appeal

LU 19-145295 DZ | August 27, 2020

SHADOW STUDY

The appellant claims that the building will cast much of the nearby 13th Avenue Historic District in all day shadow. That is not accurate. While this site is not in an area mapped for a mandatory shadow study, the design team has conducted a shadow study that demonstrates minimal shadow impact in the district boundaries and only during certain times of day and during limited months of the year.

The exhibit provided demonstrates the results of that study. The diagram shows shadows for the spring equinox and the summer solstice at 9:00 am and 10:00 am and indicates only minimal shadowing on the roof of one building along 13th Avenue during the spring and no shadowing of 13th Avenue or any of the buildings on the east side of 13th Avenue during the summer. During the winter with the sun low in the sky, shadows are more substantial for all buildings and even the low buildings along the east side of 13th Avenue within the historical district produce shadow on the street itself. See the shadow study exhibit provided below. This is a new exhibit for the record not provided in the course of the design review process.

(See *Shadow Study Exhibit 1*, page 6.)

BUILDING MATERIALS SELECTION

The building materials are consistent with the guidelines and were approved by the Design Commission. However, there were both testimony and questions related to building materials during the hearing. The following responds to and corrects information provided at the hearing.

The guidelines do not require buildings in the Pearl District to include brick or any other specific building material. Instead, the objective identified in Guideline C-4 is to “complement the context of existing buildings by using and adding to the local design vocabulary” which specifically allows for additions to the design vocabulary in an area. Guideline A5-1-1, which is specific to the Pearl District, calls for buildings to “reinforce the identity of the Pearl District Neighborhood,” and one of the identified methods for accomplishing the guideline is “adding buildings which diversify the architectural language and palette of materials.” The following diagram provides a survey made by Otak of the exterior wall materials on buildings in the immediate neighborhood. This shows that brick is not the dominant material of the district. Concrete is prevalent but also many buildings are painted so do not reveal the material. Painted buildings are frequently seen. We see this array as representative of an eclectic neighborhood character with substantial material variety.

(See *Vicinity and Context Materials*, page 7.)

Selection of materials for the project has been a primary consideration of the team from the project beginning. The preferred choice of materials was part of the discussion during Design Advice Review 1 and was part of each subsequent review and hearing.

Our choice for materials at the base of the building, robust concrete columns and large storefront windows along with bold steel-framed canopies with glass roofs, provides a strong, visible connection to the district's industrial past and enhance its eclectic character. More recent additions to the district include the pre-cast concrete clad Casey just across the street, the Louisa two blocks to the south with a building base framed with husky concrete columns and spandrels, the Henry at 11th and Couch with bold concrete pillars and pre-cast concrete wall panels above and the Canopy Hotel at NW 9th Avenue and Glisan with a cast concrete base story and, in addition, metal panels for its upper floors. The Mackenzie Lofts just to the north of the project has a base story of cast in place concrete surmounted by brick masonry upper levels. Buildings directly across the street to the west and immediately adjacent to the east are painted and do not reveal the nature of the wall materials.



The Henry



The Casey



The Canopy



The Louisa

Aluminum composite metal panels are proposed as the wall assembly material for the levels of the building above the three-story base. This choice was proposed during the first design advice review and was supported by the Design Commission as responsive and compliant with guidelines. The choice of metal panels for the upper floors of the project was made for many reasons in addition to how it looks and responds to context. In the environment of design review, however, design is the focus of deliberation. These reasons include that this assembly is lighter reducing weight that contributes to heavier concrete structure and footings plus reduced

weight of the cladding itself when compared to brick. The metal wall assembly provides generally superior performance over brick masonry in energy use, embodied carbon and reuse of materials, particularly the aluminum with 90% recyclability.

The building is not intended to be a glassy tower and will not read as one to the observer. The windows comprise 30 % of the exterior wall surface. Seventy percent of the wall surface will therefore be opaque. The metal panels are shaped to provide a surface that is slightly angled from the wall plane to deliver a visually more complex and active surface in the light. The width of the panels and the height of the horizontal spandrel panels will reinforce the solid nature of the surface. Narrower panels for the top of the building are intended to reduce the visual impact of the top levels and the apparent height of the building. The building will read as other Pearl District buildings with defined windows in a clearly visible solid wall surface.

Buildings in the district that provide precedent to utilizing metal panels and panels other than brick masonry include the metal clad Rodney at NW 14th Avenue and Glisan, the pre-cast concrete panel clad Casey across 12th Avenue, the Louisa at 12th between Davis and Couch and the metal-clad Canopy Hotel at 9th Avenue and Glisan.



The Louisa



The Casey



The Canopy



The Rodney

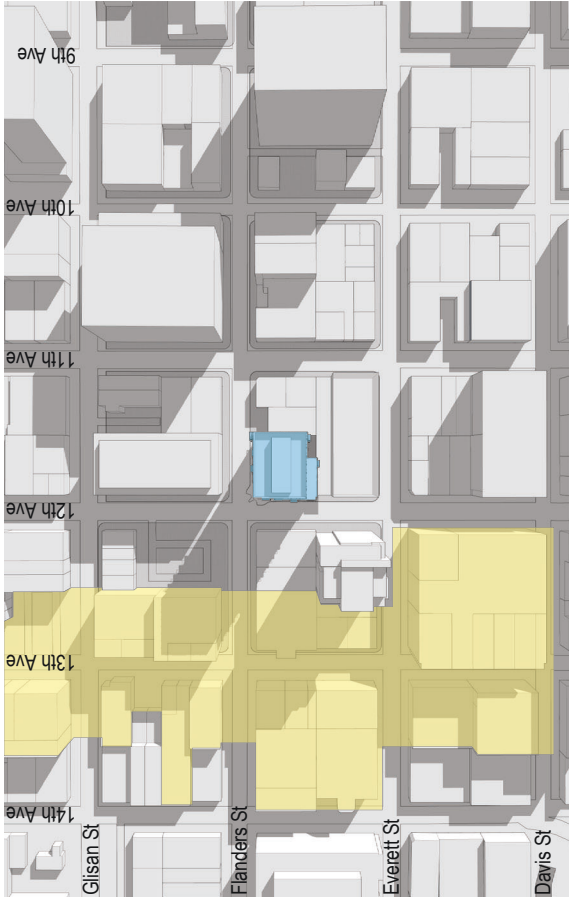
Staff notes record these Design Commission considerations:

From DAR 1 - **Exterior materials.** *Commission agreed that it is not necessary that this building be brick or masonry to respond to context and that a variety of materials could be appropriate. Several Commissioners noted the eclectic character of the Pearl District. Commissioners agreed that the emphasis for the cladding should be on quality and design rather than material type.*

From DAR 2 - **Exterior materials.** *Noting the eclectic nature of the Pearl District, the Commission was supportive of materials other than brick or masonry.*

From DAR 2 - **Exterior materials:** Commissioners continued to note the eclectic character and diverse context of the Pearl District and so remained supportive of the materials proposed. One Commissioner requested that additional materials be considered in place of those proposed: i.e. concrete panels in place of fiber reinforced concrete panels, etc. Commissioners continued to agree that the emphasis for the cladding should be on quality and design rather than material type.

Note: Images of neighborhood buildings have been previously submitted and are part of the record. The image of the Rodney is from the internet and is a new submittal.

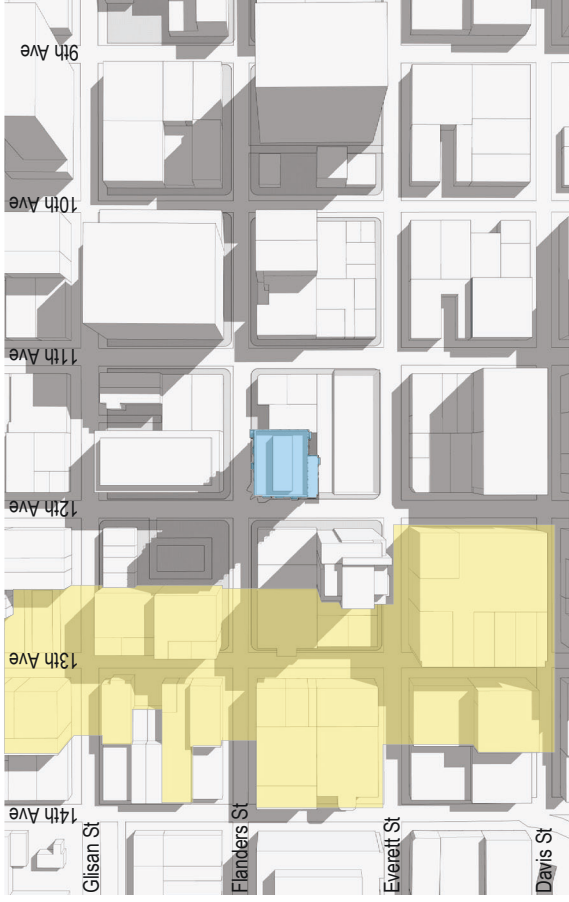


3/21 - 9AM

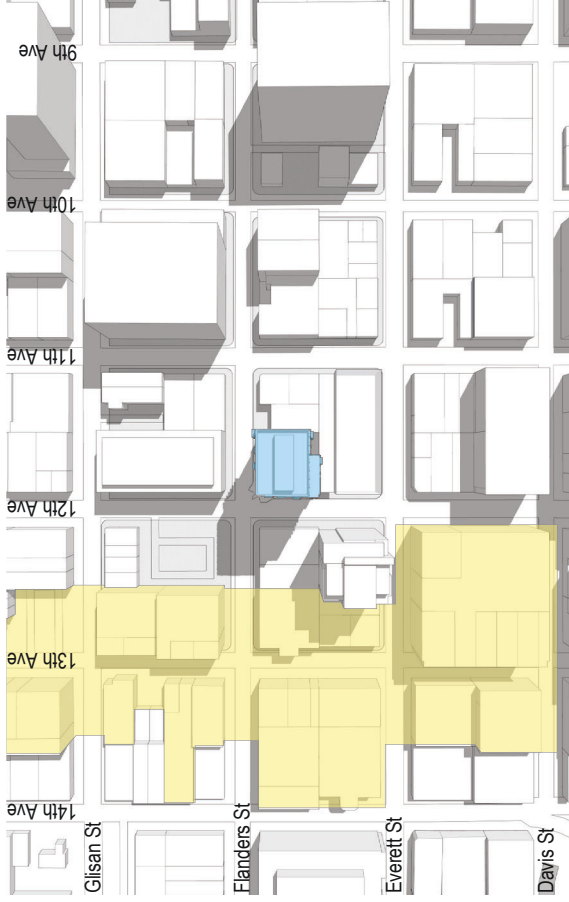


6/21 - 9AM

Hyatt Place and Lawson Apartments
 13th Ave Historic District



3/21 - 10AM



6/21 - 10AM

HYATT PLACE | CITY COUNCIL APPEAL HEARING | EXHIBIT 1: SHADOW STUDY

AUGUST 20, 2020 | PROJECT 18177 | LU 19-145295 DZM



- PROJECT SITE
- BRICK
- CONCRETE / STUCCO
- CMU
- METAL PANEL
- STONE
- WOOD SIDING

From: [Li Alligood](#)
To: [Council Clerk – Testimony](#)
Cc: [Renee France](#); [Ray Harrigill](#); [James Wong](#); [Casey McKenna](#); [Brian Fleener](#); [Gary Larson](#); [Nate Erwin](#); [Julia Kuhn](#); [Christopher Brehmer \(CBREHMER@kittelson.com\)](#); [18177](#)
Subject: LU 19-145295 DZ - Additional Testimony from the Applicant
Date: Thursday, August 27, 2020 12:13:37 PM
Attachments: [image001.png](#)
[2020-08-27 LU 19-145295 DZ Kittelson Additional Testimony.pdf](#)
[2020-08-27 LU 19-145295 DZ Otak Additional Testimony.pdf](#)

Hello,

Please find additional testimony from the Hyatt Place team.

Feel free to contact me with questions.

Best,



Li Alligood, AICP, LEED AP | Senior Planner/Project Manager

pronouns: she, her

808 SW Third Ave., Suite 800 | Portland, OR 97204

Direct: 503.415.2384 | Cell: 503.449.7709 | Main: 503.287.6825

www.otak.com

August 27, 2020

Hon. Ted Wheeler, Mayor
Hon. Members of the City Council
City of Portland, Oregon
CCtestimony@portlandoregon.gov

Re. Request to approve Hyatt Development, Hyatt project LU 19-145295 DZ

Dear Mayor and Council Members:

I'm Roger Sanders, a Pearl resident for two years. I still practice law. Perhaps four decades as a trial lawyer and (former) federal magistrate judge might have taught a little something worth sharing. In that respect, I consider myself a citizen, I vote and participate in public matters of common interest. I am worried about the state of affairs in Portland and am grateful for your public service in a time of great stress. Thank you for that. I can't know, but can imagine, how much you and the staff are called into difficult decisions. And the drain and strain of those decisions.

For my part, I have communicated an offer to the First Presbyterian Church senior pastor and to the NAACP president to donate \$25,000 to support the funding of a reconciliation lunch/dinner (in the soccer stadium or other appropriate venue???) – a place from which we might begin a process of reconciliation. A process of seeing each other as more than opposing grievants in an effort to bring our city together in common purpose. Toward healing our wounds. That's important to me as a lay pastor, certified mediator, and citizen.

In short, I try to put my money where my mouth is. But here, as to the Hyatt issue, let me offer views which may have some value. Of course, my bias is evident. Digs at The Casey aren't cheap. This development is in our back yard. I'm sure others more studious and articulate than I have laid out the issues.¹ My views are shaped by having two transportation Ph.D's (from Berkeley) and two business school grads (Wharton) in the family. My kids are obviously much smarter than I. The best I can hope for is reverse osmosis.

Summary: this project is a mistake for three reasons -- no need; no sufficient traffic flow guarantees; and needless risk. I take them in turn;

1. No Need

Others have cited to the contextual stats regarding traffic, demographics, land use policy, etc. I see those stats through a different lens. As an avid street hiker whose feet know irregular patterns, I see homeless tents and shelters damn near everywhere. Broadway. 23rd. Burnside. The Park blocks. Underpasses. So a 30,000 foot view would suggest that what Portland needs most is relief for the homeless. Finding ways to get people into affordable housing. Hyatt does not propose to take homeless off the streets. Fair enough. That's allowed

¹ My friend Arlene Matusow's views are sound and well-reasoned. I adopt those, as well.

August 27, 2020

by the various policy provisions. But Hyatt's proposal should not, directly or otherwise, make the use of street space worse. It does, at least predictably. Effective street space (EFS) is not just for car traffic, but it is pedestrian-friendly lanes of ingress and egress. Already there is an informally segregated space on sidewalks and roadways that are functionally marked off. And aside from avenues marked by various tent spaces, there are bags and wheeled carriers and human bodies on the sidewalks.

EFS has been reducing through COVID-19. More homeless and more spreading out of the homeless. Add to that the 'six foot' COVID-19 distancing rules, and the EFS is demonstrably reduced. And it is further reduced by cafes and restaurants and bars spilling out onto sidewalks and street surfaces. Where are pedestrians to go? Sometimes it is into traffic to accommodate café tables and homeless encampment spaces and COVID-19 distancing. Is this really the time to be adding in massive valet services where, without it, the Hyatt project makes absolutely no sense? The Hyatt plan does not address reduced EFS, and certainly not in the context of traffic issues addressed here and elsewhere. You don't have to be at 30,000 feet to see this problem. It hasn't been studied. It hasn't been addressed.

While Hyatt will surely say it is not required to think about impact on the homeless or post COVID-19 reduction in EFS, it may be they are right legally. But if it's not Hyatt's to deal with and cure, then it is the City's – yours. Adding more development that makes the EFS problem worse for a Hyatt project Portland doesn't need makes no sense. And it really makes less sense when it creates irretrievable risks. The serious risks caused by Hyatt become your problem, too. And if Hyatt doesn't address it, that creates risks for Portland's tax payers.

True, Hyatt is permitted to seek out the city's vast planning resources to get the City to help its developers make money. I'm all for their making money. But rationally. And fairly. As noted below, however far you are into the process, there are risks that are not going away. I'd respectfully ask you all to use common sense. Do we really need to spend time on setting up irretrievable risks that Hyatt is making the EFS worse, not better? Hyatt only has a privilege to seek approval, not a right, and especially not where it creates risks for Portland's taxpayers. However much time the city staff has dedicated to helping the process be fairly considered, their recommendations are only that: recommendations. The buck stops with y'all. Respectfully, it is your decision that we will be living with if you miscalculate future events. Who could have foreseen COVID-19? Long term planning requires long vision. Will you approve Hyatt's roll of the dice to make a gambler's profit AND make the city a guarantor of Hyatt's gamble?

2. No Sufficient Traffic Flow Guarantees

I speak in terms of guarantees because long after all of us are pushing up daisies, the traffic risks will remain. They will, if anything, be worse. Walking the streets early morning or late night, it never changes. Intermittent car traffic travels off the interstate onto Everett and flushes into our 12th street intersection. Generally it works smoothly. All hours. Even with the oddball switch to two way a couple blocks south for the 12th street traffic. But there's an

exception: when delivery trucks or heavy traffic turn onto 12th from Everette or cruise from Flanders AND either of the parking entrance/exit functions are going near the Casey parking entrance. (There's a parking garage across from us). Snafu. Bike traffic stops. Pedestrian traffic stops. Cars are sometimes forced to wait at the intersection as things work out.

Is this a killer today? No. Even with Umbria's outside café and the various pizza, ice cream, restaurant tables outside in the adjoining block, pedestrian traffic generally flows. But we are in a time of decreased COVID-19 pedestrian movement. Hyatt's valet arrangement will work perfectly to not make it worse or impinge on the EFS. Yet, this isn't just valet. It's loading and unloading. Can we at least get them to assess the industry standards for missed targets, time tables, stacked vehicles, delayed unloading, late arrivals, wheelchair services, specials services geared to the unknown occupants' demographics, and the like? Assuming perfection is not going to work.

Looked at from a design perspective, every engineer knows that three rules govern: a) design away risks you can see; b) if you can't, then provide guards against those risks; and c) if you can't do that, provide a warning. Hyatt's giving us a warning that you/we are accepting the risk of this snafu and reduced EFS. Once they sign off on the final building, cash their check, and head out, the City is responsible for every aspect of the traffic issue. We have been forewarned of traffic problems when – if – you allow Hyatt to go forward with a flawed, improvident, unneeded project. Why are you willing to take that risk? Why would the city allow a hare-brained valet system that further perpendicularly or angularly enters an already occasionally challenging and dangerous situation? Pedestrian traffic is already at risk as vehicles come in and out of a complex pattern. It will only get worse, and you can't control it once you unleash it. Hyatt will predictably say, "Well, Portland, you let us set up a traffic problem. Now you deal with it." Sadly, they will functionally be correct. Unless you have **enforceable guarantees** – a forfeiture clause that allows the shutdown of the building if the predictable traffic problems develop, you are without remedy. Why put yourself/us/the City in that position? Of course, if they and their lenders will agree to shut the building down if their valet system isn't perfectly run, maybe that would be a different story. Why not put the question to them. They will confirm, I believe, that the risk is yours—the taxpayers-- once they complete the project.

3. No Need to Take the Risk

That leads to the overall point. Why take the risk that their plans, perfectly executed, will be sustainable? Are you somehow beholden to them? Must you pay with taxpayer monies the gambler's risk Hyatt is taking? I'm not anti-development, I'm anti-unreasonable risk. Here Hyatt is not guaranteeing anything. You are. The taxpayers are. Neighborhood residents are. **We are the guarantors of Hyatt's risk.**

Let's consider two kinds of risks: **COMPLETION**. Cross-current traffic. Congested traffic. Uncommon traffic mix and corresponding confusion. Powell's bookstore sees traffic lights allowing regular and diagonal traffic crossing. It fits the traffic flow. But what can you do about

August 27, 2020

the confusing traffic flow created by Hyatt? What protects the kid or the elderly from the confusion and mix of cross-current traffic exacerbated by Hyatt's proposals? Who proposes a multistory building with no on-site parking without recognizing that all the rest of us take the congestion risks? Are you going to let these folks put up a building without requiring an uncancelable liability insurance policy in an amount many times the building's cost so that the City and the citizens are protected? And it needs to be for the life of the building.

The second risk: **INCOMPLETION**. Hyatt has backers. But who are they and what are their sources? Every developer has his/her limits of risk. When will this get to be too great? You clearly recall other incompletions in the downtown area. How many years ago did downtown buildings sit empty or incomplete? And for how long? How does Hyatt guarantee that it will get through the building process, or its funders won't take bankruptcy, or that it won't come back to ask for variances to allow different permits or licenses or allowances if their valet plan fails? Who picks up the tab for that? Taxpayers. Whether you are still in office or safely at a distance, you will know that Hyatt essentially asked the City to approve a gambler's deal, and you guaranteed the gambler's debts. Why would you want to do that?

So, specifically, what effective, enforceable guarantees has Hyatt given you for completion, execution, and sustainability of their valet house of cards? Respectfully, bonds don't cut it. Completion contractors have to be hired and bonding companies take years to pay. Meanwhile, contractors can take bankruptcy. Lenders can take bankruptcy. Developers can take bankruptcy. What comes to mind is the Biblical adage about building on shifting sand.

Thanks for considering the observations of who's heard a few promises made to governments which, for one reason or another, haven't been kept. The question has always come down to who's then going to pay. Uniformly on poor governmental decision, it's the taxpayer. The City can protect the taxpayer by imposing guarantees of the promises being made to secure a permit. Make the gambler guarantee his own gambling debts. I respectfully urge the City Council to take action to protect the taxpayers, including disapproval of this development, unless Hyatt has absolutely and completely guaranteed the risks it seeks permission to create.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Sanders", is written above the typed name.

Roger Sanders

311 NW 12th Avenue, Unit # 203
Portland, OR 97209

From: [Jennifer Beyer](#)
To: [Council Clerk – Testimony](#)
Cc: [Roger Sanders](#); patricia@patriciacliff.com
Subject: Appeal of the Hyatt project LU 19-145295 DZ
Date: Thursday, August 27, 2020 12:19:58 PM
Attachments: [letter to Mayor Ted Wheeler 082720 \(00128867xB8081\).pdf](#)

Attached please find correspondence from Mr. Roger Sanders.

Jennifer Beyer

Paralegal

Sanders, Motley, Young & Gallardo, PLLC

111 S. Travis Street

Sherman, Texas 75090

jennifer.beyer@somlaw.net

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This is an E-mail from Sanders, Motley, Young & Gallardo, PLLC. Our postal address is at 111 S. Travis Street, Sherman, Texas 75090, at which address a list of our Partners may be inspected. If you receive this E-mail in error, please notify us immediately.

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August 27, 2020

To: Mayor Ted Wheeler, and City Councilors Eudaly and Fritz:

Re: File # LU19 – 145-295 - DZ

I am writing to you today to urge you to support the Appeal to overturn the Design Commission's approval of the Hyatt Place Hotel and Residences at 350 NW 12th Avenue.

My husband, Karl von Frieling and I purchased a condo in the Pearl ten years ago, while we were still living in Manhattan, actively pursuing our careers, mine in many aspects of real estate, as a lawyer, including land use, urban planning as well as pursuing creative solutions to homelessness and my husband's in Management Consulting.

Because we were bi-costal until fairly recently when we became full time Portland residents, we had never engaged in any serious analysis of the 2035 Central City Plan. During the past two years, however, I have read, analyzed and almost committed to memory the many sections referencing the novel ideas embedded in the plan regarding Transferrable Development Rights.

My opinion and analysis of Portland's interpretation of TDRs could go on for pages, but I will limit my comments here to advising you that after careful legal research, I have found that no other city in the country that has a similar convoluted urban development plan which permits, what we commonly refer to in the East as "air rights", to be transferred from miles away in other neighborhoods, like Lego pieces and added atop planned edifices in residential areas which have carefully thought-out, well-reasoned zoning heights, to achieve previously unimaginable super tall, out of context, development.



This aspect of Central City 2035 is a fundamentally flawed concept which no amount of rationale regarding the legitimate concern about urban sprawl, “needed” additional housing, encouragement of the public to access public transportation, and cycling alternatives to the use of automobiles, can justify.

While Central City 2035 articulates many lofty goals, few have been achieved and it deserves a careful review and re-consideration of the TRD policy embedded in it prior to permitting a precedent setting structure like the Hyatt Place development to proceed.

I should like to suggest that, if additional heights are to be granted for new development, beyond the traditional FARs allowed, the TDR bonuses should be predicated on creative sustainable solutions, like those promoted in the C40 movement for the creation of “net zero carbon” structures, or other community beneficial advantages, rather than the commercial enrichment of out-of-town developers.

Hyatt Place - 350 NW 12th Avenue, Portland OR 97209 – LU 19-145295 DZ

The proposed development is a 23 floor, 250 foot high in fill construction that has 160 hotel rooms and 113 studio and one bedroom apartments – 273 individual dwelling units on a 10,000 square foot lot abutting the long planned two way Flanders Bikeway leading to the pedestrian/bike bridge being constructed over I-405. The proposed land use of the lot removes 39 publicly accessible parking spaces and demolishes a 100 year old silver maple tree.

This is the first apartment building with more than 20 units in the Pearl without any on-site parking. THE INTENSITY OF USE OF THIS DEVELOPMENT IS EXCESSIVE AND OUT OF CONTEXT FOR THE SOUTH PEARL NEIGHBORHOOD AND WILL CAUSE MAJOR TRAFFIC COLLISION DANGERS.

Addresses of Neighboring Buildings in the South Pearl								
Building Type	Building Name	Address	Completion	Zip	Apts.	Parking Places	Lot sf	Stories
Condos-HOAs	The Casey	311 NW 12 Ave	2007	97209	60	109	10,000	16
	Chown Pella Lofts	416 NW 13th Ave	Conver 1995		68	71	20,000	6
	McKenzie Lofts	408 NW 12th Ave	1997		68	78	20,000	6
	The Henry	1025 NW Couch St	2004		123	120	20,000	15
	The Gregory	420 NW 11th Ave	2000		133	145	40,000	12
	The Elizabeth	333 NW 9th Ave	2005		182	213	35,000	16
Rental Bldgs	Dianne	535 NW 11th Ave	2017		102	52	10,000	14
	Oakwood Apts.	1155 NW Everett	2015		112	80	20,000	6
	Couch 9	135 NW 9th Ave	2017		136	50	10,000	12
	Heartline	1250 NW Kearney St	2017		208	211	20,000	15
	The Louisa	123 NW 12th Ave	2005		242	Brew.Block	40,000	16
	Modera Davis	38 NW Davis St	2019		204	145	20,000	12
	Modera Glisan	480 NW 14th Ave	2019		291	223	30,000	12
	The Rodney	1470 NW Glisan	2020		230	210	20,000	16

AN IMPORTANT WORD ABOUT THE DESIGN COMMISSION REVIEW PROCESS

Over the past two years, there has been a “Citizens Revolt” against the planned Hyatt project. A large number of people in opposition have been residents whose personal city views would not have been directly impeded by this development, ourselves included.

Hundreds of residents of the Pearl and other nearby neighborhoods have expressed themselves in person at multiple Design Commission hearings to testify in person against this project because of its dangerous traffic impact and precedent setting danger to the South Pearl neighborhood. More than a hundred emails were also sent in opposition and recorded as part of the record.

The copious, well thought out objections which were raised were either not responded to or swept away at the advice of the Bureau of Development Services (BDS) who have consistently maintained that virtually none of the concerns of the community apply, since the 2035 Plan specifically allows this type of development, which cannot be disputed or commented by the Design Commission.

Determined citizens packed the room and listened to much mind numbing discussion by the Design Commission regarding the minutia of the physical appearance of the exterior of this development, i.e. the height of windows or canopies, the color of the exterior of the building, etc.

THE ELEPHANT IN THE ROOM, namely whether a development of this height, size and density belongs on this overburdened, heavily trafficked, 10,000 square foot corner, which borders on the important, long planned Flanders Bike Greenway was never entertained.

Since the Design Commission was instructed that such considerations were beyond the scope of their mandate, we would like to suggest, that before a proposed development is permitted to reach Design Commission consideration, it be required to pass a Commission which is tasked with evaluating the location of the proposed location of a development, its impact on the surrounding community, the traffic implications and the impacted Public Realm, as well as the diminished livability of the residents who already have homes nearby as well as somewhat distant from the actual site.

In evaluating where Portland is today, as opposed to when the 2035 plan was being created, evaluated, and passed, it should be noted that the City of Portland is in a state of revolt against many policies of city government which have been enacted over the past years, especially in addressing the subject of homelessness with permitted tent cities without access to sanitary facilities and little or no social services, the police union protected actions specifically against citizens of color, the failure to address street crime and protection of personal and business properties, and the overall diminution of the lifestyle that longtime residents and migrants to Portland came to enjoy and cherish.

People are in search of serious leadership that will address their concerns and restore the livability of what was once a great urban modern experiment.

For all of these reasons, and many others not articulated in detail here, my husband and I request that that Design Commission decision to approve the Hyatt Place development be revoked.

Thank you for your attention to this matter,

Patricia Cliff, E-mail: patricia@patricacliff.com

Karl von Frieling, E-mail: Karlvonfrieling@gmail.com

Concerned Pearl Residents

From: [Mark Sexton](#)
To: [Council Clerk – Testimony](#)
Subject: Appeal Case # LU 19-145295
Date: Thursday, August 27, 2020 12:30:12 PM

My name is Mark Sexton. With my partner, we have owned an apartment in the Pearl since 2014 and we have lived here full-time since 2017.

With respect to the above-captioned matter, I call on the City Council to reject the findings of the Design Commission. Alternatively, I ask the City Council to remand the matter to the Design Commission to consider fully the height and massing of the proposed hotel and residential complex, as well as the absence of short-term bike parking. I support reasonable development in the South Pearl but this project is too tall, too massive and, without short-term bike parking, lacks specific elements that would support safe transportation.

The proposed complex is seven stories – and at least twenty percent - taller than any other building in the South Pearl. At the hearings of the Design Commission, the commission concluded that it could not regulate height and massing. This failure to consider the height and massing has the effect of treating the maximum heights and massing as an entitlement – and not a maximum. Because this complex is the first to face review under the Central City 2035 Plan, failure of the City Council to act to reject the findings of the Design Commission or to remand the matter to the Design Commission will have the effect of setting the precedent that, under the Plan, the maximum heights and massing are a right, with potentially negative consequences for the city as a whole. Additionally, the developer has failed to disclose publicly the source of the air rights transferred to achieve this height and massing. The absence of this disclosure masks a full analysis of the effect of the proposed complex.

Similarly, the proposed complex does not provide for short-term bike parking. The proposed solution is for the developer of this complex to pay into the ‘bike fund’. Again, allowing this to move forward without additional review and consideration means that the work-around becomes an entitlement and not a possibility. This is especially important in this case at this time: the absence of on-site parking is in line with the overall goal of reducing automobile use, and I applaud that. In the time of COVID, however, the availability of public transportation is limited. Bicycles, for many people, provide an acceptable option – but without short-term bike parking that option isn’t available – and payment into a ‘bike fund’ doesn’t address that issue.

The bottom line here is that I am calling on the City Council to do what’s right for the city. The developer’s presentation has made it clear that it is not violating any rules. Nevertheless, at no point did the developer assert that this complex would be good for the city. I have also attended a number of the Design Commission’s hearings on the proposed complex and, much of the time, the commission simply avoided issues as beyond their purview. PBOT, similarly, has weighed in that the proposal doesn’t violate any rules – not that it serves the best

interests of the South Pearl or the city as a whole. The City Council has the opportunity to do something different: to take the broader view of the massive project and to do what's best for the city by rejecting the findings of the Design Commission or, in the alternative, remanding the matter to the Design Commission.

- MMS

Mark M. Sexton
311 NW 12th Avenue, Unit 802
Portland, OR 97209
+1-917-951-3136

From: [Patricia Cliff](#)
To: [Council Clerk – Testimony](#)
Subject: The Hyatt Place planned development LU 19-145-295DZ
Date: Thursday, August 27, 2020 12:29:59 PM
Attachments: [image001.png](#)
[PWC & KvF Appeal letter .pdf](#)

Dear Mayor Wheeler and Members of the City Council, Eudaly and Fritz:

Attached please find our formal comments with respect to the Design Commission's approval of this development. Please make these a part of the formal record of this appeal.

We strongly urge you to overturn the approval of the Design Commission and wait for a better day to approve a design for this site that will be a benefit to the South Pearl Community.

Thank you.

P.



PATRICIA CLIFF

From: tomrgraham@aol.com
To: [Council Clerk – Testimony](#)
Subject: Hyatt Project LU 19-145295 DZ
Date: Thursday, August 27, 2020 12:32:29 PM

RE: FILE # LU 19-145295 DZ

Mayor Wheeler and City Commissioners--

I am an international lawyer with offices in Washington, D.C. and Ottawa. For eight years, until my term ended in December 2019, I was a member and Chair of the World Trade Organization's Appellate Body, in effect, chief judge on the supreme court for resolving international trade disputes between governments.

My wife and I spent 30-plus years in Washington and Geneva, Switzerland. But in 2006 we chose to make Portland our home, both because our daughter and family live here, and because we had seen on visits what a wonderfully livable city Portland is. So for the last 14 years we have lived full-time in Portland, and I have considered the "commutes" to Washington and Geneva worth the extra effort, for the quality of life here.

For the same reason -- quality of life -- we chose to live in the South Pearl for its charm and human scale.

Of course, Portland and the Pearl have changed over those 14 years, but the essential character of the South Pearl neighborhood has remained. And that stands to be enhanced by the Flanders Greenway and the bridge over the 405 that is currently being built.

So I ask myself -- and beg that you ask yourselves -- why is the city even thinking seriously about permitting that hideously soulless, out-of-scale, dangerous, and unneeded anomaly to be built at the corner of NW 12th and Flanders, by out-of-state developers who have no interest in the future of Portland or the Pearl and will be long gone by the time the effects of their "project" are felt by those who live here.

How can this possibly be reconciled with the goals of the Flanders Greenway and the 405 bridge?

It does not pass the laugh test to say that the proposed 22-story hotel/apartment building would not destroy the quality of Flanders as a safe and pleasant bike path.

Consider that the building will provide no parking of its own.

Consider that it would bring constant loading/unloading of cars, buses, taxis/Ubbers/Lifts, on Flanders, the narrow two-way street designated for bikes, and around the corner on the equally narrow, two-way NW 12th.

Consider the greatly increased dangers for bicyclists, in particular, who would have to peer around buses and cars stopped in the street, and cross into the oncoming lane

(or onto the equally crowded sidewalk) to go around them.

Consider that not only Flanders, but also NW 12th, the other street-face of this grotesquery, will be made equally dangerous and congested.

Ask yourselves how all this can be reconciled with the Flanders Greenway, the intent of the 405 bridge, and more generally the values placed on safety and the quality of life, for which Portland has justifiably been known?

Ask yourselves whether the assumptions and projections of the 2035 Plan are still valid, and whether, in any event, the 2035 plan gives a "right" to developers, as the proposers of this project appear to believe.

Certainly not all development -- but this particular project -- presents a clear choice: between safety, livability, and respect for the uniqueness of the South Pearl, on one hand; or the narrow, transient interests of out-of-state developers, who will be long gone from Portland by the time the awful results of their project are felt by us locals.

So please, do the right thing. Support us, the people who live here and care deeply about the future of Portland and the South Pearl.

We hope you will, and that we, the residents who elected you to serve Portland's interests, will be able to support you in November.

Sincerely,

Thomas R. Graham
311 NW 12th #1402
Portland, Oregon 97209

tomRgraham@aol.com
503-964-7935

From: [Carolyn Wheatley](#)
To: [Council Clerk – Testimony](#)
Subject: LU 19-145295DZ Hyatt Plan causes unavoidable, and unacceptable Congestion & danger issues in Pearl intersection.
Date: Thursday, August 27, 2020 12:37:18 AM

08/24/20

Dear City Council,

I write today in an attempt to have you reject the Hyatt Hotel plan On NW 12th & Flanders, and support The Appeal of hundreds of neighbors' who have regularly shown up for hearings amid limited speaking times. Not only do we ask you to reject this 23 story Hotel plan, but to send the whole project back to PBOT, seriously modify or end it.

I'm Carolyn Wheatley and since 2003 I have lived at
408 NW 12th ave #413
Portland Or 97209,

in the Mackenzie Lofts, directly across Flanders from the Proposed Hyatt Site. I chose to buy here thinking it would be a good investment and it was until this Hyatt plan across the street came along. It will radically alter liveability in these neighboring blocks and values will go down, all ready are.

I cannot think of any reason Why a Department whose first priorities in Transportation must be the below Points 1 & 2, and then given that, can possibly proceed to justify the Hyatt Hotel proposal directly in conflict with the following:

1. To Protect Human Safety & aim For "Vision 0" by building safe roads, intersections, interchanges And safe bikeways and greenways.
2. To Reduce or deny whatever Plan increases High Congestion, traffic Bottlenecks, and dangerous portions, leading to interruptions of smooth safe traffic flow

The Hyatt Hotel part of this plan satisfies neither Goal.

How then can a City Council facilitate Building a Nightmare of dangerous Congestion on a small quarter block at 12th & Flanders, And then think it's fine situated on the long-planned Bike and pedestrian Greenway connected to a new bridge over the #405.

To say this proposal of "Too Many Mixed Uses" is fine, is not rational. You do not owe this builder anything, but citizens expect reasonable improvements or nothing. (Medicine's code: "First do no harm.)

There will be other builders with a better plan. The Hotel is The Problem here. It adds street congestion due to too many uses, parking issues, blocked traffic, and has a Negative impact on The Greenway, (plus as an aside is a misfit architecturally!)

No one has a problem with a
condo/Apartment/cafe structure, Hopefully with a lower profile. Remove the unneeded Hotel And you remove the problem.

To Begin:

TRAFFIC is Not Just Cars. It is Far More and here is where the oversight lacks insight.

Hundreds of people live right by this Small NW 12th & Flanders 1/4 Intersection, with only 100' linear distance south & east.

Four garages pour cars into that intersection. Many businesses occupy the first floors of condos and pre covid were all ready losing business from lack of accessibility for parking. Now two often blocked streets will add to that

I am in my 70's. I became a young widow unexpectedly, with two children to finish raising 33 yrs ago. I chose to buy in the south Pearl thinking and needing it to be a good growth investment for me. I'm concerned this ill conceived Hyatt proposal will negatively affect my property value now.

I'm still a bike rider with two bikes, & love to walk. I grew up in Portland, have lived all over the country, big & small cities, served on many boards, And even chaired one, a 10 yr commission to develop a bike system in southern Oregon, which we did.

Try to picture the following approximate numbers facing two 100 ft lengths of two, 2way streets and sidewalks, with 4 Condo garages & driveways pouring cars and bikes etc in & out of this intersection several times daily.

1. MACKENZIE LOFTS

77 units 9 commercial 68 residential
100+ "residents"
47 bikes Currently in Two Locked bike Rooms.
Electric bikes etc in units.
78 cars

The Garage Entrance/Exit Is directly onto The Greenway and Straight across the street from The proposed CAFE Entrance, and to the west a few feet Is the projected Hotel Entrance.

One foresees Mackenzie cars & bikes unable to efficiently (Or safely if an Emergency,) exit this underground parking without traffic jams on Flanders and resulting long waits inside the two story garage.

That is further complicated if the loading zone immediately west of the driveway is full and blocks visibility to turn out Or even see especially narrow bikes, skateboards, scooters coming east

It's easier now for there is a parking lot on the property site and its driveway directly gives us essentially a 3rd to pull out, see & quickly if needed make that turn.

With the Hotel & Cafe straight across a car parked by it , the now empty driveway will Be a parking space, and Narrow the road for a much tighter turn. Future conflict from the west side with added traffic becomes more probable

CHOWN PELLA

68 units
100 residents,
44 bikes in half block building with many cars underground and also on 1/4+ surface lot

All cars Exit/Entrance is onto 12th across from The MacKenzie Front Door. Exiting onto 12th is 1/2 block from 12th & Flanders, so turning south towards downtown through that corner will be problematic.
Turning left means circling other blocks, a much longer route through one ways.

The CASEY Condos

60 units
90+ residents
28 + bikes

Exit/Entrance is onto 12th Ave mid block, across from Hyatt Hotel's S corner And across from Oakwood, 1/2 block

from Flanders & the same toward Everett. Turning either direction will be problematic with Hotel trucks, cars and two New Building Entrances, versus a right Turn to an immediate light on Everett. Again ones route may be longer getting around the hotel Flow In or out If the basement parking lots will be backed up due to hotel activity

THE OAKWOOD Apartments

130 Units

150 +- residents

Bikes 40+-

Rentals so cars 65 or so

Garage EXIT /ENTRANCE On 12th bordering parking driveway of Hyatt.

CONGESTION issue here is that The Casey And The Oakwood driveways are directly across the street from each other, AND by the hotel's Two Parking driveway & 2 entrances.

The traffic light at Everett & 12 th is just to the south. Casey & Oakwood cars could be stuck inside adding to 12th ave's congestion inside buildings!

One half block east on Flanders, across 11th Ave is :

THE GREGORY.

132 units

170-180 residents

60+.bikes

90 cars

CONCLUSION:

So Currently, 5 close condo/apartment buildings on 12th & on Flanders, feed into that one corner intersection several times a day And they include approximately:

457 Units

630 people

219 + bikes

550+- cars , with 2 car parking for penthouses.

SUMMARY: That's a Whole LOT Currently of Cars, Bikes, Walkers, Dog Walkers, Scooters, skateboards, motorcycles etc. all a few feet from Hyatt site

Let's Think how to DEFINE TRAFFIC It's NOT just Cars, And injuries are more severe with Less protection in other modes of moving!

First of all, On A Proposed Greenway, it's really Half a Greenway for two-way traffic must only use Half the road and technically not on sidewalks but bikes, skateboards, scooters Do get on sidewalks making them dangerous for pedestrians as are the Hotel loading driveways.

Portland has seen many injuries by scooters/skateboards on sidewalks. Even bikes.

Accidents happen when one or more parties are NOT where they belong, or are trying to fit in where there is not enough room.

OKAY: Lets Talk Traffic On this 100' square Lot's feeder streets 12th & Flanders

REMEMBER: ONLY 3 parking spaces Will exist on 12th & 3 on Flanders with the Hotel plan! 6 Total! It's impossible to incorporate all needs for parking. Right off the bat 40 spaces are gone from the site, currently a

parking lot.

TonDefine TRAFFIC Around this Hyatt proposal.

1. "CARS & BUSES..."

PRIVATE CARS, UBER, LYFT, TAXIS idleing awaiting passengers, AIRPORT LIMOS or (BUS/Blue Star), TOUR BUS- Hotel Guests, HOTEL VALET Unload/reload guests & luggage, RESTAURANT/Cafe PATRONS, 23rd Floor PARTY & EVENT GUESTS, Hotel PATRONS & Their GUESTS. APARTMENT DWELLERS & their VISITORS, often there simultaneously!

2. "TRUCKS:"

GARBAGE. LAUNDRY DELIVERY, Restaurant FOOD & DRINKs, Daily ROOM MAID TRAFFIC, GENERAL INTERIOR CLEANING, EVENT CATERING, SERVICE/EQUIPMENT, (ie computers, elevators etc,) GROCERY & take out meal DELIVERY, PRIVATE DELIVERY ie furniture, MOVING VANS, SUPPLY TRUCKS, ie paper, Towels, Etc.
Also all could be there simultaneously

3. OTHER KINDS of traffic?

Hundreds of BIKES, Both pedal & Faster Electric BIKES

With several hundred all ready in condos near the corner, Add In All The Bikes in THE PEARL...It would be in the THOUSANDS

Then ADD in All the OUTSIDE BIKES Coming To use the new 405 Bridge to open next spring And it will just get bigger And MORE CONGESTED!
(Think Bridge Pedal)

Today, many bikes come barreling down Flanders, both ways, often cruising through the two stop signs, legal for them now, but cars run Stops too! 100's of bikes a day Will ignore STOP signs!

Electric bikes are increasing. They are Faster

Electric SCOOTERS as you know are all over and they're fast too! They are as fast in town as a car AND usually YOUNG and unprotected like like them Lots are commuting on them. 100 or so

SKATEBOARDS & Longboards pass by day and night.

WHEELCHAIRS Are traffic. Walkers too! I hold my breath when I see them bravely navigating intersections.

PEOPLE & EVEN DOGS are traffic here! LOTS of them!

Sooo many Dog Walkers go out early& later after work. These People too are consumers of our streets and sidewalks and They too can slow us down. AND They are at risk when crossing streets, jockeying between bikes, scooters, cars, skateboards etc

Electric Motorcycles, Vespa, light motorcycles and serious MOTORCYCLES come by all hours.

If built, 40 Paid parking spaces On the site now will Be be lost. None gained. That increases congestion. There are NOT a lot of Public or private parking close

I often hear now friends say, " I don't want to come down there, such a parking nightmare, So just come out to our house " etc.

More Congestion issues:

Even with a slightly wider sidewalk, 2 driveways, 3 entrances, Cafe tables & bike racks, all on the sidewalk will prove it is too narrow & dangerous for the Mixed traffic that will want to be navigating it.

The builder says there is a small bike room But if for hotel-cafe guests or owners is unclear. And NEEDS to be made Clear And Bigger.

The 500 PEOPLE he brags he's bringing with no cars Is NOT such a GIFT to the CITY for it Brings big problems for residents, potential injury conflicts and serious congestion due to hotel issues

The low income apartment floor plans are small, Originally some were originally 320 sq ft. Studios have a few more sq ft, but are tight to store a bike too. The builder said they'll just have to keep bikes in their units

The Hyatt plan ADDS NOTHING Positive to The GreenWay But does add a dangerous bottleneck to navigate, and removes the biggest "Green" Shade tree. Sidewalk Trees & greenery would crowd the overloaded uses for the sidewalk

The builder recently said he could use the two loading zones On Flanders by Mackenzie Lofts for the hotel. Not so quick. They are beside the garage exit Driveway of the Mackenzie and when loading zones are full it is dangerous to exit because all traffic coming from the west is blocked from Being seen.

Right now they loading zones are used for garbage trucks, moving vans, window washing, cherry picker lifts, building maintenance. They cannot be counted on for they are shared & permitted. There is handicap parking to the east Of the Mackenzie driveway.

This letter is focused on the absolutely too many mixed uses the hotel brings to this small property. It increases traffic beyond safety, causing a huge traffic bottleneck in an off-arterial neighborhood, And it complicates the ease And safety Of the long anticipated calm Greenway, removes a Silver Maple tree sequestering 55 tons of carbon as it approaches a century of life, And then, ironically the builder uses up most of the carbon trade offs in the area.

The City Council & PBOT Need to revisit the traffic and human safety consequences of this ill conceived proposal with all together too much going on in this little corner. These two streets will be BLOCKED over and over

This Proposal landed soon after the 250' height change, with a Seattle developer and a local Massage Envy builder, who a person from that company gave a testimonial for at one hearing. They proposed a "not needed" Hotel when 3 are close in the south Pearl, all to the scale of south Pearl, around 8 floors, And then added every possible profitable use beyond the Hotel, a Cafe, An Event Space to rent on the 23rd floor, an offset with some low rent apartments and the ability to use up environmental offsets and later acknowledged they knew nothing of the Greenway Plan and initially scoffed at the artists showing their paintings of the nearly 100yr favorite, And maybe biggest, tree in The Pearl and theyvstill seem unaware of dangerous traffic conflicts

I hope the builder has some experience in safely building a heavy skyscraper, on a tiny lot, over a former creek site with tree roots below it, And in managing cranes towering 300 ft over many 6-10 story buildings. Surely the city has checked Out his credentials to build skyscraper building? Streets will be blocked for the two yrs of building

Its glass & metal exterior And size are unfitting for this brick & tan stucco neighborhood and it creates an albatross in The historic and refurbished warehouses, the theme of the The South Pearl. (A pearl in an oyster). It will dwarf the surrounding older buildings.

In the last hearing the builder said it was only 1/5 taller than The Casey, which is not the case. It is 7 floors and over a third (1/3) higher.

The 24 hr noise and light will end stargazing nights, our privacy, bring 5 hrs of shadow in the dark low sun winter days, and add to the loss of property values in nearby buildings. Many people have all ready sold and more are for sale. Rentals will be fewer if Owners also sell Rental units, an untoward effect

My biggest And fearful concern remains the dangers to people who live here, who are biking or walking and now fear we could be involved in an accident with all of these additional people on our Little corner. Remove the hotel part and all but the builder are happy.

I'm so sorry and ask myself when does a city stand up and say ""No" to the wrong plan and the wrong Place for it. Not all development has positive long term impacts. I know your jobs are hard, and I also know they take courage.

IF the CITY GOAL is to REDUCE CARs THIS IS NOT GOING TO ACCOMPLISH that. Not all 500 will be carless and will park cars somewhere! Many here now will give up life styles they've lived and go back to their cars, or move away as many are all ready doing. My hope is none are injured

Thanks for reading,

Sincerely,
Carolyn Woodward Wheatley
503-367-4787

Design Commission Hearing Transcripts - 19 LU 19-145295 DZM

Transcription of a portion of the Hearing on July 18, 2019:

Meeting Minute 1.51.13: Discussion about the lack of contextually appropriate development, one of the Design Commissioner (identity unknown) states: **"The height of this building is not in our purview to change. The density is also not in our purview to change."**

Transcript of a portion of Hearing on November 21, 2019

Meeting Minute 2:14:23 Commissioner Vallister: So how are the building fits in this context? **yeah, it's obviously an anomaly and probably the first of its kind, but the way the the zoning has been changed not the zone but all the guidelines for this neighborhood to allow unrestricted transfer of FARS means that there's going to be more of these type buildings popping up in some of the sites.** There's a lot of FAR sloshing around this neighborhood. The five or six story buildings only the use a FAR of five approximately, and they're allowed to have nine. So virtually every little building here has excess FAR to, to sell to another developer at relatively inexpensive prices. So this is sort of the first of probably quite a few buildings that is going to pop up in this neighborhood unless some of the --- the North Pole already has it. You already have these high rises, but we are not as high. **Now they can go up this high ...** you hit on a really good issue with me, what would really be great, but it's impossible to do is to map the pearl where all recent buildings have been built that are obviously not going to change, where are the small, original low buildings that likely are going to change which one of those have had FAR transferred off of them so that they're not going to get higher and just get a feel for how many more sites could end up ... There's going to be a lot of them. There's a tremendous amount of FAR because it wasn't designed and built particularly dense. You know, the Janey, for example, it only goes up six stories, right? So they didn't use all the FAR capacity that they had. So they got stuck. So, so we're gonna see a lot of these. So I think it has to be seen in the context that this is the first probably of many, and they'll be on 10,000 square foot, lots 20,000 square foot lots and possibly some bigger lots, you know, 30,000 foot or 40,000 square feet. So there is not a lot of full blocks There's a few half blocks. There's a lot of quarter lots. The question then is does this one come up to the standard to set the precedent for later buildings coming down the road? So that's how I think it shouldn't be viewed because as I said, everybody's going to be pointing to this one, other developers, saying they did this. So, does this warrant that sort of scrutiny and approval?

2:30:25 And I get the Flanders is great but 12th is as a big disappointment. And I understand from reading the civil plan the setbacks, the driveways and catch basins and all those reasons but I really, really bothers me that we set a precedent for quarter block buildings that it's okay to get one street tree in 100 feet. It's just it's on the west side of the building. It's hot. But I don't have a great answer because when you combine the setbacks from the corner and the other setbacks, At first I thought, well, all the utility vaults are on Flanders, so maybe we could do something there. But I don't know. It doesn't look like it's solvable. But it's disappointing to have a single tree in 100 feet. It seems like we got to do better than that.

2:34:15 ... you've got so many vaults, you've got transformer vaults, and you've got water vaults, and you've got sprinkler vaults then you have this piece so really isn't a whole lot of options for it. **I mean that's really one of the drawbacks with these quarter block buildings. You have to get so much in there. And you can so you can't really meet all the requirements, the guidelines often.** Nonetheless, I think this is pretty effective. The ground plane works really well. It's gonna be a great corner.

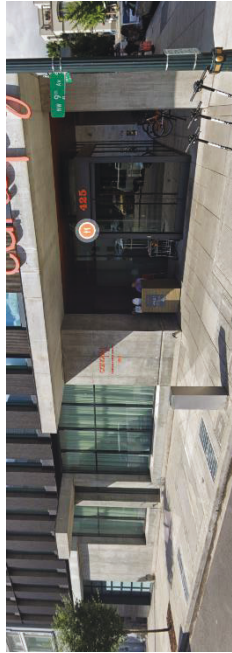
Survey of Recent South Pearl District Towers - “Embellish an area by integrating elements in new development that build on the area’s character” and “Identify an area’s special features or qualities by integrating them into new development.” Guidelines – A5



The Rodney – 1430 NW Glisan – 16 stories – ½ block – Building set back greater than 3 feet at the base and includes a second significant setback at the top - include a parklet improvement across the street



The Dianne –535 NW 11th – 14 stories - ¼ block - ±20 setback on south side away from adjacent historic buildings - terra cotta brick, punched window openings - 2-bay garage entrance around the corner on NW Hoyt and entrance to residence on NW 11th



The Canopy Hotel – 425 NW 9th – 10 stories – ¼ block - no setback - custom coated folded metal Japanese siding – pedestrian entrance ±90 feet from single-bay service garage – on-site short term bicycle parking



Hyatt Place & Allison Residences – NW 12th and Flanders – 23 stories – ¼ block - 3’ setback at the base and 6” setback at the top that is not visible from the historic district – glass and metal - 2 bay service loading ±3 feet from sole entrance to residences – no on-site short term bicycle parking

From: [Carrie Richter](#)
To: [Council Clerk – Testimony](#)
Subject: LU 19-145295 DZM - Hyatt Place
Date: Thursday, August 27, 2020 12:58:02 PM
Attachments: [Design Commission Hearing Transcripts.docx](#)
[setback and loading comparison exhibit - pdf.pdf](#)

Good Afternoon:

Attached is additional testimony that I ask that you pass along to the City Council and place in the record for the above-referenced appeal.

Thank you,
Carrie

Carrie Richter
Bateman◇Seidel
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.
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From: [Emily Brew](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony for LU 19- 145295 DZ
Date: Thursday, August 27, 2020 1:49:08 PM

Mayor Wheeler and City Commissioners --

I have been a homeowner in the Chown Pella Condominiums on NW 13th Ave between Flanders and Glisan for 13 years. I am writing in opposition to the Hyatt development proposed at the corner of NW 12th and Flanders.

The issues with this development are well-known, and have been communicated to the Design Commission and PBOT throughout the approval process. As a resident of this neighborhood, it has been extremely frustrating to attend the public meetings, and not see any thoughtful engagement on these concerns from either the Commission nor PBOT.

As a member of the impacted neighborhood, I am extremely familiar with this site and its flow of people, bicycles, scooters, and cars. I am also intimately connected to the characteristics of this physical setting, and the dramatic impact that this building will have on the livability of the South Pearl. No one on the Commission nor PBOT seemed interested in really absorbing the lived experience of our community. They were, however, enthusiastic about in moving the non-Portland-based developers' interests forward.

Here's what this development will mean to those of us living next to and around this development. Rather than enjoying the long fought-for Flanders greenway and its support of safe, sustainable and non-mechanized transportation, we will have a very small city corner jammed with vehicles, posing intense hazards for visitors and residents alike. We will have a building with a height that is deeply incongruous with the rest of the South Pearl. And we will have a precedent set for other quarter-lots in the downtown core, bringing these safety hazards and congestion to other parts of Portland. All of these considerations will seriously impact the public realm -- and none were taken seriously in this proposal to date.

If the Hyatt goes forward, my wife and I will likely move. Prioritizing the economic gain of developers who don't even live in Portland over the daily lives of long-time residents (and taxpayers) is a bad idea.

Thank you for your attention.

Emily Brew

From: ricandcynthia@aol.com
To: [Council Clerk – Testimony](#)
Subject: Hyatt Project LU 19-145295 DZ
Date: Thursday, August 27, 2020 1:58:44 PM

As a resident of the Pearl District, I am writing, once again, about my concerns about the proposed Hyatt Hotel and Apartments and the impact on our community. We live in the McKenzie Lofts--on the corner of 12th and Flanders. Our condo gives us a full view of the street and the amount of traffic on 12th--including numerous deliveries to our almost 70 unit building. All day long, delivery trucks arrive with groceries from Fred Meyers, Safeway, Whole Foods--along with ongoing deliveries from Amazon, UPS, Fed Ex, and US Postal Service--additionally, there are numerous "other" deliveries of flowers, meal kits, and products to the hair salon and other street level businesses. The City discourages personal car use and quick trips, so clearly the City should promote the delivery services of various businesses. Although Fabio (from PBOT) stated last week that there were numerous parking/loading places for delivery vehicles, there are not. Often there are no spots and vehicles are double parked--adding to that Uber/Lyft vehicles. This is multiplied by the number of residential buildings in the 2 block area, and consideration that 12th Avenue is a through street to Burnside --so although not officially an emergency street, this is the street that ambulances and fire trucks and police cars utilize. This is a traffic/parking issue that is like a Bermuda Triangle. I urge you to not approve this size of a building that offers no on-site parking. It will be a congestion disaster.

Cynthia Thomas
408 NW 12th Ave #312
Portland OR 97209

From: [Jared Hayes](#)
To: [Council Clerk – Testimony](#)
Subject: 350 NW 12th Avenue Property
Date: Thursday, August 27, 2020 3:15:07 PM

My name is Jared Hayes and I live at 408 NW 12th Avenue in the Pearl. I have been closely following the development at 350 NW 12th Avenue for the Hyatt property. **As a resident, educator and parent raising a child in the Pearl District, I am concerned about the overall lack of safety and livability this proposal presents and I urge you to uphold the appeal.**

We've lived here for over 14 years and chose to live here due to the walkability and makeup of our neighborhood. The proposal needs to fit the needs and context of the neighborhood. This proposal jeopardizes the public realm and as elected stewards of the city, please do what is right and say no to this development.

PLEASE MAKE MY REQUEST A PART OF THE OFFICIAL FILE.

Commentary

General

Design review is an existing review. However, it is being expanded to also cover development reviews in historic districts and historical landmarks. It focuses on the total design of a site, including the architecture of the building(s). It is intended to ensure that development is compatible with a specific area by checking the development against the design guidelines for that area, and also to review the placement of buildings, parking lots, and other exterior improvements.

The existing code has the design review process and the Design zone packaged together. The recommended code separates them. This better addresses situations where design review is required but the site is not in a Design zone.

33.825.020 Where Design Review Applies

This section states where design review applies and what kind of development is covered. It consolidates and clarifies present code regulations. The section incorporates the existing regulations for historic reviews. The list of items subject to design review has been added to, to take into account the South Auditorium plan district and exterior signs in historic design districts. The items allowed to be reviewed by the Design Commission have been expanded as well, and now encompass structure height, bulk, and lot coverage. This will allow the Design Commission to review modifications to site layout proposed as part of design review. Off-site improvements in the public right-of-way which are subject to design review have been clarified.

CHAPTER 33.825 DESIGN REVIEW

Sections:

- 33.825.010 Purpose
- 33.825.020 Where Design Review Applies
- 33.825.030 Procedures
- 33.825.040 Review by Historic Design District Advisory Boards
- 33.825.050 Models of Proposals
- 33.825.060 Design Review Approval Criteria
- 33.825.070 Modifications Which Will Better Meet Design Review Requirements
- 33.825.080 Other Bureau Requirements
- 33.825.090 Demolitions in Historic Design Districts
- 33.825.100 Phased Design Plans

33.825.010 Purpose

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 historic, scenic, architectural, and cultural values of each design district. Design review is used to review modifications to historical landmarks to ensure that the characteristics which led to it becoming a historic landmark are conserved. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

33.825.020 Where Design Review Applies

A. Where design review is required.

1. Design review is required in the Design zone. It may also be a requirement of a plan district, overlay zone, or as a condition of approval of a quasi-judicial decision.
2. Design review is required for all historical landmarks.
3. The City Council may require design review on public and private projects considered to have major design significance to the City. In these instances, the City Council must provide design guidelines by which the project will be reviewed.

B. Development covered by design review. The following items require design review unless stated otherwise in the design guidelines for the design district or in Subsection C. below:

1. New development;
2. Exterior alterations to existing development;
3. Interior remodeling of a historic landmark if the interior is part of the historic designation;

Commentary

33.825.030 Procedures for Major and Minor Design Review

This section divides design review into two categories – major and minor. It then identifies the procedure for each and provides for consistent treatment of design review applications either through a Type II or Type III procedure. The thresholds of what goes through a Type II or III procedure have changed. Three thresholds have been identified, with the ability for a different threshold to be included in any specific district design guidelines. This standardization of thresholds will make it easier for all involved in a design review to understand the procedure and criteria. The anticipated assignment of these thresholds is:

Threshold 1:

- Downtown subdistrict of the Central City plan district (includes Old Town and Yamhill subdistricts);
- CX zoned areas in the NW triangle plan area; and
- 13th Street Historic subdistrict.

Threshold 2:

- Macadam design district; and
- All areas in the Central City plan district subject to design review and not covered by threshold 1.

Threshold 3:

- Lair Hill and Ladds design districts.

Special threshold - Terwilliger design district.

The proposed standards are also intended to lead to more minor design reviews and less major ones. This will allow the Design Commission to focus on projects of major impact, will keep them from being overburdened, and will speed up processing for developers. The present system is slow, inconsistent, and provides no certainty for the applicant.

4. Change of facade color for a historic landmark or for a structure in a historic design district;
 5. Improvements in the public right-of-way which are of non-standard design, including but not limited to landscaping, street lights, street furniture, sidewalks and street paving, and public art;
 6. Removing trees in the South Auditorium plan district; and
 7. Exterior signs.
- C. Items not covered during design review. The following items do not require design review:
1. Repair, maintenance, and replacement with comparable materials or the same color of paint;
 2. Copy changes on all signs;
 3. New signs 32 square feet or smaller in area, which are not on a historic landmark, in a historic design district, or in the South Auditorium plan district; and
 4. A change in paint color, except on a historic landmark or in a historic design district.
- D. Factors reviewed during design review. The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, and landscaping.

33.825.030 Procedures for Major and Minor Design Review

There are two categories of design review: major design review and minor design review. Major design reviews are processed through the Type III procedure and minor design reviews are processed through the Type II procedure. The determination of which projects go through major design review and which go through minor design review is based on the type of development or the value of the improvements. There are three threshold levels stated in this section for use throughout the City. The design guidelines for each design district state which of the thresholds applies in that design district or subdistrict, or the guidelines may contain other thresholds.

- A. **Threshold 1.** All new buildings over 1,000 square feet in area or all exterior alterations valued over \$200,000 in 1990 dollars require major design review. All other items are minor design reviews.
- B. **Threshold 2.** New development or exterior alterations, either of which exceed \$1,000,000 in 1990 dollars require major design review. All other items are minor design reviews.
- C. **Threshold 3.** New, primary buildings require major design review. New accessory buildings and expansions of existing primary buildings require a minor design review. Other items do not require design review.

Commentary

33.825.040 Review by Historic Design District Advisory Boards

The existing Historical Landmarks Advisory Councils have been renamed, and are now referred to as historical design district advisory boards. The procedure for their review of proposals is streamlined from the present system.

33.825.060 Design Review Approval Criteria

This section explicitly states what has been the implicit rule.

33.825.070 Modifications Which Will Better Meet Design Review Requirements

This section provides for minor modification of certain development regulations as part of the design review process. This provides needed flexibility in administering design review. It also allows the development on a site to be tailored to fit the design guidelines more closely. It will result in less separate adjustment requests.

33.825.080 Other Bureau Requirements

This section is new, and clarifies that design review does not imply that the requirements of other Bureau's have been met. There has been some confusion regarding this in the past.

33.825.090 Demolitions in Historic Design Districts

This section states that a demolition review is required to demolish structures in a historic design district, and references the demolition regulations of Chapter 33.222.



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

August 27, 2020

MEMORANDUM

Re: LU 19-145295 DZ: Hyatt Place

Dear Mayor and City Commissioners:

1. Regarding the Design Review of the *Hyatt Place* development the following factors were reviewed by staff and the Design Commission, per Portland Zoning Code (PZC) 33.825.035:

*33.825.035 Factors Reviewed During Design Review. The review may evaluate the architectural style; structure placement, dimensions, **height, and bulk**; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation. (**emphasis added**)*

Note: Included with this memo is the 1990 legislative commentary for 33.825 advocating the proposed review of height and bulk specifically, as mentioned in 33.825.035 above.

A fundamental component of designing a project for a site is considering the development's "context". Considering the context helps in deciding how and where to place buildings on a site in relation to adjacent buildings, sites, districts, etc. As mentioned in PZC 33.825.035 above, bulk and height are only a few of the of design components considered within a Design Review process. With Design Commission purview over "context" they have the ability to shape the site so that it is contextual and therefore have discretion over height and FAR, re: how much and where. This is all with the understanding that a project must meet the applicable design guidelines to be approved by either staff or the Design Commission.

2. Regarding Short-Term Bicycle Parking:

The project was required to include 14 short-term bicycle parking spaces on the site. Current code states that the applicant may pay into the Bike Fund if the following are not met, per PZC 33.266.210.E.1.b.(1):

This option may be used if any of the required short-term bicycle parking cannot be provided on site in a way that complies with all of the standards in Subsection C and E.

If the project were to meet all standards in Subsections C and E, all 14 would have had to be placed outside the building between the building and the public sidewalk, resulting in incompatible ground level storefront pulled far back from street property lines.

Fourteen required short-term bike spaces amounts to a Bike Fund payment of \$19,001. PBOT uses the money from the Bike Fund to put the building's short-term bike racks in the sidewalk as close as possible to the site. Sometimes in downtown that can be hard given how crowded the sidewalk and

furnishing zone is. PBOT tries to work as closely as possible with the owner/property manager/etc. to locate the racks in locations that work for the tenants.

Please contact me if you have any questions about this memo.

Sincerely,

A handwritten signature in black ink, appearing to read 'AGRAVES', written over a series of vertical lines.

Arthur Graves, Planner
Land Use Services Division

cc: Application Case File

From: [Graves, Arthur](#)
To: [Council Clerk – Testimony](#); [Moore-Love, Karla](#); [McClymont, Keelan](#)
Cc: [King, Lauren](#); [Fioravanti, Kara](#); [Heron, Tim](#)
Subject: LU 19-145295 DZ: Hyatt Place - BDS MEMORANDUM - 8.27.2020
Date: Thursday, August 27, 2020 4:28:10 PM
Attachments: [April1990 Code.pdf](#)
[HYATT MEMORANDUM LU 19-145295 DZ 8.27.2020.docx](#)

Hi Karla and Keelan,

Regarding LU 19-145295 DZ: Hyatt Place - BDS MEMORANDUM due 8.27.2020:

See the following two attachments to be added into the record for the case.

Best,
Art

Arthur Graves
City Planner | Design and Historic Resource Review
503.823.7803 | Arthur.graves@portlandoregon.gov
Monday – Thursday: 8am - 5pm
Every other Friday: 8am - 5pm

August 27, 2020

Hon. Ted Wheeler, Mayor
Hon. Members of the City Council
City of Portland, Oregon
CCtestimony@portlandoregon.gov

Re. Request to approve Hyatt Development, Hyatt project LU 19-145295 DZ

Dear Mayor and Council Members:

I'm Roger Sanders, a Pearl resident for two years. I still practice law. Perhaps four decades as a trial lawyer and (former) federal magistrate judge might have taught a little something worth sharing. In that respect, I consider myself a citizen, I vote and participate in public matters of common interest. I am worried about the state of affairs in Portland and am grateful for your public service in a time of great stress. Thank you for that. I can't know, but can imagine, how much you and the staff are called into difficult decisions. And the drain and strain of those decisions.

For my part, I have communicated an offer to the First Presbyterian Church senior pastor and to the NAACP president to donate \$25,000 to support the funding of a reconciliation lunch/dinner (in the soccer stadium or other appropriate venue???) – a place from which we might begin a process of reconciliation. A process of seeing each other as more than opposing grievants in an effort to bring our city together in common purpose. Toward healing our wounds. That's important to me as a lay pastor, certified mediator, and citizen.

In short, I try to put my money where my mouth is. But here, as to the Hyatt issue, let me offer views which may have some value. Of course, my bias is evident. Digs at The Casey aren't cheap. This development is in our back yard. I'm sure others more studious and articulate than I have laid out the issues.¹ My views are shaped by having two transportation Ph.D's (from Berkeley) and two business school grads (Wharton) in the family. My kids are obviously much smarter than I. The best I can hope for is reverse osmosis.

Summary: this project is a mistake for three reasons -- no need; no sufficient traffic flow guarantees; and needless risk. I take them in turn;

1. No Need

Others have cited to the contextual stats regarding traffic, demographics, land use policy, etc. I see those stats through a different lens. As an avid street hiker whose feet know irregular patterns, I see homeless tents and shelters damn near everywhere. Broadway. 23rd. Burnside. The Park blocks. Underpasses. So a 30,000 foot view would suggest that what Portland needs most is relief for the homeless. Finding ways to get people into affordable housing. Hyatt does not propose to take homeless off the streets. Fair enough. That's allowed

¹ My friend Arlene Matusow's views are sound and well-reasoned. I adopt those, as well.

August 27, 2020

by the various policy provisions. But Hyatt's proposal should not, directly or otherwise, make the use of street space worse. It does, at least predictably. Effective street space (EFS) is not just for car traffic, but it is pedestrian-friendly lanes of ingress and egress. Already there is an informally segregated space on sidewalks and roadways that are functionally marked off. And aside from avenues marked by various tent spaces, there are bags and wheeled carriers and human bodies on the sidewalks.

EFS has been reducing through COVID-19. More homeless and more spreading out of the homeless. Add to that the 'six foot' COVID-19 distancing rules, and the EFS is demonstrably reduced. And it is further reduced by cafes and restaurants and bars spilling out onto sidewalks and street surfaces. Where are pedestrians to go? Sometimes it is into traffic to accommodate café tables and homeless encampment spaces and COVID-19 distancing. Is this really the time to be adding in massive valet services where, without it, the Hyatt project makes absolutely no sense? The Hyatt plan does not address reduced EFS, and certainly not in the context of traffic issues addressed here and elsewhere. You don't have to be at 30,000 feet to see this problem. It hasn't been studied. It hasn't been addressed.

While Hyatt will surely say it is not required to think about impact on the homeless or post COVID-19 reduction in EFS, it may be they are right legally. But if it's not Hyatt's to deal with and cure, then it is the City's – yours. Adding more development that makes the EFS problem worse for a Hyatt project Portland doesn't need makes no sense. And it really makes less sense when it creates irretrievable risks. The serious risks caused by Hyatt become your problem, too. And if Hyatt doesn't address it, that creates risks for Portland's tax payers.

True, Hyatt is permitted to seek out the city's vast planning resources to get the City to help its developers make money. I'm all for their making money. But rationally. And fairly. As noted below, however far you are into the process, there are risks that are not going away. I'd respectfully ask you all to use common sense. Do we really need to spend time on setting up irretrievable risks that Hyatt is making the EFS worse, not better? Hyatt only has a privilege to seek approval, not a right, and especially not where it creates risks for Portland's taxpayers. However much time the city staff has dedicated to helping the process be fairly considered, their recommendations are only that: recommendations. The buck stops with y'all. Respectfully, it is your decision that we will be living with if you miscalculate future events. Who could have foreseen COVID-19? Long term planning requires long vision. Will you approve Hyatt's roll of the dice to make a gambler's profit AND make the city a guarantor of Hyatt's gamble?

2. No Sufficient Traffic Flow Guarantees

I speak in terms of guarantees because long after all of us are pushing up daisies, the traffic risks will remain. They will, if anything, be worse. Walking the streets early morning or late night, it never changes. Intermittent car traffic travels off the interstate onto Everett and flushes into our 12th street intersection. Generally it works smoothly. All hours. Even with the oddball switch to two way a couple blocks south for the 12th street traffic. But there's an

exception: when delivery trucks or heavy traffic turn onto 12th from Everette or cruise from Flanders AND either of the parking entrance/exit functions are going near the Casey parking entrance. (There's a parking garage across from us). Snafu. Bike traffic stops. Pedestrian traffic stops. Cars are sometimes forced to wait at the intersection as things work out.

Is this a killer today? No. Even with Umbria's outside café and the various pizza, ice cream, restaurant tables outside in the adjoining block, pedestrian traffic generally flows. But we are in a time of decreased COVID-19 pedestrian movement. Hyatt's valet arrangement will work perfectly to not make it worse or impinge on the EFS. Yet, this isn't just valet. It's loading and unloading. Can we at least get them to assess the industry standards for missed targets, time tables, stacked vehicles, delayed unloading, late arrivals, wheelchair services, specials services geared to the unknown occupants' demographics, and the like? Assuming perfection is not going to work.

Looked at from a design perspective, every engineer knows that three rules govern: a) design away risks you can see; b) if you can't, then provide guards against those risks; and c) if you can't do that, provide a warning. Hyatt's giving us a warning that you/we are accepting the risk of this snafu and reduced EFS. Once they sign off on the final building, cash their check, and head out, the City is responsible for every aspect of the traffic issue. We have been forewarned of traffic problems when – if – you allow Hyatt to go forward with a flawed, improvident, unneeded project. Why are you willing to take that risk? Why would the city allow a hare-brained valet system that further perpendicularly or angularly enters an already occasionally challenging and dangerous situation? Pedestrian traffic is already at risk as vehicles come in and out of a complex pattern. It will only get worse, and you can't control it once you unleash it. Hyatt will predictably say, "Well, Portland, you let us set up a traffic problem. Now you deal with it." Sadly, they will functionally be correct. Unless you have **enforceable guarantees** – a forfeiture clause that allows the shutdown of the building if the predictable traffic problems develop, you are without remedy. Why put yourself/us/the City in that position? Of course, if they and their lenders will agree to shut the building down if their valet system isn't perfectly run, maybe that would be a different story. Why not put the question to them. They will confirm, I believe, that the risk is yours—the taxpayers-- once they complete the project.

3. No Need to Take the Risk

That leads to the overall point. Why take the risk that their plans, perfectly executed, will be sustainable? Are you somehow beholden to them? Must you pay with taxpayer monies the gambler's risk Hyatt is taking? I'm not anti-development, I'm anti-unreasonable risk. Here Hyatt is not guaranteeing anything. You are. The taxpayers are. Neighborhood residents are. **We are the guarantors of Hyatt's risk.**

Let's consider two kinds of risks: **COMPLETION**. Cross-current traffic. Congested traffic. Uncommon traffic mix and corresponding confusion. Powell's bookstore sees traffic lights allowing regular and diagonal traffic crossing. It fits the traffic flow. But what can you do about

August 27, 2020

the confusing traffic flow created by Hyatt? What protects the kid or the elderly from the confusion and mix of cross-current traffic exacerbated by Hyatt's proposals? Who proposes a multistory building with no on-site parking without recognizing that all the rest of us take the congestion risks? Are you going to let these folks put up a building without requiring an uncancelable liability insurance policy in an amount many times the building's cost so that the City and the citizens are protected? And it needs to be for the life of the building.

The second risk: **INCOMPLETION**. Hyatt has backers. But who are they and what are their sources? Every developer has his/her limits of risk. When will this get to be too great? You clearly recall other incompletions in the downtown area. How many years ago did downtown buildings sit empty or incomplete? And for how long? How does Hyatt guarantee that it will get through the building process, or its funders won't take bankruptcy, or that it won't come back to ask for variances to allow different permits or licenses or allowances if their valet plan fails? Who picks up the tab for that? Taxpayers. Whether you are still in office or safely at a distance, you will know that Hyatt essentially asked the City to approve a gambler's deal, and you guaranteed the gambler's debts. Why would you want to do that?

So, specifically, what effective, enforceable guarantees has Hyatt given you for completion, execution, and sustainability of their valet house of cards? Respectfully, bonds don't cut it. Completion contractors have to be hired and bonding companies take years to pay. Meanwhile, contractors can take bankruptcy. Lenders can take bankruptcy. Developers can take bankruptcy. What comes to mind is the Biblical adage about building on shifting sand.

Thanks for considering the observations of who's heard a few promises made to governments which, for one reason or another, haven't been kept. The question has always come down to who's then going to pay. Uniformly on poor governmental decision, it's the taxpayer. The City can protect the taxpayer by imposing guarantees of the promises being made to secure a permit. Make the gambler guarantee his own gambling debts. I respectfully urge the City Council to take action to protect the taxpayers, including disapproval of this development, unless Hyatt has absolutely and completely guaranteed the risks it seeks permission to create.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Sanders", is written above the typed name.

Roger Sanders

311 NW 12th Avenue, Unit # 203
Portland, OR 97209

From: [Patricia Cliff](#)
To: [Moore-Love, Karla](#)
Cc: [Roger Sanders](#)
Subject: FW: Appeal of the Hyatt project LU 19-145295 DZ
Date: Thursday, August 27, 2020 4:48:35 PM
Attachments: [image001.png](#)
[letter to Mayor Ted Wheeler 082720 \(00128867xB8081\).pdf](#)
[ATT00001.htm](#)

Dear Ms Moore-love,

Please note that the above letter to the Mayor and City Council members is favor of the Appeal and in opposition to the development, as the content of the letter indicated. There was, however an error in the header stating that the writer is

In favor of approving the Hyatt development, which is not the case. Please be certain that his email in put into the correct category along with the others who are opposing the project.

Many thanks

P.



PATRICIA CLIFF

From: Roger Sanders <rsanders@somlaw.net>
Sent: Thursday, August 27, 2020 1:13 PM
To: Patricia Cliff <patricia@patriciacliff.com>
Subject: Fwd: Appeal of the Hyatt project LU 19-145295 DZ

Patricia, just checking to be sure you also got the letter.

Good luck.

Sent by iPhone; beware mis-speeling.

Begin forwarded message:

From: Jennifer Beyer <jbeyer@somlaw.net>
Date: August 27, 2020 at 2:19:52 PM CDT
To: "<CCtestimony@portlandoregon.gov>" <CCtestimony@portlandoregon.gov>
Cc: Roger Sanders <rsanders@somlaw.net>, "<patricia@patriciacliff.com>" <patricia@patriciacliff.com>
Subject: Appeal of the Hyatt project LU 19-145295 DZ

Attached please find correspondence from Mr. Roger Sanders.

Jennifer Beyer

Paralegal

Sanders, Motley, Young & Gallardo, PLLC

111 S. Travis Street

Sherman, Texas 75090

jennifer.beyer@somlaw.net

Phone: 903-892-9133

Fax: 903-892-4302

www.somlaw.net

This is an E-mail from Sanders, Motley, Young & Gallardo, PLLC. Our postal address is at 111 S. Travis Street, Sherman, Texas 75090, at which address a list of our Partners may be inspected. If you receive this E-mail in error, please notify us immediately.

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Mill Creek Development

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Urban Development Partners

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Tim O'Brien
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Holland Partner Group

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Matthew Goodman
Downtown Development Group

Jeremiah Jolicoeur
Alliance Residential Company

Noel Johnson
Cairn Pacific

Elia Popovich
Oregon Law Group

Mike Kingsella
Up for Growth Action

Dana Krawczuk
Stoel Rives

Michael Nagy
Wood Partners

Michi Slick
Killian Pacific

Damian Uecker
Banner Bank

Christe White
Radler White Parks & Alexander LLP

Executive Director
Gwenn A. Baldwin
gbaldwin@oregonsmartgrowth.org

August 27, 2020

Mayor Ted Wheeler and City Commissioners Eudaly, Fritz, and Hardesty
1220 SW Fourth Ave.
Portland, OR 97201

Dear Mayor Wheeler and Commissioners,

Oregon Smart Growth (OSG) submitted testimony last week, urging you to support the Hyatt Place hotel and housing project (LU19-145295) and reject the appeal by the Pearl Neighbors for Integrity in Design (PNID). OSG is a coalition of developers, investors and allied professions that supports policies encouraging walkable, compact development that is economically, environmentally and socially sustainable.

During last week's hearing on the appeal, City staff seemingly advised that you have the discretion and authority to reduce mapped heights that were otherwise adopted and approved—and recently re-adopted—under Central City 2035.

This is not the case—and moreover, would completely undermine the certainty a developer needs in commencing the design process or investing in the Central City.

Decisions related to financing, equity partners, land costs and projected revenue are largely determined long before the design review process take place. By the time a project gets to the Design Commission—let alone an appeal to City Council—architects have been employed to design the building, financial experts have been engaged to produce a financially feasible development program and investors have decided whether to participate in the project.

The Design Commission can currently review the shape of the building and the distribution of the floor area on the site, but not to reduce the overall floor area or height allowed by the zoning. If a commission is allowed to reduce height (or FAR) on a case by case basis in a discretionary review process, then there is **no** certainty at all. Instead, the City's long-term goals for density, affordable housing, and economic development would become subject to the short-term analysis of a single site at a commission that is not charged with the task of balancing the City's multiple long-term growth objectives and regional responsibilities.

If the Design Commission or City Council can later decide the building should be reduced in height using some discretionary metric, no one can make that investment and take that risk. That puts the City's recently adopted CC2035 objectives—including encouraging more walkable, amenity-rich neighborhoods, and prioritizing affordable housing, all of which are achieved with this project as approved by the Design Commission—in significant jeopardy.

We continue to urge you to support the Hyatt Place project and reject the appeal by PNID. And further, we call on you to reject the risk idea that mapped heights are subject to discretionary review processes or appeal.

Sincerely,

Gwenn A. Baldwin
Executive Director

cc: Commissioner-elect Dan Ryan

From: [Amy Ruiz](#)
To: [Council Clerk – Testimony](#)
Cc: [Diaz, Samuel](#)
Subject: Additional Oregon Smart Growth testimony on LU 19-145295 DZ
Date: Thursday, August 27, 2020 4:54:33 PM
Attachments: [OSG Additional Testimony Re Appeal of Hyatt Place project 8-27-20.pdf](#)

Additional testimony attached! Thanks.

September 3, 2020

VIA EMAIL: CCTestimony@portlandoregon.gov

Portland City Council
1221 SW 4th Avenue
Portland, Oregon 97204

Re: Hyatt Place & Alison Residences Appeal - LU 19-145295 DZ, EA 18-181375
APPT, PC 18-202411, EA 18-210300 DA

Dear Honorable Mayor and City Council:

This letter responds to the testimony received during the open-record period for the above-referenced appeal. During this period, the City Council heard substantial concerns from neighbors that the proposed design would compromise the safety and livability of the neighborhood. These are neighbors who place a high value on the unique design aesthetic as well as the pedestrian and bicycle amenities provided by the South Pearl. The applicant submitted testimony addressing on-site bicycle parking, impact of the building on the historic district, materials and traffic issues. Finally, the relationship between the Design Guidelines and the base density and height authorized by the Central City 2035 was discussed. This letter responds to each of those issues in turn.

Transportation Issues:

The City Council received substantial testimony from South Pearl residents documenting the significance that they place on the safety and mobility provided by the pedestrian realm. Residents, who regularly walk with their children in strollers and with groceries, and cycle to work and to recreate, are intimately familiar with the limitations placed on the sidewalks, the cross-walks, and both on-street and off-street vehicle loading areas. All of these neighbors – those that will be directly impacted by this development – testified that the proposed density (resulting from increased height and FAR) will overwhelm the pedestrian realm, making it unsafe. One of the stated goals as set forth in the Fundamental Design Guidelines is to “Provide for a pleasant, rich and diverse experience for pedestrians.” Goal 6. The testimony presented is that the constrained right-of-way area will not be “pleasant” for pedestrians.

Further, Design Guideline B1 provides that approvable new construction will “develop and define” the distinct component parts of the sidewalk: “the building frontage zone, the movement zone, the street furniture zone, and the curb.” Not only are these component parts along the NW

12th Ave frontage not distinct they are non-existent. There is no building frontage sidewalk area where a resident will be able to open a stroller or put on their bike helmet outside of the “movement zone.” There is no “street furniture,” save a lone tree, that the Design Commission acknowledged was insufficient. Finally, and perhaps most importantly, much of the curb has been removed to accommodate a two-bay loading area immediately adjacent to the residential access. This is not what successful sidewalk design looks like, nor does it comply with Guideline B1.

The applicant could have proposed to extend the sidewalk width removing the on-street parking for the full length of NW 12th Ave, as is the case with The Canopy Hotel, but it elected not to. This applicant could have made up for the limited on-street parking, which the testimony shows will be woefully inadequate to serve hundreds of new residents and hotel guests, by providing some off-street parking for hotel guests and residents. Yet, the applicant elected not to provide any off-street improvements to directly respond to the service demands dictated by and directly resulting from its design. Rather, this applicant has foisted all of its vehicular / pedestrian / cyclist demands generated by this building – at the very maximum height and FAR allowed by code – into an undersized on-street vehicle loading and sidewalk area.

The Appellant provided a model illustrating these conflicts. During the first open record period, the applicant submitted expert testimony challenging the model assumptions. Attached is a letter from a similarly qualified, licensed transportation engineering explaining why the model assumptions are reasonable. This expert testimony, coupled with testimony from nearby residents attesting to the problems, is reliable evidence that the Council should use as a basis to deny this application.

The Role of the Greenway and Accommodating Cyclists:

The applicant would have the City Council believe that it was the existence of the NW Flanders Greenway that limited the building accessibility but it was the applicant who selected this overly-limited ¼ block site coupled with a building at the maximum building height and FAR. In fact, during the hearings below, the applicant’s representatives testified that during the early design advice phases of this development, they were not aware that the Greenway existed, yet the plans for the Greenway were just as integral to the Central City 2035 as the increased height authorization. The safety and convenience of this long-planned bicycle path should not be used as a basis to sacrifice safe mobility on the unprotected remainder of the pedestrian realm.

Further, the design guidelines require this development integrate and accommodate bicyclists to be building residents, its hotel guests as well as cater to the public passing by. The record reflects that this development essentially turns its back on bicyclists by not providing any short-term bicycle parking, by over-stuffing the site with non-bicycle focused building program and by forcing bicyclists to exit the long-term bicycle parking through a restricted residential lobby and directly onto an active vehicle loading area along NW 12th Ave.

Appellants do not dispute that PZC 33.266.210.E.1.b.(1) allows payment into the PBOT bicycle fund in lieu of on-site installation. But the obligation to protect the pedestrian realm and enhance significant areas as required by the Guidelines, notably the Flanders Greenway bicycle connection, requires making some accommodation for bicycles within the design, beyond merely what the fee-in-lieu option provides. This is particularly true given the challenges noted by BDS staff that: "Sometimes in downtown that can be hard given how crowded the sidewalk and furnishing zone is." This offers substantial evidence that paying into the fund is not likely to yield any nearby short-term bicycle parking, this applicants only concession to passing cyclists. This building lacks any direct accommodation to or acknowledgment of short-term bicyclists. In fact, the testimony submitted is that this design will make it more difficult for passing bicyclist as well as bicycling residents to negotiate the number of pedestrian and proximate loading dock to safely and conveniently enter the building. This failure requires denial of this application.

Context Appropriate Design:

Appellants do not dispute that new construction in the South Pearl includes a diverse palette of materials. Appellants also do not complain that the use of aluminum composite metal panels, in and of itself, is not a quality material that could result in context appropriate development. Rather, in the examples where metal or other non-traditional siding material is used, other existing towers feature elements that otherwise reflect and highlight the significant, surrounding context. For example, the bulky concrete base on the Louisa is visible from the Historic District. Here, the concrete base will not be visible from the Historic District so whatever acknowledgement the industrial history of the District provides from the use of a heavy concrete base is entirely lost in this design.

The Louisa and The Rodney include substantial setbacks, that are again visible from the Historic District, providing light and air, emphasizing and allowing the historic buildings to shine. The meager 6' setbacks along the north and west elevation in the proposed design are not comparable to substantial setbacks within The Louisa or The Rodney. The proposed 6' setbacks will be invisible from the Historic District and will not minimize the massive 23-story height towering over and visually compromising the Historic District. The use of balconies at the mid-section of the building may provide visual interest to the building but they are not reflective of historically significant design elements.

Finally, in addition to high quality materials, finishes in the South Pearl are notable for their richness and color variability in and of themselves. The applicant's representative claims that the aluminum composite metal panels will offer an "active surface in the light" but none of the renderings convey this claimed "activity" and certainly not to the degree of other buildings. The record is replete with photos of The Casey where the pre-cast concrete cladding offers a depth and color variation that immediately comes through, particularly when viewed from the Historic District. In sum, The Louisa and the Rodney have substantial setbacks and they are 7-stories shorter than the approved building. The rich, variability of the materials of the Casey coupled

with punched window openings integrate the Casey with the Historic District, and it is also 7 stories shorter than the proposed building. The applicant does not identify a single example where the use of a tripartite design alone – the only remaining claim for compatibility - has been found sufficiently responsive to the historic context. This claim is particularly problematic given that the tripartite design, in its entirety, is not visible from the Historic District. This feature is not enough where the surrounding building context evidences historic materials or materials that convey a richness of masonry, substantial setbacks, windows that echo of times past that all presented in an overall shorter tower.

Whether it may be possible, in theory, to design a contextually sensitive, integrated, and pedestrian-supported building that includes an additional 7 stories of building height on a quarter-block coupled with the immediate proximate Historic District and Flanders Greenway, is not the point. Rather, the point is that this proposal has failed to make that case. This building does not offer a more significant setback, better materials, extra on-site bike parking or wider sidewalks to accommodate the traffic generated by this particular use. Achieving contextual design for a building that is taller and more massive than any of its neighbors requires employing other means to achieve context sensitivity. What satisfies the Design Guidelines for a 10-story building is not the same as what satisfies those same standards for a 23-story building.

The rebuttal testimony suggests that the applicant (and the Design Commission) interpreted the standards such that height was entitled and the design obligations could not be interpreted to require anything more than would otherwise be required for any other 10-16 story building. This represents a misunderstanding of the role of the Design Guidelines. Building height is not entitled, nor does height or FAR take priority over any of the other Design Guidelines, even outside of historic districts. As staff noted in the rebuttal, the Guidelines not only CAN be interpreted to mandate a reduction in height, they MUST be interpreted to require a reduction in height where the application has not proposed a development that reflects and complement the surrounding areas to the same degree as other towers in the South Pearl.

Oregon Smart Growth submitted testimony that declaring height as anything less than entitled will undermine the predictability of the design review process. Yet, the Design Guidelines do offer significant direction that the development community has worked within for years. Design must reflect and enhance the surrounding context and those areas that make the South Pearl unique. A predictive formula provides that where greater height is requested, additional design elements – reflective of and visible / enjoyable for those using those special areas – must be available to mitigate the additional height, just as in all of the other examples in the South Pearl. An interpretation that context-appropriate design is achieved where some design components deviate from the significant elements and yet are not made up in other ways, is a direct and easily understandable approach. This same approach must control proposals for new construction that rely on CC 2035 bonus heights, giving the development community clear and predictable advice in design moving forward.

The applicant is asking you to accept that doing the bare minimum of what might be acceptable to achieve context appropriate design for a 10-17 story building in terms of materials, setbacks or pedestrian realm will similarly result in a context appropriate design when those same elements are included in a building that is 7 stories taller. As noted, the record reflects that this building does even less than these other shorter buildings. This approach takes more of the public benefits and protections offered by the Design Guidelines – one that highlights and integrates the surrounding significant sites – without giving back to the public in terms of aesthetics, livability and safety that is commensurate with the impacts resulting from its design.

The applicant's approach treats the surroundings as inconveniences or problems that it is not responsible for and therefore, cannot be restricted in its results. For example, all of the vehicle loading had to be crammed into 100' linear feet along NW 12th Ave because of "the constraints created by the NW Flanders Greenway." It is not the Greenway that caused these limitations, it is the applicant's choices that created these conflicts. The applicant did not have to propose a 23-story building, nor include a hotel generating high-vehicle tourist demand, nor maximize the density to subject hundreds of new residents including those in affordable units placing them in danger, or include the bare minimum in sidewalk width that leaves no room for bicycle parking or accessible accommodation. These are all choices that the applicant made. This application elected a "complex program on a small site," as the applicant's representative describes, rather than a half or full-block design that would allow for more meaningful setbacks and greater separation between transportation mode access-points and service bays. The applicant is not entitled to a building that maximizes building height and intensity at the cost of the Historic District, the Flanders Greenway and the safety of the pedestrian realm.

Appellants are not asking that the City deny this application because the building is too tall or because of the existence of the Flanders Greenway. Instead the Appellants urge this Council to deny this application because it does not create a context-sensitive design that is integrated within the characteristics that make the South Pearl unique or one that adequately protects pedestrians. The controlling Design Guidelines require this result.

Inconsistencies in the Scope of Review:

During the open record period, the City Council received testimony that the Design Commission was not properly instructed that building height and massing could be reduced if doing so would result in a context appropriate building. The Design Commission believed that they were stuck with the height, the massing, the sidewalk widths, the hotel loading demand, the limitations on vehicle loading on the Greenway and the loss of landscaping. Given these limitations, the Design Commission concluded that this was the "best that you could do," thereby effectively weakening and forcing the Guidelines to bend to accommodate this design. Nothing in the CC 2035 suggested any intent to diminish or undermine the quality design and pedestrian realm protections that the Guidelines require and current and future residents of the South Pearl deserve.

The Design Commission did not understand that context-reflective design is one that mitigates for the additional building height and FAR by giving back to the neighborhood what it takes, while providing a safe and convenient design for those who will enjoy the new building. Context-sensitivity requires a design that reflects the Historic District in terms of materials, significant setback, or building height, or other ways that are visible from that District. Context-sensitivity requires an approach to vehicle movement that underscores bicycle and pedestrian safety, mobility and security. The Design Commission did not fully understand and appreciate that the call for context-sensitive and integrated design and design for the pedestrians (and because of the Greenway, for bicyclists) is just as important as height and density. Again, if you would not deny this request, please remand this proposal back to the Design Commission with these instructions to give the Guidelines their due role as applicable approval criteria.

Conclusion:

For these reasons, as well as the reasons stated previously, this application does not satisfy the Design Guidelines. This design does less in terms of materials, setbacks, and pedestrian, bicycle and vehicle amenities associated with buildings that are not as tall, nor as massive. One issue that everyone agrees on is that this is a precedent-setting decision. Do not compromise the aesthetic qualities and pedestrian amenities that set the South Pearl apart and make it a highly desirable and unique place to visit and to live. Please uphold this appeal and deny this application.

Very truly yours,



Carrie A. Richter

CAR:kms
cc: Client

Enclosures



GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

September 3, 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 August 27, 2020 memorandum from Kittelson & Associates that critiques the appellant's building model and provides additional information about the delivery and street activities associated with this development. Kittelson's comments are illustrated below in bold, italicized typeface while our responses are in regular typeface.

We previously submitted reports dated July 18, 2019 (Appendix A) and November 21, 2019 (Appendix B) evaluating the transportation impacts of this project.

Education and Experience

I am a Professional Engineer (P.E.) registered and practicing in Oregon and Washington. I hold a Bachelor of Science degree in Civil Engineering. I have over 20 years of experience in traffic engineering and transportation planning evaluating, preparing analyses, and reviewing the transportation impacts of residential, commercial and industrial development.

Response to Comment 1

“In contrast to the existing residential buildings located to the south and west on NW 12th Avenue and contrary to the model prepared by the Appellant, the proposed Hyatt Place building will have no on-site residential parking and thus no parking garage driveway.”

Contrary to this statement, the building model does not illustrate on-site residential parking, but illustrates the truck loading bay. The model is illustrating a vehicle entering or exiting the truck loading bay.

Response to Comment 2

“The next vehicle depicted perpendicular to the sidewalk (to the left of the off-site residential driveway) is a pickup truck. It is unclear what the modeler is attempting to illustrate regarding the origin/destination of the truck as no on-site parking is proposed for the Hyatt Place.”

As noted before, the model is illustrating a vehicle entering or exiting the truck loading bay.

Response to Comment 3

“The proposed Hyatt Place building has two loading bays that would contain delivery vehicles inside the building. Further, vehicles entering the building loading bays will enter the site in a forward motion, not backed in as depicted in the model. Additionally, the loading area door would

be open if the vehicle(s) accessing the loading area were entering or exiting the building and the vehicle(s) and would not be parked blocking the sidewalk.”

A previous Kittelson memo dated October 29, 2019 (see Appendix C) illustrated the exact opposite with vehicles backing into the loading bays. The applicant should be required to clarify how these maneuvers will be made and update their maneuvering exhibit should forward motion entry be suggested.

Backing into these loading bays would likely be far safer than as suggested in the Kittelson memo as drivers will have better visibility of vehicles, bicyclists and pedestrians on this two-way street rather than blindly backing out of the loading bays.

The applicant should provide clarification regarding what activities will be permitted to utilize the loading bay and how access is granted and what control the applicant has over the maneuvers made into and out of the loading bay. The application has provided no evidence describing this activity.

“Many loading activities associated with the hotel can and will be scheduled outside peak hours in coordination with the service providers...Scheduling to off-peak periods reduces transportation system impacts and minimizes interaction with hotel guests during typical peak guest registration and check-out times.”

The applicant presents no evidence that these deliveries can and will be scheduled to off-peak hours. In fact, the scheduling presented in Table 1 of the Kittelson memo propose deliveries during possible peak guest departure times. Even if the deliveries are scheduled initially, there is no ongoing requirement that they continue to be scheduled at certain times.

“Small parcel delivery vehicles (UPS, FedEx, Amazon, etc.) typically park on-street and are unlikely to use the in-building loading area. They often serve multiple properties simultaneously and may not even park along the site frontage.”

It is agreed that UPS, FedEx, Amazon and other similar delivery services will not likely use the loading bays. However, there is no evidence to suggest these services serve multiple properties simultaneously and may not park along the site frontage. These statements are speculative.

The applicant should provide clarification regarding what activities will be permitted to utilize the loading bay and how access is granted. The application has provided no evidence describing this activity.

Response to Comment 5

“The deployment of bicycle riders depicted departing from the building entry is not representative of typical resident travel patterns. As residents of the building, bicycle riders are expected to walk their bicycles across the sidewalk when going in and out of the building entry and then mount/dismount their bicycle in an appropriate manner. Given the planned bicycle facility on NW Flanders Street directly to the north, we expect many residents will bike via that facility. The suggested single travel path for bicycles straight out of the building and into the middle of NW 12th Avenue between vehicles appears intended to present an image that could evoke an emotional reaction from viewers.”

There are currently no residents of this development, therefore, there are no typical resident patterns. Additionally, there is no evidence presented establishing typical residence patterns of other developments or bicyclist behavior in general.

It is unclear how the expectations of bicycle riders will be conveyed or enforced. In reality, bicyclists will act as they choose and the development has no ability to enforce their activity in the public right-of-way. Bicyclists will likely behave in a way that is fastest or most convenient for them.

It would be most convenient and fastest for bicyclists destined southbound on NW 12th Avenue to enter NW 12th Avenue from the building exit and proceed immediately across the curb into NW 12th Avenue or from the loading bay curb cut into NW 12th Avenue. Similarly, it would be most convenient and fastest for bicyclists destined northbound on NW 12th Avenue or eastbound/westbound on NW Flanders Street to proceed immediately across the curb into NW 12th Avenue directly to NW 12th Avenue. As such, the building model illustrates bicyclist behavior that is likely, but may not always, occur.

Response to Comment 5

“Hyatt Place is a hotel for business customers and not marketed to tour groups and athletic teams traveling via bus. As such, these types of buses are not anticipated at this hotel location (other hotels in the downtown area market to and serve these type of groups today).”

There is no evidence that tour buses or vans, taking people on local tours of the area, or party buses won't be present at this location or at other locations on NW 12th Avenue or NW Flanders Street. Additionally, there is no evidence regarding the marketing practices of this hotel or others in the Pearl District or downtown. Even if these are not the current marketing practices of Hyatt Place, that does not guarantee that such buses won't be present or future marketing to these groups will not occur.

Response to Additional Considerations

“...the proposed Hyatt Place design eliminates an existing relatively wide driveway located along the NW Flanders Street site frontage...and two driveways on NW 12th Avenue that serve a commercially operated surface parking lot today. The access closure on NW Flanders Street eliminates all pedestrian/bicycle/vehicle interaction at the existing long NW Flanders Street driveway (benefiting the proposed NW Flanders Street Bikeway project).”

While the three driveways will be consolidated into one driveway, the proposed development will likely introduce far more potential conflicts than the existing use due to the activity that will be generated in the drop-offs/pick-ups on NW 12th Avenue. The proposed use will generate far more traffic with greater turnover than the existing use. As established in our July 18, 2019 Traffic Report, the proposed development may create a situation similar to the Hampton Inn. The Hampton generates a similar amount of trips to the proposed development but is equipped with far more allotted on street short-term hotel zone/valet parking at 100 feet. Even so, the Hampton Inn operations result in frequent undesirable behavior on NW 9th Avenue, a street with far less traffic volume than NW 12th Avenue. As witnessed at the Hampton Inn, there were numerous vehicle/pedestrian conflicts observed due to the lack of available curbside space and frequent vehicle turnover. While attempting to find any place near the hotel 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 that will impact the bicyclist and pedestrian experience.

Response to Hyatt Place Loading Considerations

“Table 1 below summarizes anticipated loading activities associated with the Hyatt Place. As shown, many of the hotel loading activities can and will be scheduled outside typical commuter peak hours in coordination with the various service providers.”

The applicant provides no evidence that the hotel activities can and will be scheduled outside typical commuter peak hours. Even if they are initially, there is no ongoing requirement that they continue to be scheduled that way. There is also no evidence that the number of expected deliveries is accurate.

Table 1 contains unexplained errors. In referencing “Food and Beverage Retail” deliveries, the frequency is described as “Daily” then later as “Mid-morning twice per week.” In describing “Parcel Pickup (UPS, etc.)” the applicant describes that the deliveries cannot be scheduled but then later describes deliveries occurring at “Mid-afternoon daily.” In describing “Garbage Pick-up”, the frequency is described at “5 times weekly” then later as “Early morning 2-3 times per week.” In describing “Recycle Pick-up,” the frequency is described as “2 times weekly” then “Early morning 2-3 times per week.”

All of the above described deliveries conflict in their description.

Most importantly, Table 1 and the Kittelson memo in general exclude parcel delivery (Amazon, UPS, FedEx, grocery store delivery, restaurant delivery etc.). These deliveries are likely to number in the dozens per day. As described in neighbor Arlene Matusow's August 26, 2020 letter, “Judging from the approximately 15-20 such deliveries that our management company tells me arrive at the Casey daily, which only has 60 units, it should be assumed that the Hyatt residences with 113 individual apartments, will have approximately double this amount of deliveries.” While we cannot speculate on the amount of deliveries that will take place at the proposed development, it will be a significant number.

Additionally, the Kittelson memo excludes the move in/move out activity and furniture/appliance deliveries associated with the 113 apartments, and fails to include contractors and other service vehicles associated with the maintenance of the 113 apartments and 160 hotel rooms.

The Kittelson memo also excludes activities related to paratransit/ambulette activity.

As noted in our July 18, 2019 Traffic Report, the lack of available curbside space at the Hampton Inn has created a situation of frequent double-parking and undesirable behaviors. The curbside space at Hyatt Place is significantly less than the Hampton Inn.

Figures 1-3 below depict typical vehicles that may be seen serving the proposed development.



Figure 1: Typical garbage truck



Figure 2: Typical garbage truck and service truck adjacent to the site



Figure 3: Typical Amazon delivery van adjacent to the site

“Scheduling hotel deliveries to off-peak periods as identified in Table 1 reduces impacts to the transportation system, minimizes interaction with hotel guests and maximizes hotel staff availability during typical peak guest registration and check-out times.”

It should be noted that several of the scheduled deliveries are described as occurring at or just before check-out times. Of course, non-scheduled deliveries could and do occur at any time.

Image Presented in Applicant's City Council Presentation

It should be noted that while the applicant notes concerns with the appellant's building model, the applicant has presented an image that depicts a vehicle parked directly in front of the loading bay in their Powerpoint presentation to City Council. See Figure 4 below.

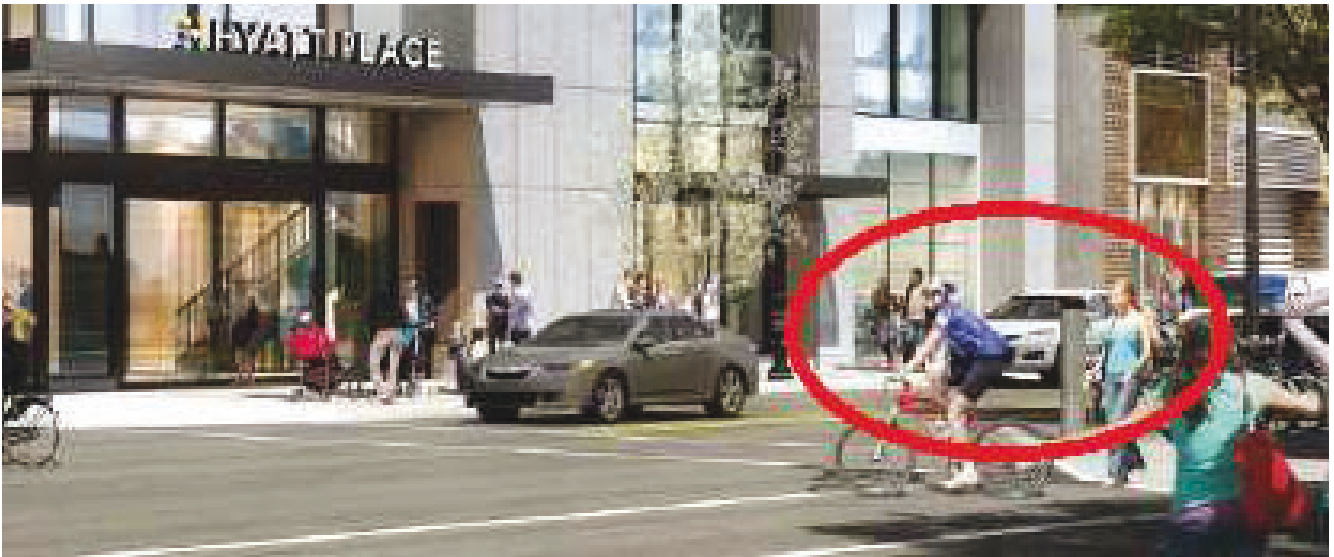


Figure 4: Excerpt of applicant's presentation to City Council

Closing

The building model presented by the appellant depicts a great deal of conflicting traffic modes. Considering the behaviors observed at the nearby Hampton Inn coupled with the high levels of residential service deliveries, numerous conflicts will exist on a regular basis. There is nothing in the Kittelson memo that assures the City Council that this level of congestion will not occur at times.

We trust that this memo provides additional context for Council members in evaluating this proposal. 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



Appendix A

***Greenlight Engineering
July 18, 2019 Traffic Report***



GREENLIGHT ENGINEERING

TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

July 18, 2019

Portland Design Commission
1900 SW 4th Avenue
Room 2500B
Portland, OR 97201

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

Members of the Design Commission:

Greenlight Engineering has been asked by Pearl Neighbors for Integrity in Design (PNID) to evaluate the transportation related impacts of the proposed Hyatt Place & the Allison Residences (LU 19-145295). The proposed development consists of 170 hotel rooms and 110 apartment units for a total of 280 units. As this report explains, given the existing and proposed transportation infrastructures limitations, this proposal will not satisfy the applicable approval criteria and design guidelines. In particular, the transportation system may not operate in a way that is safe for all transportation modes, especially for pedestrians and bicyclists. Furthermore, conflicts between vehicular use demand with more vulnerable users of the transportation system require that the applicant complete a transportation impact analysis to address the identified potential safety impacts that have not been considered to date.

The findings set forth herein are based on my review of the application, a site visit and observations conducted at nearby comparable hotel sites within the Pearl District.

Education and Experience

I am a Professional Engineer (P.E.) registered and practicing in Oregon, Washington and Montana. I hold a Bachelor of Science degree in Civil Engineering. I have 20 years of experience in traffic engineering and transportation planning evaluating, preparing analyses, and reviewing the transportation impacts of residential, commercial and industrial development.

Observations and Evaluation of Hampton Inn

Evaluating how this use will function from a transportation perspective is challenging because we could not locate any other development in the City of Portland that includes a hotel and apartment combination as proposed. The closest reasonable comparator we identified was the Hampton Inn, located at 354 NW 9th Ave which is comprised of 243 hotel rooms. Like the proposed development, it offers only valet parking and no option to self-park. Video data collection and observations were performed from May 25th to May 27th, 2019.

Like the proposed development's front entrance and hotel zone/valet parking located on NW 12th Avenue, there is two way traffic adjacent to the front entrance and hotel zone/valet parking along the Hampton Inn's NW 9th Avenue site frontage.

From a vehicle trip generation perspective, the two developments are similar with the Hampton Inn expected to have only a slightly higher trip generation than the proposed development. See Tables 1 and 2 below.

Table 1. Projected trip generation – proposed project

ITE Land Use	Units (DU)	Weekday					
		AM Peak Hour			PM Peak Hour		
		Total	Enter	Exit	Total	Enter	Exit
<i>Multi-Family Housing High Rise (#222) – Dense Urban</i> Directional Distribution Trips	110		12%	88%		70%	30%
		27	3	24	25	18	7
ITE Land Use	Units (Rooms)	Weekday					
		AM Peak Hour			PM Peak Hour		
		Total	Enter	Exit	Total	Enter	Exit
<i>Hotel (#310) – General Urban</i> Directional Distribution Trips	170		59%	41%		51%	49%
		80	47	33	101	52	49
Total Trips (full project)		107	50	57	126	69	56

*Source: Institute of Transportation Engineers Trip Generation Manual, 10th Edition

Table 2. Projected trip generation – Hampton Inn

ITE Land Use	Units (Rooms)	Weekday					
		AM Peak Hour			PM Peak Hour		
		Total	Enter	Exit	Total	Enter	Exit
<i>Hotel (#310) – General Urban</i> Directional Distribution	243		59%	41%		51%	49%
Total Trips		116	68	48	156	80	76

*Source: Institute of Transportation Engineers Trip Generation Manual, 10th Edition

Similarly, the parking generation of the two developments are essentially equal, with the proposed project expected to generate slightly more weekday average parking demand than the Hampton Inn. See Tables 3 and 4 below.

Table 3. Projected parking generation – proposed project

ITE Land Use	Units (Rooms)	Weekday	
		Avg Rate (Stalls/ Unit)	Average Parking Generation (Stalls)
<i>Multi-Family Housing High Rise (#222) – Dense Urban</i>	110	0.45	50
<i>Hotel (#310) – General Urban</i>	170	0.65	111
Total (full project)			161

Source: Institute of Transportation Engineers Parking Generation *Manual*, 4th Edition

Table 4. Projected parking generation – Hampton Inn

ITE Land Use	Units (Rooms)	Weekday	
		Avg Rate (Stalls/ Unit)	Average Parking Generation (Stalls)
<i>Hotel (#310) – General Urban</i>	243	0.65	158
Total			158

Source: Institute of Transportation Engineers Parking Generation *Manual*, 4th Edition

Although fundamentally similar in terms of use intensity and vehicle demand, the Hampton occupies two full and one half blocks of street frontage. By comparison, the proposed development occupies a quarter block, one frontage of which is encumbered by a bikeway along Flanders Street that is planned for future improvements. This leaves just a 100 foot frontage in which to provide all of the vehicular, pedestrian and service access necessary to support this building.

Unlike the proposed development which will set aside just 40 linear feet of hotel zone/valet parking, there is more than double the amount at the Hampton Inn with approximately 100 linear feet of hotel zone/valet parking designated. In comparison to the proposed development, the hotel zone/valet parking at the Hampton Inn is quite abundant.

Along the Hampton Inn NW 9th Avenue frontage, the average daily traffic is approximately 1000 vehicles per day according to the City of Portland¹ while the average daily traffic along NW 12th Avenue at the proposed development site is approximately double that volume at 1900 vehicles per day.

¹ <https://pdx.maps.arcgis.com/>

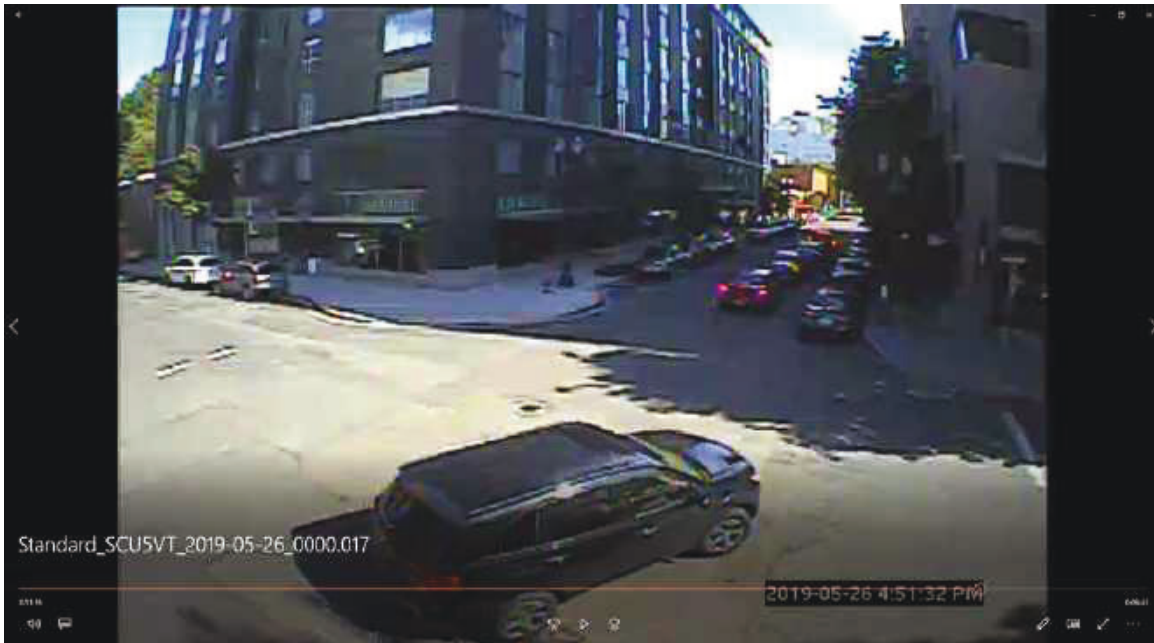


Existing evening traffic congestion along NW 12th Avenue along the site frontage

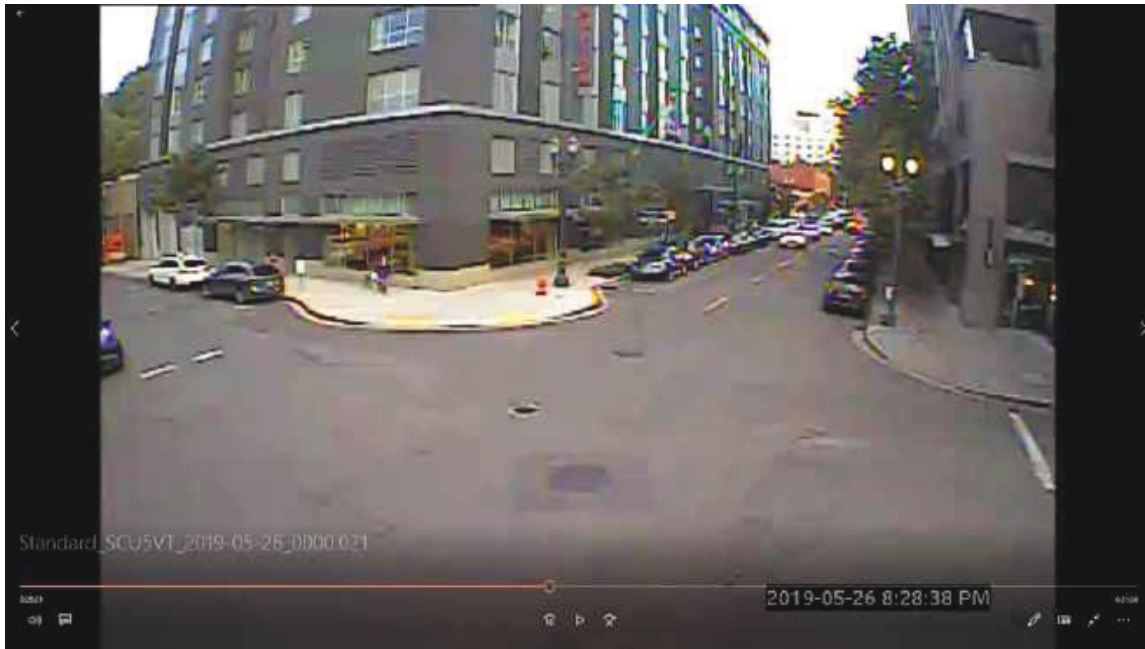
Based upon our observations, there was regular disruptive stopping and parking behavior along the NW 9th Avenue frontage related to a shortage of short-term hotel zone/valet parking at the Hampton Inn. The hotel zone/valet parking area at the Hampton Inn regularly overflows the space available. Hotel zones in the City of Portland typically permit guest loading for 15 minutes during all hours and days. Over the course of 42 hours of observation from 8 AM to 10 PM during the period of May 25 to May 27th over 100 vehicles were observed to stop or park within travel lanes of NW 9th Avenue for a duration of up to 5 minutes and 30 seconds, thereby blocking NW 9th Avenue requiring other traffic to venture into the opposing, on-coming travel lane or wait behind these stopped vehicles. This behavior occurred both in the northbound and southbound direction of NW 9th Avenue, dropping passengers into the travel lanes of NW 9th Avenue resulting in regular mid-block pedestrian crossings in the midst of traffic. Pedestrians crossing mid-block when through traffic is trying to negotiate around stopped vehicles poses a safety risk.



NW 9th Avenue just north of Everett Street: Hotel zone is overflowing with traffic backing to Everett Street. Vehicle is passing in opposite travel lane to avoid the back-up



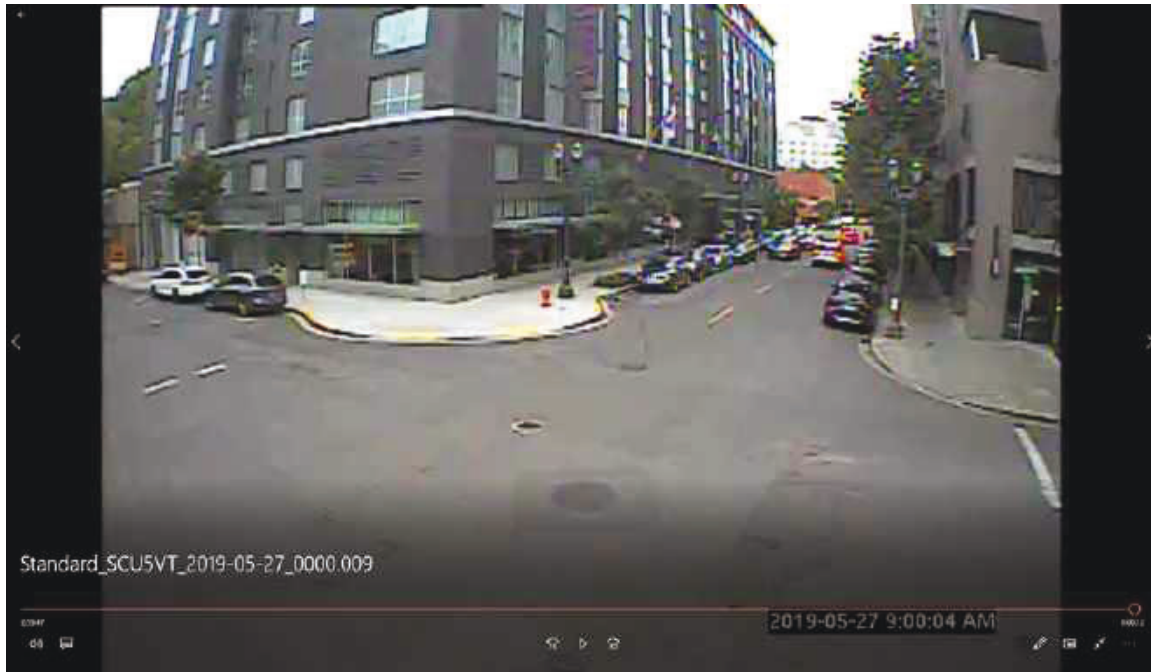
NW 9th Avenue @ Flanders Street: Stopped southbound vehicle blocks passage for at least four other vehicles



NW 9th Avenue @ Flanders Street: Stopped northbound vehicle blocks passage of four vehicles and the NW 12th Street/Everett intersection



NW 9th Avenue @ Flanders Street: Stopped northbound vehicle blocks passage, while large truck drives in opposing travel lane



NW 9th Avenue @ Flanders Street: Stopped northbound and southbound vehicles block passage in both directions

Given the trip generation, parking generation and two-way traffic similarities between the two sites, it is logical to conclude that the proposed development may experience at least similar on-street parking capacity issues. Further, it is typical for these downtown Pearl District hotels to accommodate tour buses as evidenced in the photo taken of The Canopy Hotel located at 425 NW 9th Ave. Tour buses are approximately 9' wide and 40' long. A single tour bus will occupy both of the designated valet spaces eliminating any valet capacity on the street front. Similarly, where a tour bus blocks traffic at The Canopy Hotel, two lanes of one-way traffic will allow a vehicle to move around the bus without veering into oncoming traffic. This option will not be available on NW 12th which is constructed for two way traffic.



Tour bus in front of Canopy Hotel

The proposed development site will experience more conflicts for all users manifested by near double adjacent street traffic volume along NW 12th Avenue compared to NW 9th Avenue. Additionally, the applicant proposes less than half the amount of hotel zone/valet parking at just 40 feet than the 100 feet that exists at the Hampton Inn. Given the critical and stark differences between the two sites, it is logical to conclude that the proposed development may experience issues that are even worse than the Hampton Inn. This suggests that the loading and unloading queue for the hotel is not long enough and is likely to create a problem for pedestrians, whether they are hotel guests or not.

It is for these reasons that the City Engineer should find that per Title 17.88.050 that a Transportation Impact Study (TIS) evaluating the impacts of the proposed development should be required. Further, Fundamental Design Guidelines B2 require protection of the pedestrian from vehicular movement. Evidence of the congestion and conflicts between vehicles at the Hampton suggests that this building will not function in a way that protects pedestrians.

Short Term Bicycle Parking

Portland City Code (PCC) 33.266.220 states that “[r]equired short-term bicycle parking must meet the following standards...” Rather than provide any short-term bicycle parking, the applicant “requests payment into the bicycle parking fund in lieu of providing short-term bicycle parking on-site.” The applicant argues that “[t]here are no surface parking areas, plazas, exterior courtyards, or other open areas on the ground floor of the site.” Per PCC 33.266.220.A.2.c, payment into the bicycle parking fund is **only**

allowed if “...it is not possible to provide all of the required short-term bicycle parking on site in a way that complies with all of the standards in A.2.b.”

The applicant has not established that it is “not possible” to provide the necessary on-street parking. It appears that if the applicant cannot meet the standards, their lack of ability to meet this standard is self-imposed. The applicant has not established how the standards of PCC 33.266.220 cannot be met and whether any consideration towards paying into the Bicycle Parking Fund should be given as they have not established how providing short-term parking is not possible.

Long Term Bicycle Parking Design Modification

The applicant has proposed a modification of the long-term bicycle parking design standards per PCC 33.825.040. Per their application, the applicant has requested a modification that “would reduce the width of the long-term bicycle parking spaces from 2 ft. to 1.5 ft.” While the application narrative states that the width would be 1.5 feet if approved, Sheet C.06 of the applicant's application illustrates the width as even more narrow at one foot and four inches.

PCC33.266.220 calls for development to “encourage the use of bicycles by providing safe and convenient places to park bicycles” with subsection C further requiring that bicycle access be accomplished without “undue inconvenience” and in a way that “safeguards bicycles from damage.”

The applicant argues that “[d]ue to the nature of the ¼ block project site, there is limited area within the building footprint to accommodate the required loading spaces, egress stairs, active ground floor spaces and hotel and residential support functions...structural columns are located within the room and required clearances for the entry doors have reduced the area available for the mountain of the bike racks and their aisles.” None of these statements are relevant to the approval criterion.

Again, it appears that the applicant has created a self-imposed design restriction for which it is now seeking relief. The approval criteria requires that proposed modifications will be approved only if “[t]he resulting development will better meet the applicable design guidelines.” The applicant also fails to address how this modification would not create undue inconvenience and how it would safeguard bicycles from damage. The applicant makes no argument and provides no evidence that the proposed aisle width better meets the standard than the design standard itself and therefore, their requested modification must be denied.

Dimensions of Loading Berths Should Be Evaluated

The dimensions, usability and safety of the two proposed loading berths should be evaluated. A two berth loading bay is proposed to NW 12th Avenue, with a total width of 20 feet and depth of 40 feet.

NW 12th Avenue is approximately 39 feet in width with parking allowed on both sides. NW 12th Avenue is a two-way street with approximately 11 foot wide travel lanes remaining after accounting for the width of on-street parking located on both sides of NW 12th Avenue.

On the east side of NW 12th Avenue north of the proposed loading berths, the applicant proposes a 40 foot long hotel zone/valet parking sufficient in length for two vehicles. Adjacent to the Casey Condominiums, there is an existing on-street parking stall south of the proposed loading berths. Both of these nearby parking stalls extend to the very edge of the proposed loading berth driveway wings, constraining turning movements into the loading berths. The dimensions of these parking areas are partially illustrated in the application on Sheet C.04.

On the west side of NW 12th Avenue, there are existing parking stalls that when occupied will further constrain the ability of trucks to maneuver into and out of the loading berths serving the proposed development.

Assuming that trucks would back into each of the 10 foot wide loading berths, the dimensions of this maneuver would be very challenging for a truck given the narrowness of both NW 12th Avenue and the narrowness of each loading berth. When maneuvering into and out of the loading berths, trucks will likely need to occupy the entire remaining width of NW 12th Avenue and likely need to jockey repeatedly with limited visibility of the adjacent sidewalk in order to successfully complete those maneuvers. Even worse will be when a truck attempts to enter one of the loading berths when the other is occupied, as the occupied loading berth will further constrain these movements. Assuming the first truck has left sufficient space within the 20 foot width to even park in the first place, the truck driver, especially if not a professional driver, will likely have a very difficult time maneuvering into the second loading berth.

Meanwhile, this loading dock is flanked on both sides by pedestrian / bicycle access points serving 110 apartment units. Pedestrians and bicyclists will need to know to stand out of the way of this loading dock as they enter and exit the building while service vehicles jockey and maneuver under limited visibility when the roadway and sidewalk are blocked.

Regarding bicycles parking and access, ZC 33.266.220 requires that the City “encourage the use of bicycles by providing safe and convenient places to park bicycles” with subsection C calling for the provision of bicycle access accomplished without “undue inconvenience” and in a way that “safeguards bicycles from damage.” Placing the only bicycle access point into the building between a loading dock and a driveway to the Oakwood, located at 1155 NW Everett St and serving 80 underground parking spaces, will impose potential safety concerns that rise to a level of “undue inconvenience.”

Finally, per Title 17.88.050, a TIS should be required when there are “potential safety or operational concerns that may be impacted by the layout of a site or the location or size of driveways for a proposed development.” For this and other reasons, a transportation impact study should be provided.

Transportation Impact Study Should Be Required

According to Title 17.88.050 “traffic impacts of dividing or developing land may warrant a transportation impact study. The purpose of a transportation impact study is to assess the effects of development in the vicinity of a site on traffic conditions and operations; transit, pedestrians, and bicycle movement; and neighborhood livability. A transportation impact study may be required under the following situations...B. Safety or operational impacts. Where the City Engineer has identified potential safety or operational concerns that may be impacted by the layout of a site or the location or size of driveways for a proposed development.”

In the case of any safety raised herein were likely not aware to the City Engineer and therefore, a TIS was not required. In light of this information, the City Engineer should require a TIS to evaluate the safety of the proposed development.

Pavement Condition on 12th Avenue is Poor

The pavement condition along NW 12th Avenue along the project development frontage is poor and hampered with exposed abandoned rail lines. The picture below illustrates the existing condition. The application provides no mention of the existing condition nor any mitigation to address the issue. The proposed development will generate quite a number of bicycle trips that will enter and exit from the development's access door to NW 12th Avenue. Additionally, the proposed develop will generate a significant amount of motor vehicle traffic. Improvements to the NW 12th Avenue should be required to address this issue.



Very poor pavement condition and abandoned rail lines along NW 12th Avenue project frontage

Conclusion

In comparing the proposed development to existing, similar development, it is logical to conclude that the proposed development could create safety issues along NW 12th Avenue. The Hampton Inn site, located just three blocks to the east of the proposed development site, causes regular disruptions to the traffic on NW 9th Avenue that results in mid-block pedestrian crossings and vehicles traveling in the opposing travel lane and it retains significantly more street frontage from which to conduct these operations. The proposed development site will be more constrained with a much higher existing adjacent roadway traffic volume as well as significantly less hotel zone/valet parking availability.

Additionally, the dimensions of maneuvering into and out of the proposed loading berths are very constrained. Consideration should be given to moving the pedestrian/bicycle entrance/exit from 12th Avenue to Flanders Street to improve pedestrian and bicyclist safety and convenience.

The applicant has not provided evidence to support their proposals for addressing short and long term bicycle parking requirements.

There is evidence that the City Engineer should require a TIS to address these issues per City Code.

Improvements should be made to NW 12th Avenue to address the poor pavement conditions.

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



Appendix B

***Greenlight Engineering
November 21, 2019 Traffic Report***



November 21, 2019

Portland Design Commission
1900 SW 4th Avenue
Room 2500B
Portland, OR 97201

RE: Hyatt Place & the Allison Residences (LU 19-145295)
Response to new information

Members of the Design Commission:

This memorandum responds to the October 29, 2019 memorandum from Kittelson & Associates (“Kittelson memo”), the applicant's October 22, 2019 Request for Design Approval, the October 31, 2019 PBOT comments and the November 21, 2019 staff report.

Given the existing and proposed transportation infrastructure limitations, this proposal continues to not satisfy the applicable approval criteria and design guidelines. In particular, the transportation system may not operate in a way that is safe for all transportation modes, especially for pedestrians and bicyclists. Furthermore, conflicts between vehicular use demand with more vulnerable users of the transportation system require that the applicant complete a transportation impact analysis to address the identified potential safety impacts that have not been considered to date.

Parking and Associated Bicycle and Pedestrian Impacts

The Kittelson memo addresses the comparison of the Hampton Inn versus the proposed development presented in our July 18, 2019 memo. The Kittelson memo states that “...in comparing the size of the two hotels relative to the on-site curb management and traffic volumes, we note the Hampton Inn has approximately 40-45 percent more hotel rooms (which would generate a commensurately higher number of vehicles) than the proposed at the Hyatt Place hotel.”

It is notable that Kittelson's memo does not challenge our analysis of trip generation and parking generation estimates of the proposed use versus the Hampton Inn that we previously presented. Our analysis established that the trip generation and parking generation of the Hampton Inn and the proposed development are essentially equal. Our observations illustrated that there are frequent negative impacts associated with vehicles blocking the travel lanes and pedestrians crossing the street mid-block in between stopped or parked vehicles at the Hampton Inn site due to inadequate hotel zone/valet parking.

Kittelson's statement ignores the projected trip generation and parking generation of the two comparable uses and the fact that a significant amount of apartments are proposed as part of this development in addition to the hotel use. The users of the development will rely heavily on pick-up/drop-off services that are nearly identical to the Hampton Inn. Based upon our previous analysis, the trip generation and parking generation of the proposed development, which contains apartments and hotel rooms, is essentially equal to that of the Hampton Inn. The proposed use, due to its intensity, may create similar issues on NW 12th Avenue and/or NW Flanders Street near the proposed development. There is no evidence to suggest that the apartments won't generate a similar level of drop-off and pick-up behavior especially considering there is no dedicated parking associated with the proposed use.

The site plan illustrates the main hotel entry, the residential entry, and the residential pedestrian and bicycle entry to be oriented on NW 12th Avenue. These entries are proposed on a different street than the hotel zone/valet parking which is now proposed to be located on NW Flanders Street. Given the location of the entries, it is likely that pick-up/drop-off behavior will occur in greater numbers along NW 12th Avenue where patrons and residents are entering and exiting the building rather than on NW Flanders Street where the hotel zone/valet parking is proposed to be located. The building's address is 350 NW 12th Avenue. Drivers, when picking up and dropping off patrons or residents, would tend to travel to the site's address rather than to the hotel zone/parking proposed on NW Flanders Street. While the proposed hotel zone/valet parking is now proposed to include three parking stalls versus than the previous proposal for two parking stalls, the revised proposal places this parking further away from the demand for its use. It should be noted that at the Hampton Inn site, all of the observed unsafe pick-up, drop-off and pedestrian behavior occurred right in front of the building entry on NW 9th Avenue.

If drop-off/pick-up activity does occur on NW Flanders Street, there is a likelihood that the double-parking type behavior observed at the Hampton Inn will occur on NW Flanders Street thereby blocking the bikeway. Portland City Code 16.20.120 states that "it is unlawful to park or stop a vehicle...So as to prevent the free passage of other vehicles, including rail vehicles and bicycles, on any street, alley or City of Portland owned or operated property." As this behavior is unlawful, it should not be encouraged.

The November 21, 2019 staff report reads "Preliminary designs for the Flanders Greenway propose a "contra flow protected bike lane" and indicate reduced vehicle traffic through eastbound only access." Later, the staff report notes that "Incidentally, the proposed addition of the Flanders Greenway also benefits the pedestrian in this area as it shows the removal of a traffic lane and creation of a protected bike lane along NW Flanders." It should be noted that while staff asserts the benefits associated with a protected bikeway when in reality, any potential benefits are speculative at this time given that the design of the Flanders bikeway remains undetermined. Given the McKenzie underground parking exit on the north side of NW Flanders Street between NW 11th Avenue and NW 12th Avenue with 80 parking stalls, consideration will likely be given to place the protected bike lane along the south side of NW Flanders Street abutting the proposed development.

Unlike the Hampton Inn, which has 243 rooms, and is built 8 stories high on 30,000 square foot parcel with substantially more street frontage on three streets, the proposed development has a total of 280 units on a 10,000 square foot parcel with frontage on half of two abutting streets. Unlike the Hampton Inn, one of the abutting streets in this case is designated a Major Bikeway that should be protected. The revised proposal will not protect this bikeway. Rather, vehicles pulling into and away from these three hotel zone/valet parking spaces crossing over what is supposed to be a protected bike lane as well as to accommodate the potential double-parking behavior as seen at the Hampton Inn.

While the proposed development has slightly increased their hotel zone/valet parking to accommodate three stalls, the Hampton Inn, with a similar trip generation and parking generation, generates significant unsafe drop-off, pick-up and pedestrian behavior with 100 feet of available hotel zone/valet parking, nearly twice the distance. Additionally, the new proposal removes that hotel zone/valet parking from the street where it was most likely to be used.

The Kittelson memo states that the “new location [along NW Flanders Street] can provide 60 feet of passenger loading area, which is the maximum space permitted by PBOT for the proposed size of the hotel.” Later, the memo states “Under current practice, a 60-foot long passenger loading zone is the maximum length allowed for a hotel site.” The memo makes no reference or provides any evidence of any standard, code or guideline that restricts the length of such a designation. The memo also provides conflicting information regarding whether the size of the hotel is a factor in determining the length or if 60 feet is limited for any hotel “under current practice.” The fact that the Hampton Inn was recently approved with 100 feet of hotel zone/valet parking calls this “current practice” into question.

In their October 31, 2019 memo, PBOT makes no mention of any such reference or provides any evidence of any standard, code or guideline suggested in Kittelson's memo.

The Kittelson memo also notes ““In addition, the Hampton Inn is just to the north of the NW 9th Avenue/NW Everett Street intersection, which also influences the operations along NW 9th Avenue along the Hampton's site frontage.” Kittelson fails to explain the relevance of the proximity to the NW 9th Avenue/NW Everett Street intersection. Even if relevant, the proposed development is also in close proximity to the NW 12th Avenue/NW Flanders Street intersection which appears to have a higher entering traffic volume than the NW 9th Avenue/NW Everett Street intersection and the proposed development's building entry is even closer to that intersection than the Hampton Inn location.

It is for these reasons that the City Engineer should find that per Portland Zoning Code (PZC) 17.88.050 that a Transportation Impact Study (TIS) evaluating the impacts of the proposed development should be required. Further, Fundamental Design Guidelines B2 require protection of the pedestrian from vehicular movement. Evidence of the congestion and conflicts between vehicles at the Hampton suggests that this building will

not function in a way that protects pedestrians. Lastly, guideline C3-1 of the River District Design Guidelines state that “The siting and location of parking should minimize traffic movement and circulation throughout the River District to lessen pedestrian conflict.”

Short Term Bicycle Parking

The Kittelson memo states that “...as allowed by the Zoning Code, the Applicant is proposing to contribute to the bicycle parking fund as part of meeting the short-term bicycle parking requirements.” Kittelson offers no new information regarding the need for short-term bicycle parking.

In the applicant's October 22, 2019 Request for Design Approval, the applicant argues that the short-term bicycle parking cannot be provided. However, the applicant continues to omit evidence that the location requirements of PZC 33.266.220.A.2.b cannot be met.

The applicant also presents sheet APP.35 in their November 7, 2019 submittal illustrating areas that are not available to accommodate short-term bicycle parking. The applicant presents only one option that illustrates a bank of 42'6” long bicycle parking. In fact, there are numerous other ways to accommodate bicycle parking, and not just in 42'6” long banks.

As noted in our July 18, 2019 memo, PZC 33.266.220 states that “[r]equired short-term bicycle parking must meet the following standards...” Rather than provide any short-term bicycle parking, the applicant “requests payment into the bicycle parking fund in lieu of providing short-term bicycle parking on-site.” The applicant argues that “[t]here are no surface parking areas, plazas, exterior courtyards, or other open areas on the ground floor of the site.” Per PZC 33.266.220.A.2.c, **payment into the bicycle parking fund is only allowed if “...it is not possible to provide all of the required short-term bicycle parking on site in a way that complies with all of the standards in A.2.b”** (emphasis added).

It is important to note that the applicant has recently updated the site plan to shift portions of the building back four feet along both the NW 12th Avenue and NW Flanders Street frontage, which would presumably allow for space to accommodate undercover outdoor short term parking. The provision of short-term bicycle parking in these locations would not interfere with the pedestrian environment. Yet, the applicant continues to argue that none can be provided.

PZC 33.266.220.C is clear in that the right-of-way may be utilized for short-term bicycle parking in stating “There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.”

Additionally, PBOT provides further guidance on their website¹ that illustrates the accommodation of short-term bicycle parking in the right-of-way. The website states “The City of Portland Bureau of Transportation (PBOT) issues permits for the installation of short term bicycle racks within the public right-of-way. This guide is intended to provide standards for the design and installation of these racks.” The minimum required sidewalk width necessary to accommodate bicycle parking on the sidewalk is only nine feet. It is clear that bicycle parking can be located in the sidewalk itself. In the case of the proposed development, the NW 12th Avenue and NW Flanders Street sidewalks are proposed at 12 feet wide. Table 2 indicates that with a sidewalk 12 feet in width, only six feet of sidewalk width must remain clear. In some locations along the building frontage, the sidewalk is even wider. The website continues by illustrating many different options for accommodating this bicycle parking that have not apparently been evaluated by the applicant.

It is important to note that the provision of short-term bicycle parking would be of benefit to those utilizing the NW Flanders bikeway especially considering the planned cafe located on-site. As noted in the PZC “Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.”

The applicant has not established that it is “not possible” to provide the necessary on-street parking. It appears that if the applicant cannot meet the standards, their lack of ability to meet this standard is self-imposed. The applicant has not established how the standards of PZC 33.266.220.A.2.b cannot be met. Therefore, no consideration should be given towards the applicant paying into the Bicycle Parking Fund.

Location of Pedestrian/Bicycle Access

The site plan now illustrates that the bicycle access to the building is to be co-located with the residential access to the north of the loading dock on NW 12th Avenue. Even at this location, there are still bicycle/pedestrian conflicts associated with the loading dock and the higher volume NW 12th Avenue (as compared to NW Flanders Street). As required by guideline C3-1 of the River District Design Guidelines “The siting and location of parking should minimize traffic movement and circulation throughout the River District to lessen pedestrian conflict.”

Shifting the pedestrian/bicycle access from NW 12th Avenue to NW Flanders Street would provide better access to the Flanders Street bikeway by putting users directly onto the street without the conflicts associated with the loading dock and with the far greater traffic volume of NW 12th Avenue.

Regarding bicycle parking and access, PZC 33.266.220 requires that the City “encourage the use of bicycles by providing safe and convenient places to park bicycles” with subsection C. calling for the provision of bicycle access accomplished without “undue inconvenience.” The placement of the bicycle access for the building on NW 12th Avenue

¹ <https://www.portlandoregon.gov/citycode/article/43223>

is undesirable compared to its conceptual placement on NW Flanders Street. The placement of the bicycle access on NW 12th Avenue represents an undue inconvenience versus its preferred placement on NW Flanders Street.

Finally, per PZC 17.88.050, a TIS should be required when there are “potential safety or operational concerns that may be impacted by the layout of a site or the location or size of driveways for a proposed development.” For this and other reasons, a transportation impact study should be provided.

Transportation Impact Study Should Be Required

The Kittelson memo falls far short of the requirements of a transportation impact study. Kittelson attempts to shift the burden of proof to the opponents in stating that “The Greenlight letter speculates as to safety associated with congestion...but does not include documented crash records or analytical review of crash history...” To address safety, the applicant should be required to provide a safety analysis and a full transportation impact study per PZC 17.88.050.

According to PZC 17.88.050 “traffic impacts of dividing or developing land may warrant a transportation impact study. The purpose of a transportation impact study is to assess the effects of development in the vicinity of a site on traffic conditions and operations; transit, pedestrians, and bicycle movement; and neighborhood livability. A transportation impact study may be required under the following situations...B. Safety or operational impacts. Where the City Engineer has identified potential safety or operational concerns that may be impacted by the layout of a site or the location or size of driveways for a proposed development.”

To address these issues, the City Engineer should require a TIS to evaluate the safety of the proposed development.

Conclusion

In comparing the proposed development to existing, similar development, it is logical to conclude that the proposed development could create safety issues along NW 12th Avenue and/or NW Flanders Street. The applicant bears the burden of providing an analysis that confirms that the development will not create safety issues.

The Hampton Inn site, located just three blocks to the east of the proposed development site, causes regular disruptions to the traffic on NW 9th Avenue that results in mid-block pedestrian crossings and vehicles traveling in the opposing travel lane while it retains significantly more street frontage from which to conduct these operations than the proposed development.

The proposed site plan modifications place the hotel zone/valet parking away from either of the building entrances likely reducing the benefit and use of such facilities and more importantly, will conflict with the long-planned and protected bikeway.

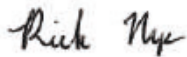
Consideration should be given to moving the pedestrian/bicycle entrance/exit from NW 12th Avenue to NW Flanders Street to improve pedestrian and bicyclist safety, access and convenience.

The applicant has not provided evidence to support their proposal for addressing short bicycle parking requirements.

There is evidence that the City Engineer should require a TIS to address these issues per the PZC.

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

Sincerely,



Rick Nys, P.E.
Principal Traffic Engineer



Appendix C

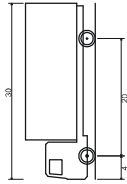
***Truck Turning Exhibit
Illustrating Backing Maneuvers Into Loading Bay
Kittelson & Associates
October 29, 2019 Memo***

NW FLANDERS STREET
(PUBLIC)

DELIVERY TRUCK ACCESS (LEGEND)



DESIGN VEHICLE



SU • Single Unit Truck
Overall Length 30.000ft
Overall Height 8'6.000ft
Overall Width 1.367ft
Min Body Ground Clearance 8.000ft
Track Width 8.000ft
Look-to-Lock time 5.000s
Max Steering Angle (Virtual) 31:70

NW 12TH AVENUE
(PUBLIC)

EXISTING DRIVEWAY
FOR NEIGHBORING PROPERTY
(NO PARKING)

EDGE OF PARKING LANE

EDGE OF PARKING LANE



SU • Single Unit Truck

From: [Carrie Richter](#)
To: [Council Clerk – Testimony](#); [Moore-Love, Karla](#)
Subject: Hyatt Place Rebuttal Testimony
Date: Thursday, September 3, 2020 2:26:28 PM
Attachments: [9-3-20 Ltr Portland City Council.pdf](#)
[Hyatt Report Greenlight 9-3-20 \(002\).pdf](#)

Good Afternoon:

Attached please find written testimony in rebuttal for the Hyatt Place appeal that should be forwarded along to the City Council and also included in the hearing record. Please confirm receipt.

Thank you,
Carrie

Carrie Richter
Bateman◇Seidel
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.
1000 SW Broadway, Suite 1910
Portland, OR 97205
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(503) 972-9904 (direct fax)
crichter@batemanseidel.com

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September 3rd, 2020

Re: File Number LU 19 145 295 DZ

To Mayor Ted Wheeler and City Council Members Chloe Eudaly and Amanda Fritz

I am responding on behalf of Pearl Neighbors for Integrity in Design to the August 27th 2020 email to the Oregon Smart Growth's concerns expressed to the City Council in opposition to our Appeal of the Design Commission's Decision to approve the Hyatt Place development.

I ask that the City Council carefully review these concerns expressed by OSG and consider them in-light of the present circumstances that exist in the Portland Central City, before making their final decision:

- The Oregon Smart Growth non-profit is, as stated on their website, “a collation of developers, investors and allied professionals that supports policies encouraging **walkable, compact development that is economically, environmentally, and socially sustainable.**”
- OSG maintains that the Hyatt Place development project is “exactly the type of project which the 2035 Central City envisioned and encouraged”. If this is a fact, it was never so communicated to the public at numerous hearings preceding the approval of the CC plan.
- The Hyatt Place project is the first development in the South Pearl since the re-enactment of the Central City 2035 Plan. The Hyatt Place project is on a heavily trafficked 10,000 square foot quarter lot adjacent to the major Flanders Greenway Bike path, leading to the Flanders pedestrian/bike bridge over I-405. Little note by OSG is given to the fact this developer was not even aware of this long-in-advance planned bike path and that the relocation of the loading docks from Flanders to NW 12th was not a “reasonable accommodation” made voluntarily by the developer. This removal of the loading docks was brought to the attention of PBOT by the press at the insistence of bike groups and pedestrians in the community and was subsequently mandated by PBOT.
- The Hyatt Place project's 273 individual units squeezed onto a quarter lot, with only 100 linear feet available on one side of the development to access all of the services of this dual purpose hotel and apartment project, without any on-site parking or ability to accommodate the pile up of vehicles, brought about by drop off/pick up vehicles, taxis, dozens of daily deliveries, valet parking, mini tour vans, ambulettes accommodating the transportation of disabled people and convalescent passengers, which require a drop down ramp, and the 170 bicycles that will be

using the middle of the 100 linear feet as their ingress and egress onto NW 12th through the Residence lobby. This congestion is unacceptable and presents major traffic dangers and potential serious cash sites. Furthermore, it completely obviates the use of this strip of sidewalk by pedestrians. There is no other development in the Central City which has this intensity of use serviced by this limited access to the street.

- OSG's mention of concerns regarding Covid-19 shockingly pertains solely to the inconvenient delays and potential financial inconvenience incurred by their membership: "developers, investors, and allied professionals". There is no concern shown regarding Covid-19's impact on the hotel guests or the residents of the apartments occupying these 273 units, which they must access multiple times a day through four elevators. Moreover, at the time of a major global pandemic, with no end in sight, which could possibly be followed by similar health emergencies in the future, there is also no mention of the safety and welfare of the community who are confronted with a sidewalk where no social distancing is possible, and the negative effects on the Public Realm.
- The concern that "nearby multi-family tower residents fighting new apartment towers that are like the ones they live in is "highly ironic" and is also incorrect. Please note the graph attached below, which shows the single use of these towers as well as the available on-site parking at the "nearby multi-family towers." There is little relationship of these buildings to the proposed development or its intensity of use. The occupancy of the neighboring residents are most concerned by the impaired livability and overcrowded, dangerous traffic and health conditions that will be created by this development in their neighborhood which have not been addressed by OSG.
- Further, the mention of the necessary "housing needs" that will be fulfilled by this development are also incorrect and have not been updated to reflect the effects of Covid-19 safety considerations as well as the non-stop demonstrations which have reeked havoc with the former livability and physical destruction of the Central City. At present, the South Pearl is grossly over built. At present, 500 new market priced units are coming onto the market in the South Pearl. Hotel occupancy in the Pearl remains below 30%, so these considerations should not be a factor.
- Given the fact that the population of the Pearl is diminishing, not increasing, as families flee to single family homes in nearby communities and more and more retail establishments and restaurants are shuttered, obviates the presumption that housing and hotels are in short supply in District 1.

- I would also like to bring your attention to the remarks submitted previously to the Design Commission on December 5th 2019, by Stephen Aiguier, the founder and owner of “Green Hammer” a sustainable builder/design firm whose offices are located in the South Pearl Eco Trust building. His alternative viewpoint is worthy of consideration.

“Hello,

As a few of you know my name is Stephen Aiguier, the president and founder of Green Hammer Design Build located at 721 NW 9th Ave #195, at the EcoTrust building in the Pearl. I have been following the design commission hearings regarding the proposed development at 350 NW 12th Avenue and I have concerns I would like to share and will keep this brief.

I am a fan of the 2035 plan and increased density. I take the future planning and development of our city and the examples we set very seriously. The proposed design appears to be in direct conflict with the City goals set to mitigate carbon emissions and the climate crisis. As an expert in third party better building certifications and standards I can say with certainty Green Globes is an unacceptably low standard for a building of this dimension and impact and frankly is an embarrassment to the integrity of the 2035 plan. A building of this scale should no longer be held to status quo. Additionally as an avid cyclist, well known for making all of my meetings and commutes on my bike I can not understand how a hotel and building of this scale at this location with the current design is in alignment with the Greenway I frequent almost daily.

I am writing to you with the full understanding of the 'purview' limitations of your review, and the quandary I put my firm in by standing against development. However, in this case I must put aside the rule book and publicly state this is the wrong direction as a first significant density step for the 2035 plan, and the wrong precedent to set. As a City and community, we must do better. I can only imagine some of you must be struggling with this approval. I implore you to look into the future and ask yourselves if this is the 2035 you are impassioned to deliver to the children of this city? Every plan has inherent mistakes, does it mean we must follow them, or is it better to question where we have erred and do the right thing?”

Best wishes,

Stephen Aiguier | SHP

Green Hammer | Founder + President

preferred pronouns: he, him, his

721 NW 9th Avenue, Suite # 195 | Portland, Oregon 97209

office 503.804.1746 ext. 113 | fax 503.232.7924 | direct 503.751.2081

Hyatt Place - 350 NW 12th Avenue, Portland OR 97209 – LU 19-145295 DZ

The proposed development is a 23 floor, 250 foot high in fill construction that has 160 hotel rooms and 113 studio and one bedroom apartments – 273 individual dwelling units on a 10,000 square foot lot abutting the long planned two way Flanders Bikeway leading to the pedestrian/bike bridge being constructed over I-405. The proposed land use of the lot removes 39 publicly accessible parking spaces and demolishes a 100 year old silver maple tree.

This is the first apartment building with more than 20 units in the Pearl without any on-site parking. THE INTENSITY OF USE OF THIS DEVELOPMENT IS EXCESSIVE AND OUT OF CONTEXT FOR THE SOUTH PEARL NEIGHBORHOOD AND WILL CAUSE MAJOR TRAFFIC COLLISION DANGERS.

Addresses of Neighboring Buildings in the South Pearl								
Building Type	Building Name	Address	Completion	Zip	Apts.	Parking Places	Lot sf	Stories
Condos-HOAs	The Casey	311 NW 12 Ave	2007	97209	60	109	10,000	16
	Chown Pella Lofts	416 NW 13th Ave	Conver 1995		68	71	20,000	6
	McKenzie Lofts	408 NW 12th Ave	1997		68	78	20,000	6
	The Henry	1025 NW Couch St	2004		123	120	20,000	15
	The Gregory	420 NW 11th Ave	2000		133	145	40,000	12
	The Elizabeth	333 NW 9th Ave	2005		182	213	35,000	16
Rental Bldgs	Dianne	535 NW 11th Ave	2017		102	52	10,000	14
	Oakwood Apts.	1155 NW Everett	2015		112	80	20,000	6
	Couch 9	135 NW 9th Ave	2017		136	50	10,000	12
	Heartline	1250 NW Kearney St	2017		208	211	20,000	15
	The Louisa	123 NW 12th Ave	2005		242	Brew.Block	40,000	16
	Modera Davis	38 NW Davis St	2019		204	145	20,000	12
	Modera Glisan	480 NW 14th Ave	2019		291	223	30,000	12
	The Rodney	1470 NW Glisan	2020		230	210	20,000	16

We encourage the City Council to support this Appeal because the Design Commission and the Oregon Smart Growth have failed to consider the many factors elicited above which are also further elaborated on in our appeal documents.



PATRICIA CLIFF, President

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From: [Patricia Cliff](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt Place Rebuttal Testimony - LU 19-145-2954 DZ
Date: Thursday, September 3, 2020 3:32:42 PM
Attachments: [image001.png](#)
[Rebuttle of Oregon Smart Growth August Remarks.pdf](#)

Attached please find written testimony in rebuttal regarding the Oregon Smart Growth August Letter with respect to the Hyatt Place appeal that should be forwarded to the City Council and also included in the hearing record.

Kindly confirm receipt.

Thank you.

P.



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September 10, 2020

VIA EMAIL: CCTestimony@portlandoregon.gov

Portland City Council
1221 SW 4th Avenue
Portland, OR 97204

RE: Hyatt Place/Lawson Residences (formerly Allison Residences)
Applicant's Closing Argument (LU 19-145295)

Dear Honorable Mayor and Commissioners,

This office represents the applicant in the above referenced matter. This letter provides the applicant's closing argument in the appeal hearing. The letter addresses several legal arguments made by the appellants and other project opponents during the appeal proceedings and describes evidence in the record that confirms that the building satisfies the single approval criterion at issue in the appeal by complying with applicable design guidelines.

A. The Proposed Building Satisfies the Design Review Approval Criterion

In reviewing the appeal claims made by the appellants, it is first critical to keep in mind that the only approval criterion in this design review process is compliance with the applicable design guidelines. Portland City Code (PCC) 33.825.055 states "[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." In this case, the guidelines for the area include the Central City Fundamental Design Guidelines and the River District Design Guidelines.

It is also important to understand that the design guidelines are precisely that – guidelines. The guidelines do not contain objective standards that must be satisfied in a singular way. Instead, the guidelines are succinct, yet broad concepts related to building design. While the guidelines themselves are considered the approval criteria, each guideline is supported by a background statement that provides relevant context to explain the purpose and overall intent of the guideline. Additionally, each guideline section provides multiple examples of ways to accomplish the guideline that includes both a written description and an image, confirming that the design review process is flexible and there are many acceptable ways to meet each guideline.

In this case, after a rigorous design review process that resulted in multiple design revisions by the applicants to address feedback from the Design Commission, staff and the public, the Design Commission unanimously determined that the proposal complies with all applicable design guidelines and therefore satisfies the single approval criterion at issue in this review. As explained in our oral testimony and below, many of the arguments made by the appellants and others opposed to the project seek to impermissibly expand the limited scope of the review by raising issues unrelated to the applicable

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guidelines or by distorting or mischaracterizing specific guidelines in an attempt to support their objection to the building, often selecting just a word or two from the guideline rather than considering the guideline as a whole within the context of the background and examples. Specific issues, along with identified or applicable guidelines, are discussed in greater detail in the sections below. However, before providing an overview of the guidelines at issue, it is necessary to separately address the height of the building as a central issue in this appeal.

B. Building height

The appellants and other project opponents share a common belief that the building is too tall for the Pearl Subdistrict.¹ However, the neighbors' discontent with the height of the building is not a legitimate reason for the Council to overturn or modify the Design Commission's approval of the proposed building for several reasons. The proposed height of the building is allowed outright through the Central City Plan District objective bonus height standard under both a plain reading of the applicable development standards of the Central City Plan District and the PCC provision that determines the hierarchy of conflicting regulations. Therefore, the City Council cannot deny design review approval based upon the height of the building or force the applicant to reduce the overall height of the building through the design review process. Moreover, even if the Council were to find that height could be evaluated as a factor in the decision despite the conflict that would create between the plan district and overlay regulations, that factor could not be applied to require a reduction in height in this case because the proposed building complies with the only guideline that even arguably relates to height.

1. The height allowed by the plan district supersedes any interpretation of the design overlay regulations to limit height

Neither the Design Commission nor the City Council has the authority to reduce the mapped permitted height of the proposal through the discretionary design review process. As noted by staff during the hearing, height is identified in PCC 33.825.035 as one of the many factors that may be reviewed during design review. However, under the clear language of the code, evaluating height as a factor cannot result in a decision that either denies design review approval because of the height of the building or forces a reduction in the allowed height of the building.

PCC 33.700.070 establishes the rules for interpretation of PCC 33.510.210.D.3; the code section that establishes the permitted base and bonus height for this project. There are two primary rules. First, "literal readings of the code language will be used. Regulations are no more or less strict than as stated." PCC 33.700.070.A. And most relevant here:

"In general, an area with base zoning, overlay zoning, or an area in a plan district is subject to the regulations of each...When the regulations conflict, unless specifically indicated otherwise, the following rules apply: The regulations in a plan district supersede regulations in overlay zones, base zones, and regulations in the 600s series of chapters..." (Emphasis added).

There is no question that this City rule of interpretation applies in this case. The project is located in the Central City Plan District and the Design Overlay Zone. Because the project is in a Plan District,

¹ The appellants repeatedly refer to the "South Pearl District." However, neither the PCC nor the design guidelines recognize a distinct south Pearl District. Instead, the site is located within the Pearl Subdistrict of the Central City Plan District and the Pearl District Neighborhood of the River District Design Guideline area.

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the regulations of the Plan District will supersede any conflict with the regulations in the Design Overlay Zone. The Plan District contains the regulations on height. Thus, any regulation in the Overlay Zone that also attempts to regulate height is a conflicting regulation and cannot be applied in this case.

The Plan District is abundantly clear and literal regarding the allowed height for this Project. First, PCC 33.510.210.B.1 establishes both an allowed base height and a bonus height with the following language:

“Base heights are shown on Map 510-13. Heights greater than shown on Map 510-3 are allowed through the bonus height or height transfer options specified in Subsections D. and E. Adjustments to height limits shown on Map 510-3 are prohibited.” (Emphasis added).

This language is both clear and literal and leaves no room for an alternative interpretation. The base height for the project site is shown on Map 510-3 as 100 feet. There is no code language, express or implied, that states that any amount of this height is discretionary or can be reduced through the application of some unidentified factors or considerations. Instead, the code simply and literally states that base heights “are shown” on Map 510-3.

The same analysis applies to the bonus height. Under PCC 33.510.210.B.1, “heights greater than shown on Map 510-3 are allowed through the bonus height or height transfer options specified in Subsections D. and E.” (Emphasis added). There can be no real question that the term “are allowed” means exactly what it says: bonus heights are allowed through the bonus height option under Subsections D. and E.² The code does not say “are allowed if approved through the design review process.” Instead, the code maps the specifically allowed bonus height for each block in the Central City Plan District and refers the applicant to Subsections D or E for the qualifying factors to achieve this bonus height. Subsection D.3 is relevant in this case and is entitled “Bonus Height earned through an FAR bonus or transfer,” and provides:

“Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections above the height limits shown on Map 510-4 or allowed by Subparagraph D.3.e are prohibited:

- a. The site must be shown on Map 510-3 as eligible for a height increase;
- b. The proposal must earn an additional FAR of at least 1:1 through the use of one of the following FAR bonus or transfer options...
 - (1) Inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;
 - (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b; or
 - (3) The historic resource transfer of Paragraph 33.510.205.D.1.”

² The term “allowed” is not defined in the PCC. However, the normal dictionary meaning of the term allow is to “permit.” See, Merriam Webster Online Dictionary. This is consistent with how the term “allowed” is used throughout the PCC. For example, “allowed uses” are those permitted in a zone without limitations or discretionary conditional use review. See e.g., PCC 33.130.100.A.

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The project is not subject to the shadow study requirement of Subsection (c). Thus, subsections D.3.a and D.3.b are the only code criteria for the project to satisfy in order to secure the allowed bonus height. In each case, this project meets these criteria and no party has disputed that finding. Under (a), the site is mapped as eligible for 250 feet of bonus height. The height of the project is 250 feet in compliance with this mapped allowance. Under (b), the project will qualify for the 3:1 FAR bonus for providing on-site inclusionary housing units. Thus, the project will “earn an additional FAR of at least 1 to 1 through the use of” the inclusionary housing bonus option. There are no other criteria in the code for securing bonus height. Instead the code specifically, expressly and literally states that bonus height is allowed if you meet the two listed criteria. The project meets the two listed criteria and therefore must be awarded the bonus height.

The appellants attempt to muddy this clear language in at least two ways. First, they contend that the bonus height is a “maximum” and only means that you can secure “up to” 250 feet and that the Design Commission and City Council have the discretion to lower that maximum. This argument is flawed for a number of reasons. Nowhere in the applicable provisions, quoted above, does the code state that the bonus height is a maximum height that is subject to reduction through an alternative process. In fact, the term “maximum” is not found in the applicable code language. The term “up to” is also absent from these applicable provisions. Instead, the code states that the mapped bonus heights “are allowed when the following are met.” (Emphasis added). Map 510-4 does identify a “maximum bonus height,” but does not state that the maximum height is subject to discretionary reduction through the Design Overlay review process. When considered in the context of the text of the code, the reference indicates that it is the maximum height allowed if the bonus height is earned, but that a building to the maximum bonus height is not required. In other words, it is not also the minimum height required. The labeling of the maximum height on the map is also consistent with the provision that prohibits adjustments to further increase the height of a building beyond the maximum bonus height. The code then clearly defines what it means by the “following.” The “following” are the two factors that apply to bonus height: the site is mapped as eligible for bonus height and the site has earned at least 1:1 in one of the three bonus or transfer options. PCC 33.510.210.D.3. To accept opponent’s argument that the terms “up to” and “maximum” should be applied in this case to permit a reduction in height expressly allowed in the plan district through a process required by an overlay zone would require the City to add these terms to the code where no such term exists.

A comparison to the other height bonus provisions in the code is also instructive and supports this legal conclusion. Where the City intended bonus height to be discretionary, it specifically said so. Under PCC 33.510.210.D.1, bonus height in the South Waterfront is discretionary. There the code states that “buildings may earn a height bonus of 25 feet “if approved as a modification through design review.”³ This provision makes it abundantly clear that when the City wanted to subject bonus height to design review discretion and express that the height was subject to reduction through an overlay process, it did so by expressly stating that the bonus was only allowed through design review. None of this language is present in the bonus height allowance applicable in this case.

Lastly, appellants argue that the Design Overlay and its associated design guidelines give the City the discretion to lower the allowed bonus height in this case. This argument is also fatally flawed. The Plan District development standards regulate the height allowed on the site. If the Design Overlay zone is interpreted to reduce the allowed height in the Plan District, as appellants argue, then the Design Overlay conflicts with the Plan District on the topic of height and pursuant to the City’s hierarchy provisions of PCC 33.700.070.E identified above, the Plan District regulation must supersede. One cannot circumvent

³ PCC 33.510.210.D.1.a.

this plain conflict or the clear rules on code hierarchy by arguing that the design guidelines regulate “compatibility” and not height. Such an argument is disingenuous. If any design guideline operates to reduce height, that design guideline is “in conflict” with the Plan District’s specifically permitted height. The code hierarchy rules do not turn on hiding the height regulation behind another term like “compatibility” in an effort to convince the Council that you are not regulating height. Instead the code hierarchy states that if the Overlay zone regulation “conflicts” with the Plan District regulation, the Plan District regulation prevails. That is exactly what the appellants are asking you to do: interpret a design guideline to conflict with the Plan District height allowance and lower the height. That act would be against the law of the code and is not permissible under PCC 33.700.070.(A) and violates the plain language of PCC 33.510.210.D.3.

In written testimony to the City Council, appellants cited findings included in the re-adopted Central City 2035 Plan (CC2035) that they claim support the notion that bonus height within the Central City Plan District is discretionary.⁴ However, those findings provide legislative history that as a matter of legal interpretation cannot be used to override the clear, unambiguous language of the code provisions identified above. Moreover, the findings do not support a conclusion that bonus height on sites outside of historic districts are discretionary and subject to reduction through the Design Review process. The first paragraph provided and the Bureau of Planning and Sustainability (BPS) memo attached to the letter are limited to Historic Resource Review required of new development located within a historic district. The subject site is clearly outside of the nearest historic district boundary and is not subject to Historic Resource Review.⁵ The cited findings also include a paragraph that address Design Review outside of historic districts, but those findings do not state that the design guidelines may be interpreted or applied to reduce the allowed height of a building. Instead, the findings state that the design guidelines “work with the existing height and FAR assigned to a site...” (emphasis added). The findings further state that the design review process “is intend to result in development that uses some or all of its FAR in a manner that is also consistent with all applicable guidelines.” Therefore, the design review specific findings acknowledge that a building may use all of its allowed density even though it is reviewed through a discretionary design review process. Even if these findings were relevant to the code interpretation, the findings for projects outside of historic districts do not support the appellant’s contention that the decision maker in the design review process has the authority to deny a project that utilizes the allowed bonus height or require a reduction in allowed height.

2. Consideration of height as a factor does not permit the decision maker to require a reduction in height when the building satisfies the applicable design review guidelines.

Even if the Council were to set aside the plain language of the code regulations for bonus height within the Central City Plan District and ignore the hierarchy requirements between conflicting regulations of the plan district and the Design Overlay zone, in this case, neither denial of the project because of the height nor a forced reduction of height is necessary or warranted to find compliance with the applicable design guidelines.

⁴ Bateman Seidel Letter, August 20, 2020 (Appellant’s August 20th Letter), pg. 3.

⁵ This is of particular importance because the BPS memo relies in large part on ORS 227.175 for its interpretation, which specifically provides that the City may reduce the height or density of housing development if the reduction is necessary to comply with a statewide planning goal. Additionally, the full text of the cited City Council findings for CC2035 attached to a letter submitted on behalf of the appellants dated August 20, 2020 specifically note that the Historic Resource Review process is a component of the City’s Goal 5 program. While designated historic resources are protected by Goal 5, the City Design Review program is not directly connected to statewide planning goal compliance. Therefore, a primary legal justification for the conclusion that height is discretionary in the Historic Resource Review process does not exist in the context of the Design Review process.

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As noted above, PCC 33.825.035 identifies height as one of several factors that may be evaluated during Design Review. However, these factors are not referenced in the approval criteria description at PCC 33.825.055, which strictly limits the approval criterion to compliance with design guidelines for the area. Therefore, to the extent that height is a factor that may be evaluated during Design Review, any consideration of height must be directly connected to the applicable design guidelines. This is consistent with the Commentary on the Recommended Draft dated April 1990 that was submitted into the record following the hearing by City staff. The commentary notes that items allowed to be reviewed by the Design Commission were expanded to include height in addition to bulk and lot coverage. The commentary goes on to state, “[t]his will allow the Design Commission to review modifications to site layout proposed as part of design review.” Consistent with the commentary, the Design Review decision makers may evaluate proposed modifications to site layout or design within the allowed building envelope if those design modifications are necessary for a specific development to comply with an applicable guideline. In this case, the record shows that the Design Commission provided feedback and comments to the applicant through the DAR and the Design Review hearings that resulted in additional setbacks and a more sculpted form at the top, and the Design Commission found that with those modifications, the proposed building complies with all applicable guidelines. Significantly, the commentary provided by staff does not expressly state that the addition of height as a factor allows the decision maker in a Design Review to mandate a reduction in height or deny a building because of its height, nor does it support such an interpretation.

Once again, to the extent that height is evaluated as a factor in the Design Review process, that evaluation must be directly connected to the applicable design guidelines. In this case, none of the applicable guidelines reference the overall height of a building. Therefore, appellants attempt to insert overall height into the guidelines in ways that are not supported by the plain language of the guidelines, the background narratives or examples of ways to accomplish the guidelines. While each of the guidelines at issue on appeal are discussed in greater detail below, the appellants most specifically cite Guideline C4 or selected portions of Guideline C4 when arguing that the building is too tall. Guideline C4 calls on buildings to “compliment the context of existing buildings by using and adding to the local design vocabulary.” The Design Commission specifically considered the context of the building and concluded that the building appropriately compliments the context of existing buildings in the area, which includes portions of the 13th Avenue Historic District, as well as other areas of the Pearl Subdistrict that, like the subject site, are not located within the boundaries of the Historic District. Appellants argue, however, that those findings are not valid because a building that is taller than the existing tallest building has a fundamental flaw - that at the proposed height and proposed FAR the building is not adequately contextual. However, an interpretation that a building at a height consistent with the bonus height allowed in the Central City Plan District is automatically out of compliance with Guideline C4 because it does not adequately compliment the context of the historic district is a de facto amendment to the Bonus Height Maps of the Central City Plan District. Under that reasoning, any building within a few blocks of the 13th Avenue Historic District boundary, or any historic district boundary, that exceeds the height of the tallest building currently in the area would never be able to comply with Guideline C4. Of course, that is the precise outcome the appellants are seeking. However, that outcome is at direct odds with the years of planning, public testimony, and careful decision making that balanced all competing interests and policy goals of the Central City that resulted in the height bonus system and bonus height maps adopted through CC2035.

Finally, the appellants claim that the Design Commission misunderstood their authority related to height. For the reasons set forth above, we strongly disagree. However, even if the Council were to find that to be the case, it is not necessary to remand the Design Commission decision on that basis alone. The

City Council is the final decision maker for Type III Design Review decisions and has independently reviewed the record and new testimony and evidence through a de novo review. Therefore, even if the Council were to find that the inclusion of height as a factor provides the decision maker additional discretion related to height that was not properly understood by the Design Commission, a remand is not required because the Council can independently find that the building complies with all applicable design guidelines and adopt findings consistent with that conclusion.⁶

C. Design Guidelines

The Design Commission unanimously determined that the proposed development complies with each applicable guideline. The appellants have selectively identified a few of the applicable guidelines that they claim the proposal does not comply with. However, as detailed below, the appellant's arguments generally misinterpret or impermissibly stretch the guideline language and related context to try to support their position that the proposed development should be denied or remanded. The design guidelines identified by the appellants are organized by general topic and addressed below. However, before addressing each identified guideline is necessary to correct two fundamental flaws that run through many of the appellants arguments related to the guidelines.

First, the appellants repeatedly suggest that this building should be held to higher and far more exacting design requirements solely because the allowed height of the building under the existing code exceeds the height of other buildings within the surrounding area. However, there is absolutely no support for this position in the PCC or in the guidelines, and the appellants offer none. As the appellants themselves point out in written testimony, the design guidelines themselves were not amended through the CC2035 process. In other words, the exact same guidelines that applied to buildings developed under the previous code apply equally to this project. Therefore, the guidelines must be interpreted and applied consistently between pre-Central City 2035 projects and current projects. To find otherwise would be patently inconsistent with the Design Review approval criterion and the adopted area guidelines referenced in that criterion. The City could have adopted updated Central City Design Guidelines or River District Design Guidelines as part of, or concurrently with, the CC2035 Plan amendments, but did not do so. The appellants clearly wish that different guidelines applied. However, until the City adopts new guidelines applicable to this and other design districts through a public legislative process, the sole approval criterion for this design review remains compliance with the existing Central City Fundamental Design Guidelines and the existing River District Design Guidelines.

The second flaw is that appellants claim that because the allowed building height is now greater for this site than it was at the time the applicable guidelines were adopted, the written and pictorial examples of how each can be accomplished should simply be ignored. Once again, the appellants offer no legal support for this claim. While it remains the case that the guideline language itself serves as the approval criteria for the Design Review decision, the written descriptions and images, like the background statements, continue to provide relevant context for interpretation and application of each broadly written guideline.

Impact of building on 13th Avenue Historic District: The proposed development is located one block to the east of the 13th Avenue Historic District. Therefore, both the applicant and the Design Commission appropriately considered the proximity and historic character of the Historic District in considering and

⁶ If the Council were to determine, however, that the proposal does not satisfy one or more of the guidelines, we believe that remand of the decision to the Design Commission is available and warranted as an alternative to denial of the project.

applying the guidelines below related to special areas, identity of the neighborhood, and complimenting the context of existing buildings.

Guideline A5-1: Enhance the qualities that make each area distinctive within the River District, using the “Special Area Design Guidelines”

This guideline refers to the special area design guideline for the Pearl District Neighborhood, Guideline A5-1-1. The background statement clarifies that the design should acknowledge the character and identity of three blocks in every direction. In this case, that includes a portion of the 13th Avenue Historic District to the west, but also areas outside of the historic district to the north, south and east. The appellants contend that the building does not sufficiently enhance the surrounding area. However, the term “enhance” in this guideline cannot be interpreted in a vacuum as suggested by appellants. Instead, the guideline calls for enhancing the qualities that make an area distinctive using the applicable special area guideline. Therefore, the guideline must be interpreted in the context of the referenced special area guideline for the Pearl District, including the neighborhood character description and the qualities that make the Pearl District neighborhood distinctive articulated in the A5-1-1 background statement, and in the context of the examples of design elements that accomplish the Pearl District Neighborhood guideline. As provided below, the approved building includes design elements consistent with several of written examples that apply specifically to the applicable special area guideline at A5-1-1.

Guideline A5-1-1: Reinforce the Identity of the Pearl District Neighborhood.

The background statement for this guideline describes the identity of the Pearl District Neighborhood and states “[t]he area is an urban mix of old and new buildings and structures juxtaposed, with visual and physical references to its warehousing past.”⁷ Therefore, while the Pearl District includes the 13th Avenue Historic District and other historic structures, the identity of the Pearl District includes a mix of old and new buildings. The identity of the Pearl District and the specific building features that help reinforce that identity are further depicted and described in five examples of ways to accomplish the guideline. As noted above, these examples are not the guidelines themselves. However, they describe options for complying with the guideline and therefore serve as appropriate context for the guideline. For this guideline, the examples provide specific options for design elements that have been deemed to “reinforce” the identity of the Pearl District. As provided in the findings and explained in the applicant’s hearing testimony, the building approved by the Design Commission provides at least three of the identified design elements by: 1) recognizing the urban warehouse character of the Pearl District in the design of the base that includes concrete columns with large, fully glazed storefront systems consistent with the example 1 description, 2) providing a clear base, middle, and top that is consistent with traditional architecture in the district that provides a tripartite composition as described in example 3, and 3) including design elements which diversify the architectural language and palette of materials as provided in the example 4 description through the use of metal panel for the primary material for the building cladding above the base. Once again, the appellants argue that it is somehow an error to reference the guideline examples because the guideline serves as the approval criteria. Again, while that is the case, that does not render the examples irrelevant. In fact, they provide necessary and appropriate guidance and context for complying with the very broad, general guidelines. The appellant’s notion that somehow the

⁷ River District Design Guidelines, pg. 17.

development standard changes adopted through CC2035 wipes out the relevance of the examples for accomplishing the guideline is also without merit.

Guideline C4: *Compliment the context of existing buildings by using and adding to the local design vocabulary.*

The clear focus of this guideline is on the design and not the height of a building. Therefore, to the extent the appellants and others opposed to the project are implying this guideline could be used to require a lower height, that is not the case for the reasons set forth above. As provided in the record, the applicant specifically designed the building to compliment identified surrounding buildings through design elements and materials in compliance with this guideline. The design both uses and adds to the local design vocabulary, which, as described the background statement is the common expression of design themes and details common in the Pearl District, including the 13th Avenue Historic District.

Appellants argue that the building does not comply with the guideline if the primary elements of the building along the base that most directly compliment the context of existing buildings within the 13th Avenue Historic District are not visible from the Historic District. However, Guideline C4 neither expressly requires nor implies that there must be a direct visual connection between elements of a building that compliments the context of a nearby Historic District. Furthermore, the Design Commission also found that the approved design provides a clear base, middle and top which is also consistent with the local design vocabulary and compliments existing buildings within the 13th Avenue Historic District and elsewhere within the Pearl District. Those design elements of the building are also visible from the areas surrounding the site. Finally, both the background description and the wording of the guideline itself makes it clear that it is not necessary for new buildings to completely mimic or imitate the context of existing buildings to be complimentary. In this case, the Design Commission properly concluded that the use of concrete columns at the base of the building and the height of the building base appropriately compliment the context created by existing nearby buildings both within and outside of the Historic District. The building also adds to the use of the local design vocabulary through other design features that the Design Commission found to comply with the guideline, including setbacks at the top façade.

Additionally, the appellants contend in their final argument that the building materials are not sufficiently rich and do not have sufficient color variability to compliment nearby buildings. However, the Design Review record shows that the Design Commission carefully evaluated the material choices and debated the precise color of the metal paneling. While the appellants couch this argument as a contextual design argument, the argument repeatedly returns to complaints that the building is taller than surrounding buildings both within and outside of the Historic District. For the reasons set forth above, this building cannot and should not be held to a higher design standard than required by the guideline simply because it is consistent with the height currently allowed across the Plan District.

Finally, while this building cannot not be held to a higher standard in application of this guideline, we strongly disagree with the notion that the proposal represents the bare minimum necessary to satisfy this and other design guidelines. The Design Commission findings clearly support this building as a high quality, contextually appropriate building that fully complies with all guidelines. We also strenuously disagree with the erroneous assertion that the Design Commission as a whole, ultimately concluded that the building was the simply the best the developer could do. Once again, the building went through a rigorous process to refine the design

to fully comply with guidelines and in the final decision and deliberation was unanimously supported by the Design Commission.

Flanders Street Bikeway: As noted in the record, the NW Flanders Street is currently designated as a Major City Bikeway. It is also the planned location of the NW Flanders Greenway Project which is expected to include a series of improvements within the right-of-way to improve conditions for people walking and biking on NW Flanders. As stated by the appellants, however, PBOT has not yet released the final design of the bicycle travel lanes along the frontage of the site and the date of implementation of the greenway improvements is unknown. The appellants have argued that the project turns its back on the greenway. That is not the case. The project includes long-term bicycle parking and will contribute to a fund to provide short-term bicycle parking in an appropriate area consistent with final greenway design, as permitted by the code. The building also provides an uninterrupted frontage along NW Flanders Street that provides large, glazed storefront systems and active café and lobby spaces that the Design Commission concluded contributes to a vibrant streetscape along NW Flanders Street. Additionally, and significantly, the project encourages alternative modes of transportation, including bicycle travel, by not providing off-street parking. High density, mixed-use developments that limit reliance on automobiles such as this project should be encouraged along the City's priority bike routes and greenways, not discouraged or penalized as suggested by the appellants.

While it is the case that the building design and overall project will contribute to the greenway, it is also the case that the guidelines do not require the level of greenway integration in this project claimed by the appellants. Therefore, claims related to the greenway do not provide a legal basis for denying or remanding the approved development. The appellant cites the following guidelines to argue that the building must do more, but as provided below, those claims are not supported by the guidelines themselves.

Guideline A2: When provided, integrate Portland-related themes with the development's overall design concept.

In compliance with this guideline the applicant integrated "water" as a theme, and evoked Tanner Creek specifically through embossing in the fountain feature. The appellant testimony claims that design guidelines also require the development to integrate and accommodate bicyclists. While none of the guidelines specifically require a building to accommodate cyclists when the building fronts a major city bikeway, the reference to integrating the bicyclists seems to be a reference to this guideline. However, the guideline does not require the building to integrate bicyclists, but instead integrate Portland related themes. While cycling could also be considered a Portland theme, it is not necessary for guideline compliance to incorporate every Portland theme into a building, and the design guidelines should not be interpreted to require every new building on a designated Major City Bikeway, or even along the Flanders Greenway, to emphasize bicycles as a theme of the building. Moreover, the guideline and the examples for accomplishing the guideline all relate to incorporation of themes into building design elements rather than transportation options within the right-of-way. As established in the record, this guideline is satisfied through the proposed building design, and design features that integrate water as a theme.

Guideline A5: Enhance, embellish and identify areas

The appellants claim that the Flanders Greenway must be identified as a special feature that must be integrated into the development. However, bikeways are not included in the list of special areas or local features within the background statement of this guideline. While one of the guidelines includes "enhance an area by reflecting the local character within the right-of-way" the

guideline does not require a development to encompass activities or uses within the right-of-way as suggested by the appellants. Furthermore, the background describes the addition of elements in the right-of-way such as street lights and special paving rather than specific uses or activities that occur or could potentially occur in the future within the right-of-way. The proposed development satisfies this guideline through compliance with right-of-way standards and creates flexibility for future development of the greenway through the main entrance orientation on the corner and a vibrant, active frontage along NW Flanders Street.

While unrelated to the greenway, we also note that several project opponents object to the removal of the large existing Silver Maple located along NW 12th and attempted to characterize the tree as a “special feature” under guideline A5. First, and as documented in the record, the applicant looked for opportunities to save the tree, but ultimately concluded that because of the location of the tree it was not possible to preserve the tree and comply with development and public works standards that would apply to any development on the site. The Urban Forester in the Early Assistance Response acknowledged that preserving the tree may not be possible and identified mitigation standards that will apply. More importantly for purposes of this guideline, the only trees identified as an important or special feature under Guideline A5 are heritage trees. The tree in question is not a designated heritage tree.

Guideline B5: Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces.

The appellant contends that the Flanders Greenway is a public open space subject to this guideline and under the heading for the guideline has an obligation to make the greenway successful. The Design Commission findings conclude that while not technically an open space, the Flanders Greenway will encompass many of the characteristics of an open space when developed. To the extent the greenway could be considered an open space subject to the guideline, the building design fully complies by orienting the hotel lobby and café and large, expansive windows systems to face what will become the Flanders Greenway. Additionally, the main entry of the hotel is oriented on the corner of NW Flanders Street which provides flexibility to accommodate the final design of the greenway. Both the nature of the high-density, mixed use development and the design elements of the building along NW Flanders Street will contribute to the success of the greenway.

Pedestrian movement and safety: The Design Commission properly concluded that the approved development satisfies all applicable guidelines intended to protect pedestrians and provide an enjoyable pedestrian experience along the sidewalks outside of the building. Nonetheless, the appellants argue that the NW 12th Avenue frontage in particular creates a safety issue. Before addressing the appellant’s claims related to the guidelines, it is important to understand the scope of the design review process as it relates to the pedestrian realm and vehicle areas because the appellant’s arguments clearly extend beyond the scope of this review.

Appellants allege that the likely location of the passenger loading and/or parking area along the NW 12th Avenue frontage creates a safety issue. The applicant provided testimony from a traffic engineer that reveals flaws in scenarios and safety arguments presented by the appellants and depicted in the model the appellants entered into the record.⁸ More importantly for the purposes of the scope of this Design Review decision, the activities and functions within the right-of-way beyond the sidewalk curb are under PBOT’s jurisdiction and must comply with requirements of PCC Titles 16 and 17. As indicated in the applicant’s

⁸ Kittelson & Associates Memo, August 27, 2020.

testimony during the hearing and supported by PBOT staff, the applicant has coordinated with PBOT on the design and operation of the street frontage and will continue to do so to ensure that the space functions safely and efficiently for all modes.

Additionally, as explained in the introduction to the River District Design Guidelines, while the design guidelines make reference to and describe the desired character of the various streets in the River District in a way that supports private development, “specific design treatment and use of the public right-of-way is found in the River District Right-of-Way Standards.”⁹ Those standards, for example, dictate the typical roadway and sidewalk widths within the River District, and as confirmed by Fabio de Freitas of PBOT during the hearing, 12-foot sidewalks are not substandard as claimed by the appellants, and are in fact the identified typical width of sidewalks for existing rights-of-way in the district.

The following provides a description of the guidelines the appellants claim are not satisfied by the development.

Goal 6: Provide a pleasant, rich and diverse experience for pedestrians:

The appellants claim in their final argument that the public realm, particularly along 12th will be overwhelmed due to the density of the development and therefore the pedestrian experience will not be pleasant. First, the goals for Central City Design Review provide very broad and general goals for design review. However, those broad goals are not referenced in the approval criterion for design review and are implemented through the guidelines themselves. Therefore, it is not necessary to demonstrate to compliance with the broadly worded goals as the appellants seem to suggest. Nonetheless, it is worth noting that one of the primary guidelines implementing Goal 6 is Guideline A8 which requires development that contributes to a vibrant streetscape. As described in the background statement for Guideline A8, Portland’s Central City is a place of concentrated human activity and social interaction.” The background further states that the “integration of residential and commercial uses in the Central City’s core is a fundamental component of the ideal 24-hour city.”¹⁰ In other words, sidewalks within the Central City, including the River District are intended and expected to be vibrant, active spaces, and the sidewalk along NW 12th Avenue will be an active space. However, as the Design Commission concluded and as discussed below, the project includes features that will facilitate safe pedestrian flow, including ground floor setbacks and a reduction in curb cuts to minimize potential conflicts between pedestrians and motor vehicles.

Guideline B1: Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed.

Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb.

The building design includes a three-foot setback along portions of both the north and west elevations. These setback areas will provide a significant benefit to pedestrian movement along the sidewalk. Particularly along the NW 12th Avenue frontage, pedestrians, residents and hotel guests will have space to move out of the movement zone of the sidewalk while waiting for a vehicle, opening a stroller, or putting on a bicycle helmet. The Design Commission appropriately

⁹ River District Design Guidelines, pg. 8.

¹⁰ Central City Fundamental Design Guidelines, pg. 50.

found that these substantial setbacks will maintain a convenient access route along the sidewalk for pedestrian travel and help define the different zones of the sidewalk.

Guideline B2: Protect the pedestrian environment from vehicular movement.

The Design Commission concluded the project complies with this guideline in part due to the planned curb extension which will provide traffic calming and pedestrian protection from both vehicles and bicycle traffic. Additionally, the project limits the points at which there could be a conflict between pedestrians on the sidewalk and motor vehicles entering the building by eliminating on-site parking. Therefore, the only point that motor vehicles cross the sidewalk is at the on-site loading bays at the south end of the NW 12th Avenue frontage. As documented in the Kittelson and Associates memo submitted during the open record period, the existing surface parking lot at the site includes two driveways on NW 12th Avenue and a relatively long driveway on NW Flanders Street. While there will certainly be more pedestrians on the sidewalks following development of the site, building program and design minimizes vehicular access points to the greatest extent possible consistent with the applicable development standards and eliminates two of the existing driveways.

As required by code, the building provides long-term bicycle parking within the building for the residential units. The appellants argue that some cyclists may enter traffic in an irresponsible manner. The appellant does not clearly articulate how that concern relates to this or any other guideline. However, as the Kittelson memo states, residents with bicycles are expected to walk their bicycles across the sidewalk when going in and out of the building entry and then mount/dismount their bicycle in an appropriate manner. Additionally, it is a short walk from the residential entrance along the sidewalk to the planned bicycle facility on NW Flanders Street. In any case, the possibility that a cyclist exiting a building with a long-term bicycle parking requirement may fail to take due care in entering the flow of traffic cannot serve as the basis for denying design review approval. If that somehow were the metric for compliance with the design guidelines, it would be impossible for any residential development that provides long-term bicycle parking within the building to comply.

Guideline B3: Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent side-walk designs.

Appellant's argue that that the loading bay driveway creates an obstacle subject to this guideline. However, the argument appears to be primarily based on the erroneous assertion that the loading bays separate the residential pedestrian and access points. While that layout was considered by the Design Commission at one point in the Design Review process, the applicant responded to concerns about that separation by consolidating the pedestrian and bicycle entries. The final design approved by the Design Commission provides a single residential lobby for both bikes and pedestrians north of the loading bays.

Based upon the background statement and examples, it seems clear that B3 was not intended to apply to a typical loading bay driveway that is crossed by a standard 12-foot wide sidewalk. However, to the extent that it could apply, the approved development complies with the guideline by providing a consistent sidewalk design and surface across the driveway. The project also minimizes the total amount of curb cut by electing to not provide on-site parking, which is generally consistent with example 5 of the guideline. Finally, the project includes a curb extension at the corner of NW 12th Avenue and NW Flanders Street to provide traffic calming and protection for pedestrians. The curb extension also shortens the crossing distance which is

September 10, 2020

Page 14

consistent with the background statement for the guideline. For these reasons the City Council should find that the project complies with this guideline.

Conclusion

For the reasons articulated in the decision findings and for the reasons set forth above, the Design Commission correctly determined that the applicant demonstrated that the sole approval criterion in this case is satisfied through compliance with applicable design guidelines. Therefore, we respectfully request that the City Council deny the appeal and uphold the Design Commissions approval.

Best regards,

A handwritten signature in dark ink, appearing to read 'Renee M. France', with a long horizontal flourish extending to the right.

Renee M. France

From: [Renee France](#)
To: [Council Clerk – Testimony](#)
Subject: LU 19-145295: Hyatt Place/Lawson Residences Appeal – Applicant's Closing Argument
Date: Thursday, September 10, 2020 3:21:25 PM
Attachments: [City Council Appeal - Closing Argument \(01053198xC624A\).PDF](#)

The applicant's closing argument for the City Council in the above referenced Design review appeal pending before the Council is attached for the record.

If possible, please confirm receipt of the letter.

Thank you.



Renee M. France

Of Counsel

111 SW Columbia Street, Suite 700

Portland, OR 97201

T [971.634.0200](tel:971.634.0200) F [971.634.0530](tel:971.634.0530) Direct [971.634.0217](tel:971.634.0217)

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.

From: [Graves, Arthur](#)
To: [Council Clerk – Testimony](#)
Cc: [McClymont, Keelan](#)
Subject: FW: I urge your support for the Hyatt Place proposal!
Date: Tuesday, December 8, 2020 8:22:30 AM

Hi Keelan,

This email was sent to me, but I think at this point it should have been sent to you.
Please include in the record for the case.

Thank you,
Art

From: Joe Miller <info@yeshyattplaceportland.com>
Sent: Monday, December 7, 2020 1:35 PM
To: Graves, Arthur <Arthur.Graves@portlandoregon.gov>
Subject: I urge your support for the Hyatt Place proposal!

Dear Portland Officials,

As a Business owner in Portland, I respectfully urge your strong support for the Hyatt Place mixed-use proposal for the following reasons:

- Extensive community input has been incorporated for a landmark design Portland can be proud of.
- Proposal meets current zoning and reinforces neighborhood identity in mixed-use area
- Sustainability features create a green building design
- Supports City's mixed-income housing vision
- Adds Affordable Housing Portland needs
- Helps fulfill the City's transit-supportive vision by promoting green transportation
- Promotes foot traffic & commerce for local businesses with walkable design
- Creates jobs and significant tax revenue for Portland

For these reasons, I respectfully urge your support for this proposal.

Sincerely,

Joe Miller

info@domainworld.com,
GC615, Vermont, Z7CXV

info@domainworld.com
(125) 485-9342

From: [Arlene Matusow](#)
To: [Council Clerk - Testimony](#)
Subject: : 1/14/2021 Hearing, Hyatt Place - Lu19-145-295-02
Date: Monday, January 4, 2021 9:28:18 AM

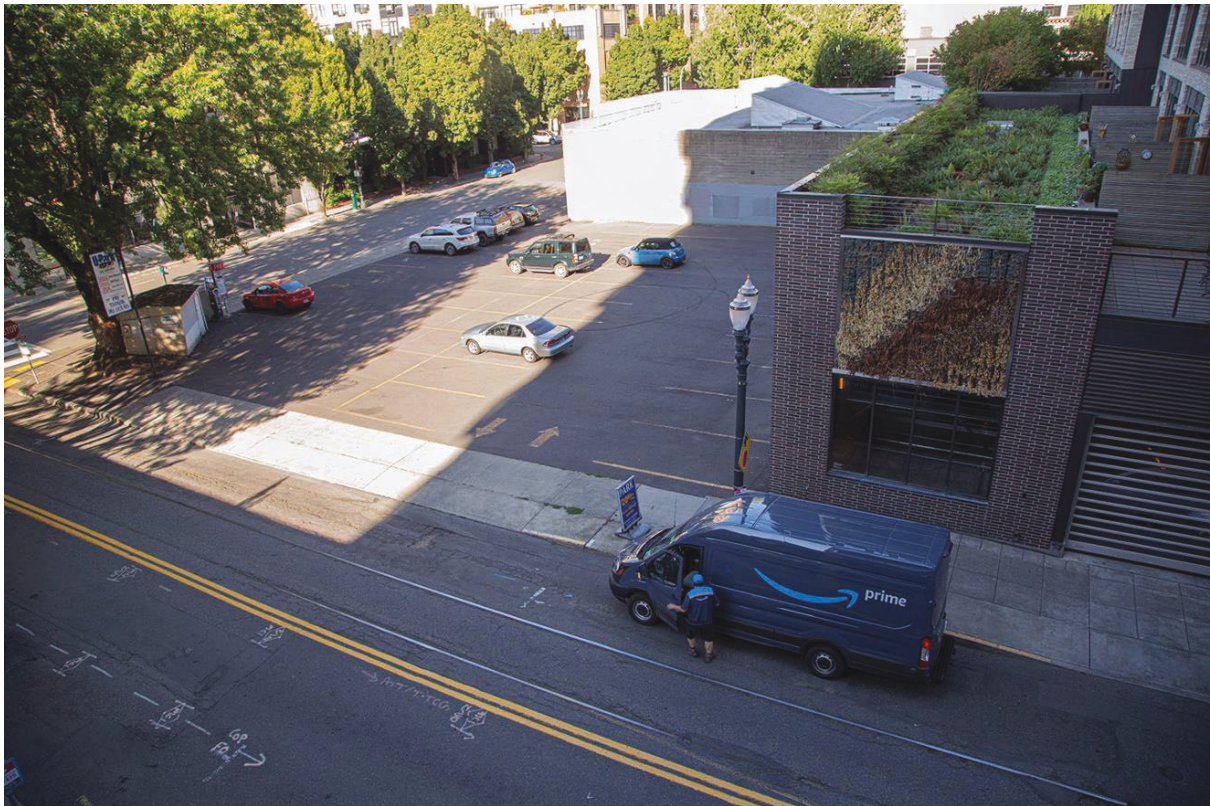
January 4, 2021

To the Mayor Wheeler and City Council Members,

My name is Arlene Matusow. I have been an owner in the Casey HOA for the past 12 years and have followed the proposed Hyatt development across the street closely. I am re-sending the letter I sent in August. Since then the number of delivery trucks have increased exponentially especially before the holidays, totally clogging up the traffic on this strip of NW 12th Ave. This is a further indication of how much more congested the street will be with the development which has 271 units being serviced with no place for delivery trucks to pull off the street to unload.

The balcony of my third floor condo looks directly onto the Hyatt building site on NW 12th Street. When I purchased my unit, I always assumed that there would be a building built across the street on this surface parking lot. I am not anti-development and have no objection to a well -designed, contextual structure being built on this site. The traffic and parking situations, however, are of great concern to me. I worry that the street traffic in a building which has no on-site parking will seriously endanger the lives of pedestrians, cyclists and multi-modal vehicles.

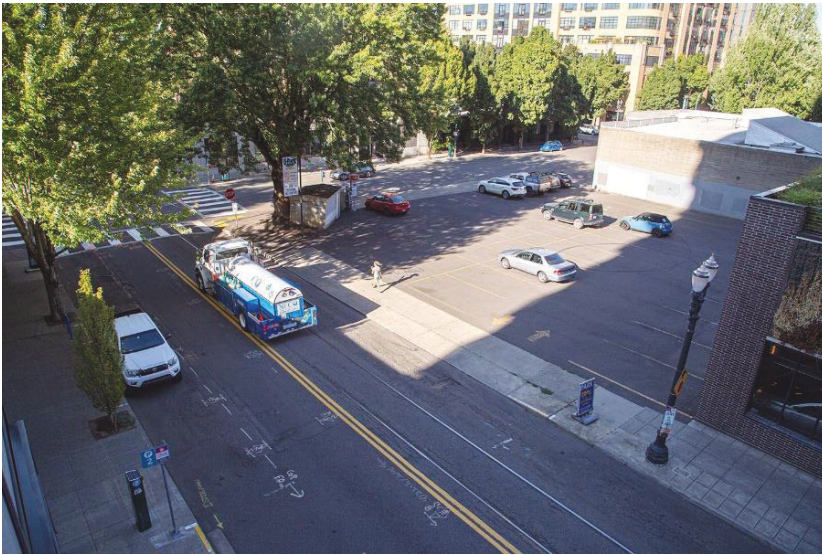
On 100 linear feet on NW 12th, it is proposed that here will be two loading docks immediately adjacent to the Oakwood garage; 5 feet away from the loading docks will be the entrance/exit to the residential lobby which will service 113 apartments and 170 bicycles. Many residents and vehicles will be entering and leaving in the middle of this 100' linear space. The space will also be used by taxis, Ubers and Lyft's bringing guests to the hotel, and picking them up, many of these vehicles will double park and block the north bound lane on NW 12th, blocking the site line of the traffic and bicycles on Flanders. Tour busses will also idle there while guests are getting in and out of them.



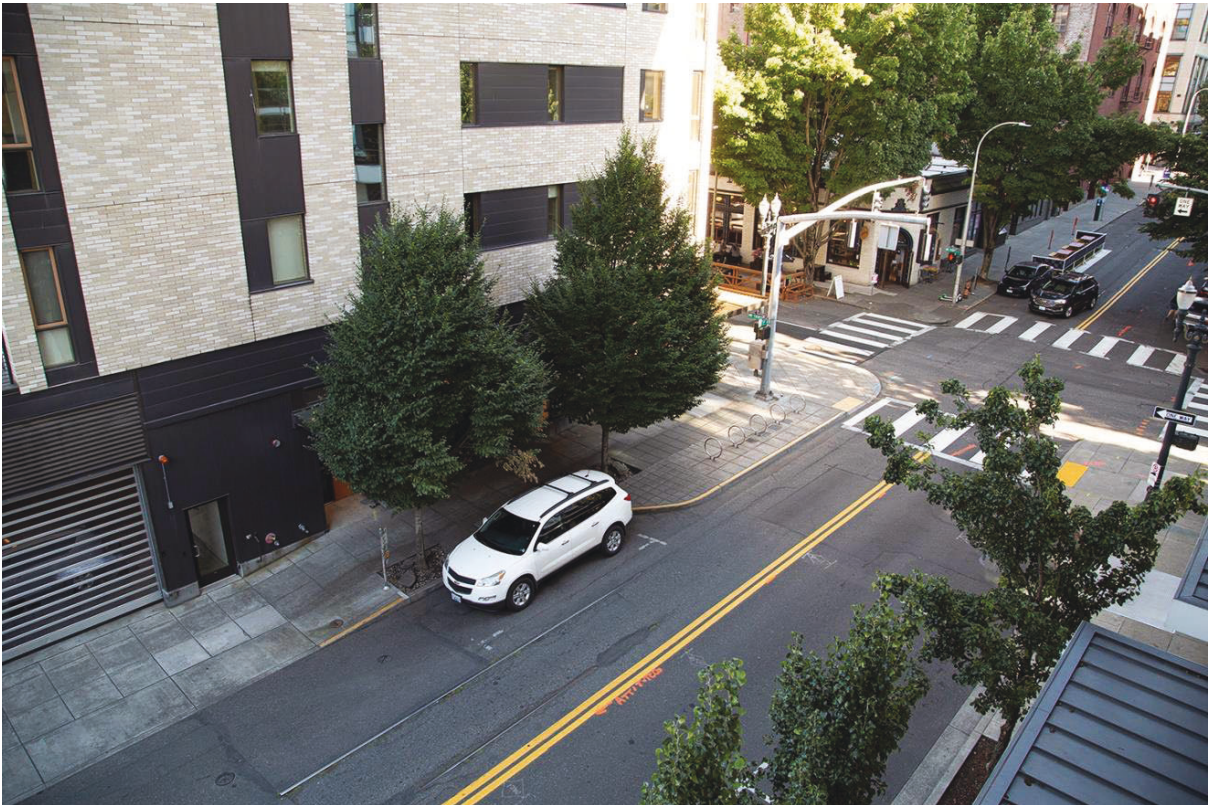
In addition, there will need to be a valet parking station with space for the cars of hotel guests and residents of the Hyatt to pull up so that valets can take their cars to parking facilities in the neighborhood. Not all hotel guests will be arriving by bicycle! The cars waiting to be valet parked will take up whatever available spaces at the curb are available and not occupied by other vehicles and deliveries from Amazon, Fred Meyer, Whole Foods, Hello Fresh, Safeway, Freshly, Uber-Eats, UPS, FedEx, and many other vendors, as well as deliveries of food from the Pearl restaurants. Most of these deliveries require at least 5 – 7 minutes to park and idle while the deliveries are completed. Judging from the approximately 15-20 such deliveries that our management company tells me arrive at the Casey daily, which only has 60 units, it should be assumed that the Hyatt residences with 113 individual apartments, will have approximately double this amount of deliveries.

How can these possibly be accommodated in this small street space? Furthermore, the carbon footprint of all of this traffic will be very detrimental to the air quality of nearby residents and pedestrians and have a very negative impact on the Public Realm, which was not considered by the Design Commission. Any social distancing on that side of NW 12th will also be impossible!

From my balcony directly overlooking NW 12th, I can also clearly observe the 80 cars emptying onto the street from the Oakwood garage immediately adjacent to where the Hyatt loading docks are planned. I can also see the cars coming from our Casey garage onto NW 12th; Our garage has 109 below- ground parking spaces and there is constant traffic in and out up and down NW 12th. Frankly, I am really worried about all of that traffic, especially during rush hours, being complicated by the tremendous increased traffic and street blockage brought about by all of the activities from the Hyatt hotel and residences. It does not take much imagination to foresee traffic congestion that will back up all the way to NW Burnside and cause major collisions. We would need a traffic light in the middle of this section of NW 12th between Everett and Flanders just to regulate all of these ins and outs on this 100 linear foot space!



August 26th 2020



Please also take note that picture above shows the corner at Everett and NW 12th Avenue adjacent to the Oakwood apartment building. Please note the extended sidewalk bump out offering extended pedestrian sanctuary and on-site bicycle parking.

The traffic issues were never entertained by the Design Commission who were advised by staff that that this was not within their purview. I disagree. How can you pass judgement on the acceptability of a building design without being able to consider and evaluate the ingress and egress to the building in question? Clearly this should have been a part of the total consideration by the Design Commission.

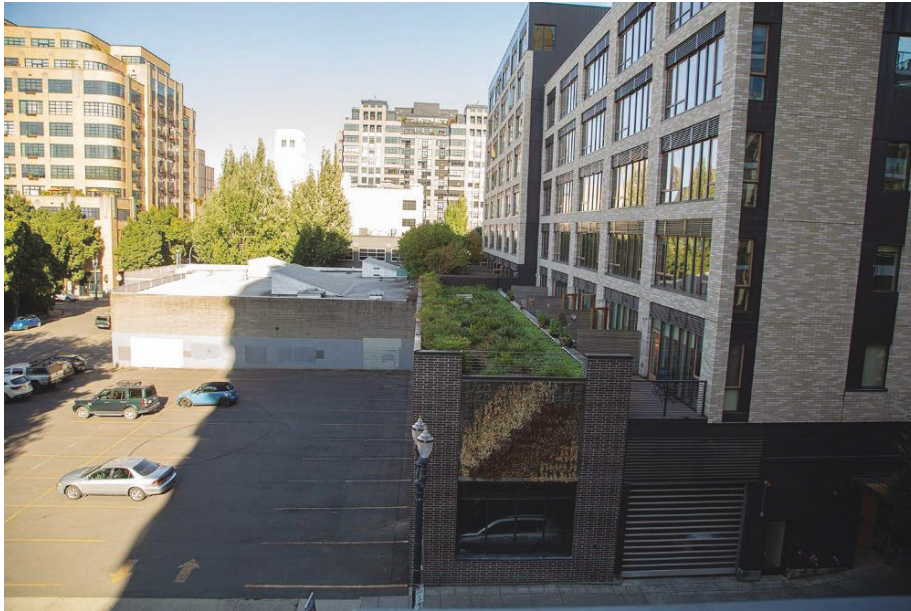
August 26th 2020



Traffic on NW 12th Avenue in the evening..

One further note, you will see from the photos attached below, that the Oakwood, like most of the more recent construction erected in the South Pearl, has a significant, green planted set-back. The Oakwood was built by a responsible Portland developer, cognizant of the context of the neighborhood. There was a successful effort to incorporate the architectural history of the South Pearl on a 20,000 square foot lot that was only 8 stories high. What is the justification for permitting an adjacent 23 story building to be erected, built full on the site, with no significant set-back? It is totally out of context for the South Pearl and should not be permitted.

August 26th 2020



It should be noted that the Pearl is already one of the most densely populated districts of the Central City districts. It also has the largest percentage of Senior Citizens of any Central City district. Many of these Senior Citizens, myself included, have chosen the Pearl for its walkability and bike friendly streets, which the city government claims to prioritize in its land use policies. Residents of the Pearl, deserve to be treated fairly and not have our lives endangered or the Public Realm and livability surrounding this development diminished!

We cannot emphasize enough that the residents of the Pearl and especially Senior Citizens look to the City government to protect the safety, livability, and public realm of their neighborhood. This November will offer an opportunity to pass judgement on how well our government has fulfilled this role.

For all of these reasons, I urge the City Council to overturn the approval of this development as it will create serious dangerous conditions, more specifically, a potential crash site, for neighborhood residents, the Hyatt hotel guests, inhabitants of the 113 apartments, the cyclists entering and leaving the Hyatt hotel and residences and most especially for the cyclists using the new, long planned Flanders Greenway bike path on NW Flanders.

I greatly appreciate your attention to this important matter.

Arlene Matusow
311 NW 12th Avenue, Unit # 301 Portland, OR 97209

My name is Ezra Rabie. As a physician, I'm writing this letter to raise awareness regarding health risks of the proposed Hyatt Hotel project at NW 12th and Flanders. I hold a degree from the American Board of Preventive Medicine, subspecializing in the field of Occupational and Environmental Medicine. My practice experience includes 30 plus years of addressing and mitigating a spectrum of building issues caused by such things as elevated CO₂ levels, molds, ambient volatile organic compounds (AKA "VOC's"), and HVAC microbial contamination and spread, resulting in a wide range of health issues from mild allergy like symptoms, headaches, drowsiness, all the way to life threatening respiratory illness in at risk individuals.

We cannot underestimate or sugar coat the times in which we find ourselves. We currently are in the throes of the perfect storm, a viral pandemic decimating economies, ruining lives, and causing widespread morbidity and mortality such as we haven't seen for over a century. And make no mistake, natural forces such as climate change, urban crowding, and loss of wildlife habitat resulting in greater human to animal contact, will all combine yet again to create similar if not worse contagion havoc. Society can and MUST plan for yet another catastrophic viral pandemic by setting new construction regulations and codes for new buildings to mitigate preventable illness and death. More than ever before it is imperative that we acknowledge this new reality. Per the WHO's most recent analysis, we need to create a *"multisectoral, all hazards, health-in-all-policies and whole of society approach to preparedness"*.

In line with these considerations we need to control human traffic and patterns of flow, especially within confined spaces such as elevators, bathrooms, hallways, etc. I see no evidence that these risk factors have been addressed in this project, or for that matter in any planned construction in Multnomah County. We clearly need to take a step back and evaluate how these risks can be dampened through current and future building codes. In the words of George Santayana, *"Those who cannot learn from history are doomed to repeat it."* We simply can't afford to rest on our laurels. Our standards are quite simply, and quite suddenly, outdated (no matter how recently they may have been updated).

Central to such health and safety consideration is the issue of *intensity of use*, not only of a building's interior, but also the ripple effect in the immediate geographic area. Such activities as pedestrian, cyclist, guest, transportation and service traffic also have to be considered as greater risks. It's not rocket science - the more people crammed into a confined geographic space, the greater the risk of spreading airborne and contact diseases such as Covid 19. As it currently stands, the Hyatt Hotel and Residence project is the perfect architectural example of what not to do. Yet, despite the issue of intensity of use being addressed time and time again on multiple levels at multiple hearings with testimonies including experts, it has fallen on deaf and disinterested ears at the Design Commission, which used the bureaucratic excuse that intensity of use is not within their purview.

As a physician highly aware of disease promulgation in and around multi-use buildings, I cannot say more forcefully, *the onus is upon YOU as our elected officials, to protect the citizens you represent from the spread of communicable diseases within our community, and to act affirmatively to mitigate such risks through updated building codes and regulations.* Approval of this project should be withheld until the public health issues presented by the current design and project proposal are specifically addressed. Just because a different reality existed when this project was originally designed does not mean we should be prisoners of the past and forfeit the opportunity to insist that public and community health be prioritized before construction begins. Let's not make a huge, avoidable mistake.

Greater space separation and planning for intensity of use are mandatory in this new age. Just as with floods, earthquakes and fires, infectious disease must now deserve a much higher priority.

Respectfully,

Ezra Rabie MD

From: [ezra rabie](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony re Hyatt Project NW 12th and Flanders
Date: Wednesday, January 6, 2021 9:57:40 AM
Attachments: [Original Hyatt Letter City Council and Mayor.pdf](#)

Honorable City Councillors and Mr. Mayor

My name is Ezra Rabie. I hold a medical specialty degree from the American Board of Preventive Medicine, subspecializing in the field of Occupational and Environmental Medicine. I wrote a letter to you previously (see attached), which was incorporated into the records, regarding my objection to the Hyatt project on medical safety grounds. The central point was that by stacking and packing as many people per square foot as possible, as proposed, creates a cauldron of superspreader potential. That warning is all the more prescient and frightening with the recent dramatic increase in morbidity and mortality as a result of Covid 19, now complicated by a more virulent strain which has added further stress to medical resources and society in general.

In my previous testimony, I asked that you take a step back and reconsider current building codes and regulations to accommodate and mitigate such a contagion risk. One cannot ignore the simple scientific fact that a major shortcoming of increasing density is its greater susceptibility to disease spread. This is not a new concept. In fact zoning laws have been around for over a hundred years, often with the prevention of communicable disease in mind.

But there's still hope if we heed the risk and get ahead of the curve starting right now. As I speak to you today there are already land use laws and local zoning initiatives afoot around the world. For example China has embarked on a massive planning effort, embedded around the fundamental principle of social distancing and mitigating disease spread. How? By substantially increasing the square footage allocated to common areas such as elevators, hallways, stairwells, and lobbies, as well as fitness rooms, and cafeterias. To further control disease transmission, they've incorporated such building materials as nonporous hard floors, unlike carpeting which can retain viral particles for days. In addition reconfigured HVAC ducting, fresh air intake and improved filtration systems are being implemented.

We've learned some very hard lessons this past year. It's incumbent on us not to let time run out on further prevention, on taking proactive rather than reactive steps. We must be patient and thoughtful in how we design and implement our new urban footprint, rather than moving forward with old and outdated standards with which this Hyatt Project was unfortunately conceived. In addition we must seriously reconsider the risk/reward calculation of progressive urban density. Portland has been a leader in innovative architecture and forward planning. Let's not relinquish that position. Your vision will ultimately determine the viability of this city we all want – but surely community safety should be at the forefront of all your decisions.

Respectfully

Ezra Rabie

Re: The Hyatt Hotel / Lawson Apartments / LU 19 -145-295- DZ

Date: December 16, 2020

Dear Honorable Mayor and Commissioners:

As the first introduction that many of you will have to the Hyatt project and the lengthy, two and a half year-long record which proceeds the January 14th City Council Appeal hearing, Pearl Neighbors for Integrity in Design (PNID), the Appellant, respectfully submits this Executive Summary of the history of this proposed development along with the objections of the community.

Executive Summary: At issue is approval of a 23-story, quarter-block structure built full on the site, at the corner of NW 12th and Flanders, in the heart of the South Pearl District, that is taller, more massive and more demanding of the public facilities than any other development in the South Pearl, perhaps the City. Although this building that is 7 stories taller than any structure within three blocks is allowed by virtue of the recently adopted Central City 2035 Plan, it does not meet the required River District and Central City Fundamental Design Guidelines. It is also the first development in the Pearl District with two completely distinct primary uses: a hotel and an apartment complex which has **NO OFF-STREET PARKING**, congested and constricted access to the ingress and egress of 271 units – 160 hotel rooms, 111 apartments - and 175 bicycles for residents, through two separate undersized lobbies.

NW Flanders Street, abutting the project to the north, has been designated a Major City Bikeway, connecting the I-405 pedestrian and bike bridge and the primary connection between NW Naito Parkway and Northwest Portland. As a result, all vehicular loading of hotel guests, resident and hotel service deliveries, bicycle and resident pedestrian access will happen along a ¼ block, 100 linear feet of NW 12th Ave. The subject property is a half block away from the 13th Avenue Historic District whose architectural significance is its 3-4 story historic turn-of-the-century converted industrial, warehouse buildings.

Professionally Drawn Building Model: In order to get a sense of the scale as well as that of the surrounding buildings within a 3-block radius as directed by the Design Guidelines, PNID commissioned two professionally constructed scale models that are available for view looking into the windows at the southwest corner of the Bureau of Planning and Sustainability Offices located at 1900 SW 4th Ave. Please go and look at these models in advance of the hearing as they offer the only scaled, three-dimensional view of the proposal within its surrounding built context.

Information about the Appellant: Pearl Neighbors for Integrity in Design, PNID, is a 501(c)(3) non-profit, a group of Pearl District residents and business owners, formed for the purpose of promoting good environmentally friendly architectural development in the Pearl District and preserving the livability factor of the neighborhood. The founder and President, Patricia Cliff also sits on the Board of the Pearl District Neighborhood Association (PDNA) and on its Planning and Transportation Committee. The PDNA is one of 95 Neighborhood Associations recognized by the City of Portland as such. These two organizations are separate and distinct. The PDNA plays many, valuable diverse roles through numerous Committees that

address various livability aspects of Pearl neighborhood living as well as focusing a critique on proposed new developments through their Planning and Transportation Committee.

Patricia Cliff, a transplanted NYC land use attorney, urban planner and advisor to major developers, who has also been passionately engaged in pro bono work with affordable housing issues for more than the past thirty years, saw the need however, for an organization that would devote its efforts exclusively to the preservation of the unique, very special character of the post-industrial Pearl, especially the South Pearl, bordered by Lovejoy to Burnside and I-405 to Broadway, a formerly dormant industrial area that was resurrected through an extensive public/private initiative at the turn of the 21st Century. Over the past several years, PNID, whose supporters exceed 250 neighborhood residents, have engaged in a pro-active dialogue with respect to many of the of the recent proposed developments in the Pearl including strong support for the Portland Proper Hotel and the Broadway Corridor Master Plan.

History of PNID's engagement with the Hyatt project commenced two and a half years ago when the Early Assistance (EA) hearing took place on June 27th, 2018 at which time dozens of concerned community members filled the hearing room to capacity. Many expressed their opinions verbally on the record. Subsequently 31 community members expressed their feelings in opposition to the project by email, all of which became part of the hearing record.

Subsequent Early Assistance hearings took place on August 7th 2018 and October 4th 2018 and January 3rd, 2019, where dozens of vociferous irate community members, who felt that the design of this precedent setting development was out of context in the South Pearl, and would have a burdensome excessive intensity of use (160- hotel rooms and 113 apartments) which would negatively impact the Flanders Street Greenway bike path, the Public Realm and cause serious traffic congestion on NW 12th - all without giving any benefit to the community. These same concerns were raised at two subsequent Design Commission hearings which were held in July and November 2020, again with dozens of community members in attendance who submitted more than 100 emails raising their objections, which fell on deaf ears with both the Applicant and the Design Commission. **At no time, during this entire process, did the Applicant, Vibrant Cities or Otak, their architectural firm, attempt to engage in any dialogue with PNID, or respond to PNID's detailed community-supported objections to the project.**

As a result of this failure of any direct engagement on the part of the developer or his architectural firm, PNID was left with no other option than to Appeal the Design Commission decision that was formalized on January 16th, to the City Council which met on August 6th. After reviewing the full record, a majority of the Council raised concerns including the wrong location, lack of contribution to Pearl District character, lack of adequate building setback for seating and a transportation and pedestrian "log jam" created by the overly congested access layout and unanimously voted to remand the decision back to the Design Commission.

After a hearing on October 22nd, the Design Commission approved the proposal including minimal additional sculpting, claiming that it gave "the impression of a less tall building", without addressing any of the other concerns raised by the City Council.

PNID Objections: Convinced that the community objections were falling on deaf ears at the Design Commission, PNID hired the legal firm of Bateman Seidel to represent the interests of the community; commissioned an architectural model of the building and surroundings; engaged a full traffic study by Greenlight Engineering; produced an infomercial video, as well as an architectural consultant's analysis of the design shortfalls that were NOT in compliance with the River District Guidelines and the Central City Fundamental Guidelines. These concerns are set forth in the appeal documents but by way of introduction, they include:

- Design must “enhance the qualities that make each area distinctive,” Guideline A5, and the proposed development does nothing to emphasize or encourage the use of the Greenway for non-vehicular traffic. The bicycle access to the residential units is not direct from the Bikeway but instead is an afterthought, conflated with the residential pedestrian access on NW 12th, to be served by two limited occupancy elevators and no short-term bicycle parking is provided.
- The lack of bicycle amenities is going to steer residents and hotel guests toward greater reliance of vehicles and PNID submitted unrefuted expert testimony that deliveries of Uber carrying hotel-guests coupled with food and supply deliveries to residents will overwhelm the extremely limited on-street parking capacity forcing the blocking of travel lanes creating dangerous conditions for bicyclist and pedestrians.
- Guideline B2 requiring design that “protect the pedestrian environment from vehicular movement” is not satisfied where 111 dwelling units will access the building (along with their bicycles, strollers and wheelchairs) all within a 12’ wide sidewalk space that must also accommodate passing pedestrians and the unloading of hotel guests.
- Guideline C4 requiring that development “complement the context of existing buildings by using the local design vocabulary” is not satisfied by a finding that “anything goes” because the vocabulary is “eclectic.” This approach fails to acknowledge the “urban warehouse character” - Guideline A5-1-1 - which is not reflected in the upper stories of this building – that portion of the building that will be visible from the 13th Ave Historic District. The additional sculpting of the tower, the only alteration resulting from the further remand to the Design Commission is not responsive to the “urban warehouse character” that is so critical to the character of the District and does nothing to distinguish it from other 250-story residential buildings in the Central City such as the Benson Tower.
- Guideline A8 requiring increased setbacks and sidewalks “for potential public use” and Guideline B4 requiring provision of “safe, comfortable places where people can stop, view socialize and rest” away from “other sidewalk uses” is not satisfied where the residential entry spills directly onto the sidewalk with no public resting places.

In summary, the proposed design demands too much for this location. It simply forces too many building demands on a site without sufficient means of ingress and egress. The

unique, identifying design characteristics – the Greenway and the Historic District – will be overwhelmed by a building design reminiscent of the Vancouver style sliver towers, such as the Benson Tower in the Portland University District, that could go anywhere in the Central City but which does not reflect the unique context of the South Pearl or any comparative massing or height within three blocks of the proposed Hyatt development. The service demands placed on the public realm resulting from this design goes past the point of providing a vibrant streetscape to over-saturation creating unsafe conditions for pedestrians and bicyclists.

The City Council will convene on January 14th to make a final decision on PNID's appeal. I hope that this introduction to the matter will inspire you to take a closer look at the record of these proceedings and will aid you in making a decision on this important, precedent setting development.

Sincerely,

PATRICIA CLIFF, President
Pearl Neighbors for Integrity in Design, PNID
Patricia@patriciacliff.com
www.pearlneighbors.org



The 250-foot, ¼ block, Hyatt proposal approved by the Design Commission on remand



The 250-foot, 1/3 block, Benson Tower with located at 1500 SW 11th Ave

From: [Patricia Cliff](#)
To: [Council Clerk – Testimony](#)
Subject: Please transmit to BDS and the Mayor and City Council Members
Date: Thursday, January 7, 2021 9:44:05 AM
Attachments: [Mayor and CC email 12-16-20.pdf](#)

The attached PDF was sent to the Mayor and City Council in December. Please make certain that it is made a part of the City Council Appeal record of the Hyatt Place – Lu19-145-295-DZ Design Committee and distributed to any other appropriate government entities.

Many thanks,

P.



PATRICIA CLIFF, President
Pearl Neighbors For Integrity in Design, PNID
Patricia@patriciacliff.com
www.pearlneighbors.org

From: [Mark Sexton](#)
To: [Council Clerk – Testimony](#)
Subject: #LU19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Sunday, January 10, 2021 9:27:16 AM

With respect to the above-captioned matter, I call on the City Council to deny the approval of the design. This project is fundamentally flawed and nothing in the Design Commission's actions on remand changes that. Furthermore, the Design Commission's review failed to address two of the major points that drove the City Council's remand.

(1) The Design Commission specifically refused even to consider the traffic-congestion issues that Commissioner Hardesty had raised as part of the remand. Because Flanders Street will be a greenway, all of the traffic for the hotel and the apartments, more than 250 units, is focused on a short stretch of NW 12th Avenue. This includes the loading docks, the entrance for long-term bicycle parking, and the spot for all deliveries. Uber/Lyft pick-ups and drop-offs and valet parking for the hotel will also jam into this space. The Design Commission determined that these issues, which result directly from the size and scope of the proposal, were PBOT issues. Despite Commissioner Hardesty's articulated concern about the issues at the hearing that led to the remand, the Design Commission specifically ignored these 'transportation' issues.

(2) The Design Commission failed to address Mayor Wheeler's acknowledgement that this development should be a 'marquee project' that does something 'exceptional'. The Design Commission approved tweaks to the massing and the set-backs. These minor changes do nothing to make this project anything better than mundane - and certainly not exceptional.

The City Council has the ability to act in the best interests of the South Pearl, and the city as a whole, and demand that a massive, precedent-setting project like this one do something good for the city. This project doesn't: the Council must deny the approval of the design.

I have attached a copy of the comments that I made on this matter in anticipation of the City Council's hearing this summer. Those comments also remain relevant as reasons for the Council to deny the approval of the design.

- MMS

Mark M. Sexton
311 NW 12th Avenue, Unit 802
Portland, OR 97209
+1-917-951-3136

----- Forwarded message -----

From: **Mark Sexton** <markmsexton@gmail.com>
Date: Thu, Aug 27, 2020 at 12:29 PM
Subject: Appeal Case # LU 19-145295
To: <cctestimony@portlandoregon.gov>

My name is Mark Sexton. With my partner, we have owned an apartment in the Pearl since

2014 and we have lived here full-time since 2017.

With respect to the above-captioned matter, I call on the City Council to reject the findings of the Design Commission. Alternatively, I ask the City Council to remand the matter to the Design Commission to consider fully the height and massing of the proposed hotel and residential complex, as well as the absence of short-term bike parking. I support reasonable development in the South Pearl but this project is too tall, too massive and, without short-term bike parking, lacks specific elements that would support safe transportation.

The proposed complex is seven stories – and at least twenty percent - taller than any other building in the South Pearl. At the hearings of the Design Commission, the commission concluded that it could not regulate height and massing. This failure to consider the height and massing has the effect of treating the maximum heights and massing as an entitlement – and not a maximum. Because this complex is the first to face review under the Central City 2035 Plan, failure of the City Council to act to reject the findings of the Design Commission or to remand the matter to the Design Commission will have the effect of setting the precedent that, under the Plan, the maximum heights and massing are a right, with potentially negative consequences for the city as a whole. Additionally, the developer has failed to disclose publicly the source of the air rights transferred to achieve this height and massing. The absence of this disclosure masks a full analysis of the effect of the proposed complex.

Similarly, the proposed complex does not provide for short-term bike parking. The proposed solution is for the developer of this complex to pay into the ‘bike fund’. Again, allowing this to move forward without additional review and consideration means that the work-around becomes an entitlement and not a possibility. This is especially important in this case at this time: the absence of on-site parking is in line with the overall goal of reducing automobile use, and I applaud that. In the time of COVID, however, the availability of public transportation is limited. Bicycles, for many people, provide an acceptable option – but without short-term bike parking that option isn’t available – and payment into a ‘bike fund’ doesn’t address that issue.

The bottom line here is that I am calling on the City Council to do what’s right for the city. The developer’s presentation has made it clear that it is not violating any rules. Nevertheless, at no point did the developer assert that this complex would be good for the city. I have also attended a number of the Design Commission’s hearings on the proposed complex and, much of the time, the commission simply avoided issues as beyond their purview. PBOT, similarly, has weighed in that the proposal doesn’t violate any rules – not that it serves the best interests of the South Pearl or the city as a whole. The City Council has the opportunity to do something different: to take the broader view of the massive project and to do what’s best for the city by rejecting the findings of the Design Commission or, in the alternative, remanding the matter to the Design Commission.

- MMS

Mark M. Sexton
311 NW 12th Avenue, Unit 802
Portland, OR 97209
+1-917-951-3136

Dear Mayor, City Council, and other interested parties:

Have you ever heard the expression “Looks good on paper”? It is an old expression which recognizes the intended and potential value of an idea, but at the same time is sharply critical of the practical limitations. Regrettably, even that expression *can not be applied* to the Hyatt Place Project in the South Pearl. Indeed, there are many aspects of this project that **look bad on paper, no matter what the intentions.**

My name is Ross P. Laguzza and I live across the street from the project, in the Casey Building. I know about the myriad contextual and safety problems associated with this massive structure, but I will just focus on one flaw that I am not sure has received much attention: Let’s call this problem, **“175 bikes and No place to go”**. The building as designed will have zero space for parking which means two things: 1. People living there are very likely to rely on bike transportation; and 2. With no parking available, the number of delivery, service, ride share, and facility-related vehicles will be numerous and constant throughout the day. 12th avenue is a narrow and congested street *already*, so vehicles, and route drivers and ride share operators double-park as they rush in and out or pick up or drop-off passengers. Double parking blocks sight lines and puts cyclists, drivers, and pedestrians at risk. This massive project will result in an exponential increase in the current congestion and danger. It is quixotic at best to assume that double parking and severe congestion will not get dramatically **worse** after this project is completed.

The building design is flawed because there is no dedicated exit area for bike riders. Instead the design requires riders to retrieve their bikes from a basement storage area, then load their bikes on to the small passenger elevator (likely filled with residents/guests/service people), and wheel their bike out through a narrow lobby space. And where are riders dumped out in this design? Right into the snarl of pedestrians, delivery vehicles, ride share activity, and regular 12th street traffic. Re-entry to the building will require a rider to perform the same journey in reverse: Navigating the *Bermuda Triangle* of traffic in front of the lobby entrance and taking their (likely rain-soaked) bike back through the lobby and on to the small elevator back down to the basement. It is likely that in a building this size, more than one rider will be trying to come and go at the same time, especially during rush hour.

I have lived in cities on both coasts and in the middle and have never seen or heard of a building that did not have a dedicated entry and exit for bikes. One of the reasons I moved here six years ago is that I knew that the city was supportive of cyclists. As a rider, I have found that to be mostly true. There are many accommodations for bike riders here. The problem with this building design, and what causes it to be **DOA**, is its *utter lack of concern for the convenience and safety of people who ride*. It is a gross misrepresentation to suggest or imply that this is a bike-friendly design. Putting 175 spaces in the basement, with no separate egress and ingress, offering no parking, and then suggest that riders are welcome is the most transparent of con jobs.

I will say one more thing about the implications for riders. I have been watching workers building the bridge that will extend over 405 and provide a safer way for bikers to travel NW neighborhoods. This is a GREAT idea by the way. Great for cyclists and pedestrians alike. The Hyatt Place design team **did not get the memo**, because the building will be a magnet for unsafe and congested traffic. The bike-way is designed to pass right by Hyatt Place on Flanders. Bike accidents will occur. The building simply doesn’t fit the broader concept for bike and pedestrian traffic in this area.

The Hyatt Place design is **anti-cycler**. It **doesn't look good on paper**. I want a dedicated and safe area for cyclists to come and go from the building or, in the alternative, reduce the scope of the project.

Thank you.

Ross P. Laguzza
311 NW 12th Ave
Portland, OR 97209

From: [ross laguzza](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt Place Design Flaws Hearing
Date: Sunday, January 10, 2021 4:49:25 PM
Attachments: [council.docx](#)

Hello.

Please submit the attached letter in re Hyatt Place Project Hearing.

thank you

ross laguzza

From: michael@morganflour.com
To: [Council Clerk – Testimony](#)
Subject: LU19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Sunday, January 10, 2021 9:15:36 PM

Michael Morgan
333 NW 9th Avenue
Unit 1014
Portland, Oregon 97209
January 10, 2021

Dear Portland City Council Clerk,

I am writing to ask the Portland City Council members to approve the appeal of the Design Commission approval of the proposed Hyatt Place building at 350 NW 12th Avenue. The building would negatively impact the quality of life in the South Pearl District.

First, it would be a very tall building with 23 floors. You probably know from experience the difference between being near a tall building and being near a short one. Pedestrians do not relate to a tall building as they do to a short one, and, in addition, people inside a building lose connection to the street as they go higher. People want the structures around them to be on a human scale. And the proposed building would block the sunlight and sky, creating a large shadow in the daytime, causing you to wish it was not there. And a building of this height would be unattractive and incompatible with the South Pearl District post industrial neighborhood.

And, as undesirable as the height would be, apparently there would be little to mitigate it. From statements by Amanda Fritz, the distinction between the base, middle, and top is minimal, and the setback of the upper floors to the lower is not sufficient to enhance the pedestrian experience.

Next, as Amanda Fritz wrote, the proposed three foot setback at the ground level would be, in several contexts, using her words, minimal, ludicrous, woefully inadequate, and insufficient.

Next, there would be an absence of parking, so the building would not maximize the use of the land on which it would stand. When residential and hotel buildings are constructed, parking should be constructed too! People want automobiles and they will have them, and we do not want to burden the surrounding area with additional parked automobiles. As an example, I had a neighbor in the Pearl District who commuted to Beaverton on a bicycle, but she and her husband each had a car.

We can do much better than the proposed building, so let us approve ones that would encourage, rather than discourage, people to own condominiums and live here. Resident owners are vital to the well being of a neighborhood. They really care about it and enhance it in innumerable and incalculable ways.

Sincerely,

Michael Morgan

My name is Ezra Rabie. As a physician, I'm writing this letter to raise awareness regarding health risks of the proposed Hyatt Hotel project at NW 12th and Flanders. I hold a degree from the American Board of Preventive Medicine, subspecializing in the field of Occupational and Environmental Medicine. My practice experience includes 30 plus years of addressing and mitigating a spectrum of building issues caused by such things as elevated CO₂ levels, molds, ambient volatile organic compounds (AKA "VOC's"), and HVAC microbial contamination and spread, resulting in a wide range of health issues from mild allergy like symptoms, headaches, drowsiness, all the way to life threatening respiratory illness in at risk individuals.

We cannot underestimate or sugar coat the times in which we find ourselves. We currently are in the throes of the perfect storm, a viral pandemic decimating economies, ruining lives, and causing widespread morbidity and mortality such as we haven't seen for over a century. And make no mistake, natural forces such as climate change, urban crowding, and loss of wildlife habitat resulting in greater human to animal contact, will all combine yet again to create similar if not worse contagion havoc. Society can and MUST plan for yet another catastrophic viral pandemic by setting new construction regulations and codes for new buildings to mitigate preventable illness and death. More than ever before it is imperative that we acknowledge this new reality. Per the WHO's most recent analysis, we need to create a *"multisectoral, all hazards, health-in-all-policies and whole of society approach to preparedness"*.

In line with these considerations we need to control human traffic and patterns of flow, especially within confined spaces such as elevators, bathrooms, hallways, etc. I see no evidence that these risk factors have been addressed in this project, or for that matter in any planned construction in Multnomah County. We clearly need to take a step back and evaluate how these risks can be dampened through current and future building codes. In the words of George Santayana, *"Those who cannot learn from history are doomed to repeat it."* We simply can't afford to rest on our laurels. Our standards are quite simply, and quite suddenly, outdated (no matter how recently they may have been updated).

Central to such health and safety consideration is the issue of *intensity of use*, not only of a building's interior, but also the ripple effect in the immediate geographic area. Such activities as pedestrian, cyclist, guest, transportation and service traffic also have to be considered as greater risks. It's not rocket science - the more people crammed into a confined geographic space, the greater the risk of spreading airborne and contact diseases such as Covid 19. As it currently stands, the Hyatt Hotel and Residence project is the perfect architectural example of what not to do. Yet, despite the issue of intensity of use being addressed time and time again on multiple levels at multiple hearings with testimonies including experts, it has fallen on deaf and disinterested ears at the Design Commission, which used the bureaucratic excuse that intensity of use is not within their purview.

As a physician highly aware of disease promulgation in and around multi-use buildings, I cannot say more forcefully, *the onus is upon YOU as our elected officials, to protect the citizens you represent from the spread of communicable diseases within our community, and to act affirmatively to mitigate such risks through updated building codes and regulations.* Approval of this project should be withheld until the public health issues presented by the current design and project proposal are specifically addressed. Just because a different reality existed when this project was originally designed does not mean we should be prisoners of the past and forfeit the opportunity to insist that public and community health be prioritized before construction begins. Let's not make a huge, avoidable mistake.

Greater space separation and planning for intensity of use are mandatory in this new age. Just as with floods, earthquakes and fires, infectious disease must now deserve a much higher priority.

Respectfully,

Ezra Rabie MD

From: [ezra rabie](#)
To: [Council Clerk – Testimony](#)
Subject: Fwd: Testimony re Hyatt Project NW 12th and Flanders
Date: Monday, January 11, 2021 10:17:39 AM
Attachments: [Original Hyatt Letter City Council and Mayor.pdf](#)

Honorable City Councillors and Mr. Mayor

My name is Ezra Rabie. I hold a medical specialty degree from the American Board of Preventive Medicine, subspecializing in the field of Occupational and Environmental Medicine. I wrote a letter to you previously (see attached), which was incorporated into the records, regarding my objection to the Hyatt project on medical safety grounds. The central point was that by stacking and packing as many people per square foot as possible, as proposed, creates a cauldron of superspreader potential. That warning is all the more prescient and frightening with the recent dramatic increase in morbidity and mortality as a result of Covid 19, now complicated by a more virulent strain which has added further stress to medical resources and society in general.

In my previous testimony, I asked that you take a step back and reconsider current building codes and regulations to accommodate and mitigate such a contagion risk. One cannot ignore the simple scientific fact that a major shortcoming of increasing density is its greater susceptibility to disease spread. This is not a new concept. In fact zoning laws have been around for over a hundred years, often with the prevention of communicable disease in mind.

But there's still hope if we heed the risk and get ahead of the curve starting right now. As I speak to you today there are already land use laws and local zoning initiatives afoot around the world. For example China has embarked on a massive planning effort, embedded around the fundamental principle of social distancing and mitigating disease spread. How? By substantially increasing the square footage allocated to common areas such as elevators, hallways, stairwells, and lobbies, as well as fitness rooms, and cafeterias. To further control disease transmission, they've incorporated such building materials as nonporous hard floors, unlike carpeting which can retain viral particles for days. In addition reconfigured HVAC ducting, fresh air intake and improved filtration systems are being implemented.

We've learned some very hard lessons this past year. It's incumbent on us not to let time run out on further prevention, on taking proactive rather than reactive steps. We must be patient and thoughtful in how we design and implement our new urban footprint, rather than moving forward with old and outdated standards with which this Hyatt Project was unfortunately conceived. In addition we must seriously reconsider the risk/reward calculation of progressive urban density. Portland has been a leader in innovative architecture and forward planning. Let's not relinquish that position. Your vision will ultimately determine the viability of this city we all want – but surely community safety should be at the forefront of all your decisions.

Respectfully

Ezra Rabie

From: [Arlene Matusow](#)
To: [Council Clerk - Testimony](#)
Subject: Fwd: : 1/14/2021 Hearing, Hyatt Place - Lu19-145-295-02
Date: Monday, January 11, 2021 11:17:21 AM

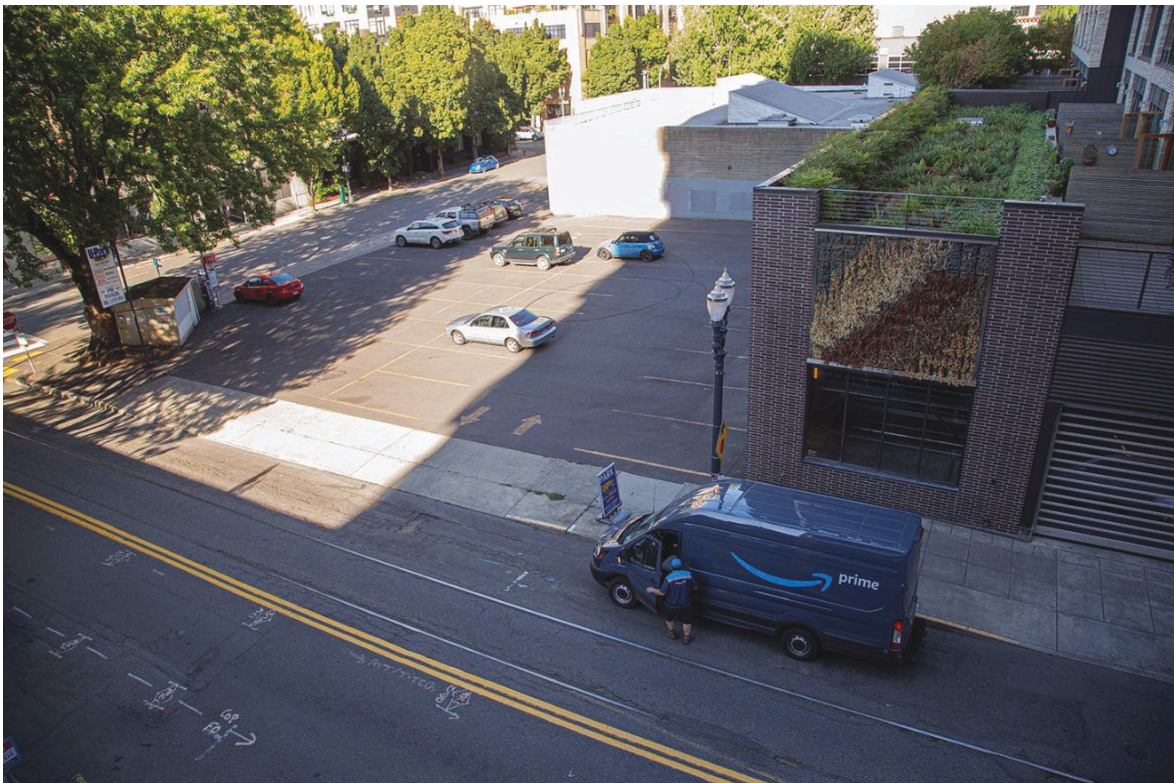
January 4, 2021

To the Mayor Wheeler and City Council Members,

My name is Arlene Matusow. I have been an owner in the Casey HOA for the past 12 years and have followed the proposed Hyatt development across the street closely. I am re-sending the letter I sent in August. Since then the number of delivery trucks have increased exponentially especially before the holidays, totally clogging up the traffic on this strip of NW 12th Ave. This is a further indication of how much more congested the street will be with the development which has 271 units being serviced with no place for delivery trucks to pull off the street to unload.

The balcony of my third floor condo looks directly onto the Hyatt building site on NW 12th Street. When I purchased my unit, I always assumed that there would be a building built across the street on this surface parking lot. I am not anti-development and have no objection to a well -designed, contextual structure being built on this site. The traffic and parking situations, however, are of great concern to me. I worry that the street traffic in a building which has no on-site parking will seriously endanger the lives of pedestrians, cyclists and multi-modal vehicles.

On 100 linear feet on NW 12th, it is proposed that here will be two loading docks immediately adjacent to the Oakwood garage; 5 feet away from the loading docks will be the entrance/exit to the residential lobby which will service 113 apartments and 170 bicycles. Many residents and vehicles will be entering and leaving in the middle of this 100' linear space. The space will also be used by taxis, Ubers and Lyft's bringing guests to the hotel, and picking them up, many of these vehicles will double park and block the north bound lane on NW 12th, blocking the site line of the traffic and bicycles on Flanders. Tour busses will also idle there while guests are getting in and out of them.



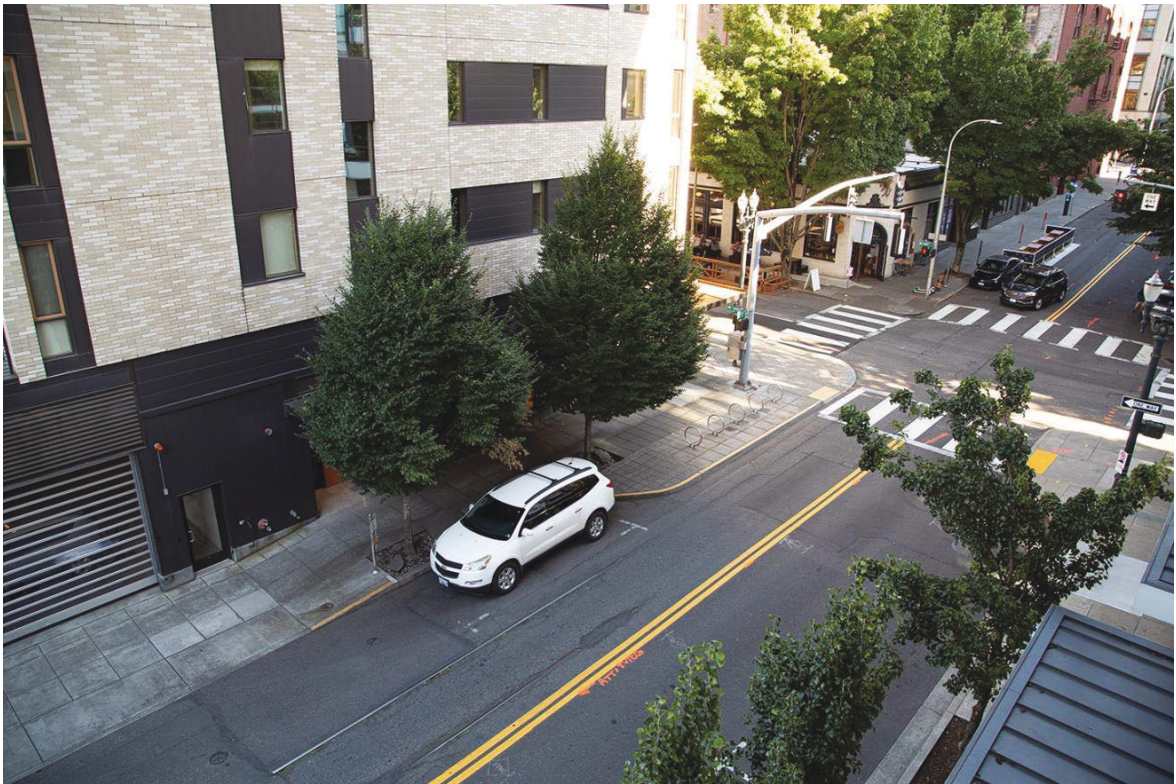
In addition, there will need to be a valet parking station with space for the cars of hotel guests and residents of the Hyatt to pull up so that valets can take their cars to parking facilities in the neighborhood. Not all hotel guests will be arriving by bicycle! The cars waiting to be valet parked will take up whatever available spaces at the curb are available and not occupied by other vehicles and deliveries from Amazon, Fred Meyer, Whole Foods, Hello Fresh, Safeway, Freshly, Uber-Eats, UPS, FedEx, and many other vendors, as well as deliveries of food from the Pearl restaurants. Most of these deliveries require at least 5 – 7 minutes to park and idle while the deliveries are completed. Judging from the approximately 15-20 such deliveries that our management company tells me arrive at the Casey daily, which only has 60 units, it should be assumed that the Hyatt residences with 113 individual apartments, will have approximately double this amount of deliveries.

How can these possibly be accommodated in this small street space? Furthermore, the carbon footprint of all of this traffic will be very detrimental to the air quality of nearby residents and pedestrians and have a very negative impact on the Public Realm, which was not considered by the Design Commission. Any social distancing on that side of NW 12th will also be impossible!

From my balcony directly overlooking NW 12th, I can also clearly observe the 80 cars emptying onto the street from the Oakwood garage immediately adjacent to where the Hyatt loading docks are planned. I can also see the cars coming from our Casey garage onto NW 12th; Our garage has 109 below- ground parking spaces and there is constant traffic in and out up and down NW 12th. Frankly, I am really worried about all of that traffic, especially during rush hours, being complicated by the tremendous increased traffic and street blockage brought about by all of the activities from the Hyatt hotel and residences. It does not take much imagination to foresee traffic congestion that will back up all the way to NW Burnside and cause major collisions. We would need a traffic light in the middle of this section of NW 12th between Everett and Flanders just to regulate all of these ins and outs on this 100 linear foot space!



August 26th 2020



Please also take note that picture above shows the corner at Everett and NW 12th Avenue adjacent to the Oakwood apartment building. Please note the extended sidewalk bump out offering extended pedestrian sanctuary and on-site bicycle parking.

The traffic issues were never entertained by the Design Commission who were advised by staff that that this was not within their purview. I disagree. How can you pass judgement on the acceptability of a building design without being able to consider and evaluate the ingress and egress to the building in question? Clearly this should have been a part of the total consideration by the Design Commission.

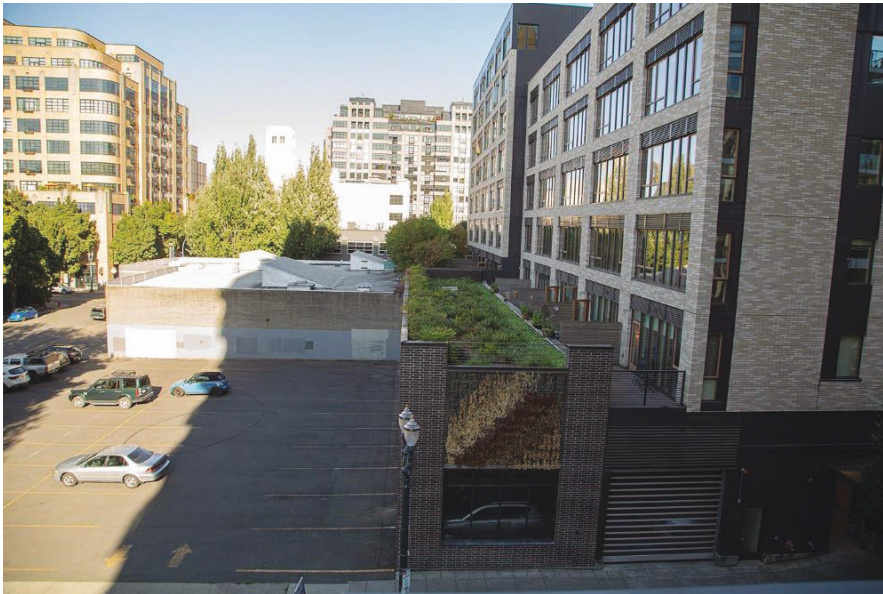
August 26th 2020



Traffic on NW 12th Avenue in the evening..

One further note, you will see from the photos attached below, that the Oakwood, like most of the more recent construction erected in the South Pearl, has a significant, green planted set-back. The Oakwood was built by a responsible Portland developer, cognizant of the context of the neighborhood. There was a successful effort to incorporate the architectural history of the South Pearl on a 20,000 square foot lot that was only 8 stories high. What is the justification for permitting an adjacent 23 story building to be erected, built full on the site, with no significant set-back? It is totally out of context for the South Pearl and should not be permitted.

August 26th 2020



It should be noted that the Pearl is already one of the most densely populated districts of the Central City districts. It also has the largest percentage of Senior Citizens of any Central City district. Many of these Senior Citizens, myself included, have chosen the Pearl for its walkability and bike friendly streets, which the city government claims to prioritize in its land use policies. Residents of the Pearl, deserve to be treated fairly and not have our lives endangered or the Public Realm and livability surrounding this development diminished!

We cannot emphasize enough that the residents of the Pearl and especially Senior Citizens look to the City government to protect the safety, livability, and public realm of their neighborhood. This November will offer an opportunity to pass judgement on how well our government has fulfilled this role.

For all of these reasons, I urge the City Council to overturn the approval of this development as it will create serious dangerous conditions, more specifically, a potential crash site, for neighborhood residents, the Hyatt hotel guests, inhabitants of the 113 apartments, the cyclists entering and leaving the Hyatt hotel and residences and most especially for the cyclists using the new, long planned Flanders Greenway bike path on NW Flanders.

I greatly appreciate your attention to this important matter.

Arlene Matusow
311 NW 12th Avenue, Unit # 301 Portland, OR 97209

CCtestimony@portlandoregon.gov

Re: LU 19-145-295-DZ – Hyatt Place Design Commission Appeal hearing

January 11, 2021

Dear Honorable Mayor and Esteemed Members of the City Council:

My name is Karl von Frieling and I reside at 311 NW 12th Avenue in the South Pearl District of Portland.

The definition of the duties of the Design Commission includes “providing leadership and expertise on urban design and architecture.”

In today’s pandemic world, I hope that we can count on the City Council to consider the changing architectural world which is adapting to the “New Normal,” incorporating cutting edge ideas with respect to public health, sustainability, recently available technology, etc., as well as important public policy issues.

Leading urban-planners and architects are hard at work designing buildings and whole cities to match these new challenges: abandoning conventional hotel design and large numbers of residences clustered in high rise buildings with little possibility of social distancing.

An example of this forward thinking: Guallart Architects in Copenhagen have noted large increases in home and hotel deliveries as well as bicycle and vehicle traffic which must be considered in future planning. Pearl Neighbors for Integrity in Design, PNID has highlighted these issues over the past two and a half years and brought them to the public’s attention. Vibrant Cities, the developer of the proposed Hyatt project has ignored them and refused to adapt their project accordingly, or even engage in a dialogue with PNID with respect to these important issues.

Another stunning example of creative adaptation to the “[New Normal](#)” is the competition for a new Chinese City in Hebei province south of Beijing, which was

won by Guallart Architects of Barcelona, Spain. It was designed with a net zero energy factor and is completely self-sustaining, including urban farming. One does not have to build a totally new city to incorporate these progressive ideas of self sufficiency and sustainability. These ideas have been successfully promoted and implemented here in Portland by “[Green Hammer Design Build Portland](#)”.

The Hyatt project as proposed is an antediluvian design, which if built, would potentially become a super-spreader of viral disease.

The Award-Winning Design Building in Hebei Province China, Guallart Architecture Firm



The Guallart architectural firm says, “We cannot continue designing cities and buildings as if nothing has happened!”

Another element worthy of re-consideration is the goal of achieving “density through height”. **Density without height** has been incorporated into [Portland’s adaptation of the Residential Infill Project](#), a State wide law that when effectuated, will allow up several residential dwellings to be built on sites that were previously zoned for single family homes.

The PAE Living Building, a planned five-story structure which is underway in the Skidmore/Old Town Historic District, is an example of the first Portland building to earn [Living Building Challenge](#) certification.

It should become a model for the cutting-edge architecture which Portland has prided itself for.

An artist rendering of the PAE Building in Portland Oregon:



I sincerely hope that the City Council will consider the public policy and health issues involved in future city planning and building design, keeping foremost in mind, community livability standards and health requirements of the public with respect to Covid-19 and potential future pandemics.

Thank you for your time and consideration of these important matters.

From: karlvonfrieling@gmail.com
To: [Council Clerk – Testimony](#); [Council Clerk – Testimony](#)
Subject: LU 19-145-295-DZ - Hyatt Place Design Commission Appeal Testimony
Date: Monday, January 11, 2021 2:46:35 PM
Attachments: [KVF LU 19-145-295-DZ – Hyatt Place Design Commission Appeal Testimony.pdf](#)

Hello,

Please find my PDF attachment written testimony for the Hyatt Place Design Appeal.

CCtestimony@portlandoregon.gov

Re: LU 19-145-295-DZ – Hyatt Place Design Commission Appeal hearing

January 11, 2021

Dear Honorable Mayor and Esteemed Members of the City Council:

My name is Karl von Frieling and I reside at 311 NW 12th Avenue in the South Pearl District of Portland.

The definition of the duties of the Design Commission includes “providing leadership and expertise on urban design and architecture.”

In today’s pandemic world, I hope that we can count on the City Council to consider the changing architectural world which is adapting to the “New Normal,” incorporating cutting edge ideas with respect to public health, sustainability, recently available technology, etc., as well as important public policy issues.

Leading urban-planners and architects are hard at work designing buildings and whole cities to match these new challenges: abandoning conventional hotel design and large numbers of residences clustered in high rise buildings with little possibility of social distancing.

An example of this forward thinking: Guallart Architects in Copenhagen have noted large increases in home and hotel deliveries as well as bicycle and vehicle traffic which must be considered in future planning. Pearl Neighbors for Integrity in Design, PNID has highlighted these issues over the past two and a half years and brought them to the public’s attention. Vibrant Cities, the developer of the proposed Hyatt project has ignored them and refused to adapt their project accordingly, or even engage in a dialogue with PNID with respect to these important issues.

Another stunning example of creative adaptation to the “[New Normal](#)” is the competition for a new Chinese City in Hebei province south of Beijing, which was won by Guallart Architects of Barcelona, Spain. It was designed with a net zero energy factor and is completely self-sustaining, including urban farming. One does not have to build a totally new city to

incorporate these progressive ideas of self sufficiency and sustainability. These ideas have been successfully promoted and implemented here in Portland by "[Green Hammer Design Build Portland](#)".

The Hyatt project as proposed is an antediluvian design, which if built, would potentially become a super-spreader of viral disease.

The Award-Winning Design Building in Hebei Province China, Guallart Architecture Firm

The Guallart architectural firm says, "We cannot continue designing cities and buildings as if nothing has happened!"

Another element worthy of re-consideration is the goal of achieving "density through height". **Density without height** has been incorporated into [Portland's adaptation of the Residential Infill Project](#), a State wide law that when effectuated, will allow up several residential dwellings to be built on sites that were previously zoned for single family homes.

The PAE Living Building, a planned five-story structure which is underway in the Skidmore/Old Town Historic District, is an example of the first Portland building to earn [Living Building Challenge](#) certification.

[It should become a model for the cutting-edge architecture which Portland has prided itself for.](#)

An artist rendering of the PAE Building in Portland Oregon:

I sincerely hope that the City Council will consider the public policy and health issues involved in future city planning and building design, keeping foremost in mind, community livability standards and health requirements of the public with respect to Covid-19 and potential future pandemics.

Thank you for your time and consideration of these important matters.

Karl von Frieling

311 NW 12 Avenue #1502

Portland OR 97209

From: [Kirk Wallace](#)
To: [Council Clerk – Testimony](#)
Subject: City Council Matter # LU19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Monday, January 11, 2021 4:21:03 PM

With respect to the above-captioned matter, I call on the City Council to deny the approval of the design. The Design Commission's review failed to address two of the major points that drove the City Council's remand. The Design Commission's continuing failure with respect to this project underscores the basic problem with it: The project is fundamentally flawed. Nothing in the Design Commission's actions on remand changes that.

(1) The Design Commission ignored Mayor Wheeler's Standard: the development should be a 'marquee project' that does something 'exceptional'. The Design Commission approved tweaks to the massing and the set-backs. These minor changes do nothing to make this project anything better than mundane - and certainly not exceptional. Especially at this fraught and challenging time for Portland, the standard for this project must not be development for the sake of development. We need and want smart, inventive development that provides housing and improves the lives of City residents; not something that might just make some money for a developer.

(2) The Design Commission specifically refused even to consider the traffic-congestion issues that Commissioner Hardesty had raised as part of the remand. As a prime example of the failure identified in point 1 above, the traffic congestion issues that this project presents must be addressed, because as it is, they **prevent the project** from being exceptional (except perhaps exceptionally negative). Flanders Street has been designated as, and is being modified to be, a greenway; accordingly, all of the traffic for the proposed hotel and the apartments, more than 250 units, would be concentrated on a short stretch of NW 12th Avenue. This includes the loading docks, the entrance for long-term bicycle parking, and all deliveries. Uber/Lyft pick-ups and drop-offs and valet parking for the hotel will also have to be jammed into this space. The Design Commission determined that these issues, which result directly from the size and scope of the proposal, were PBOT issues. Despite Commissioner Hardesty's articulated concern about the issues at the hearing that led to the remand, the Design Commission specifically ignored these 'transportation' issues. The "transportation" issues are core liveability and feasibility concerns. If the Design Commission refuses to consider these concerns, I respectfully suggest that the City Council take them up.

The City Council has the right and responsibility to act in the best interests of the South Pearl, and the City as a whole. As such, the City Council should demand that a massive, precedent-setting project like this one **not** create a traffic disaster **and** do something affirmatively and strongly good for the City. This project doesn't meet that standard. Not by a long shot.

Respectfully, I urge the Council to deny the approval of the design.

Kirk Wallace
311 NW 12th Ave, Unit 803
Portland, OR 97209
917-951-3135

From: [Jerry Marger](#)
To: [Council Clerk – Testimony](#)
Cc: [jerry.marger](#)
Subject: #LU19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Monday, January 11, 2021 4:58:48 PM

Portland Mayor Wheeler and City Commissioners,

Mayor Wheeler, when it came to the re-enactment of the Central City 2035 Plan you said that the 250 foot maximum height which you enacted would "not be as a matter of right", but rather "discretionary", and only be granted if the development would not negatively impact the safety and livability of a given neighborhood. At the Appeal hearing this week, it appears that the out of town developers have maintained that this out of scale building can be built as a matter of right. They are wrong!

As a member of the Oregon State Bar for fifty years I believe that the Hyatt Project would set a terrible precedent for the development of the other dozen or so corner quarter block lots in the South Pearl. The South Pearl District is a gem that we can all be proud of. The Hyatt Project, and other potential similar projects which would follow, would totally destroy the unique character of the South Pearl District.

Traffic and safety on NW 12th and the NW 12th/NW Flanders intersection is a major problem for the Hyatt Project. Traffic accidents in Portland have increased to the highest level since 1996 in spite of the COVID-19 lockdown. Clearly, a potential traffic crash site will be created with double parking in the north bound traffic lane blocking the sight of the bikers using the Flanders Greenway. Pickup and delivery vehicles will also be double parked. Vehicles will be leaving and entering the Oakwood Apts garage and the Casey Condo garage. There will be crowding on the 2 Hyatt loading docks, guests and Hyatt staff will be entering and leaving from the Hyatt hotel, and residents will be entering and leaving from 113 apartments. Taxis, Uber/Lyft vehicles, city buses, tour buses, etc, will be loading and unloading passengers.

I have been a commercial real estate developer for 45 years. We have done a number of commercial real estate developments, including multi-unit apartment projects over the past 25 years. There is not any shortage of small apartment units in the Pearl District. New apartment complexes in the Pearl District are less than 20% occupied. So promotional giveaways such as 12 weeks free rent are commonplace.

My wife, who is a Portland native, and I moved to the Portland metro area more than 50 years ago after I finished law school. We remember when South Pearl District was filled with industrial buildings and witnessed them being replaced by

distinctly designed condominiums, restaurants, shops, etc. In 2016 we decided to relocate to a condo in the South Pearl District. It was a walkable, public friendly area where we could safely stroll around as pedestrians and avail ourselves of the neighborhood amenities. These livability aspects were critical conditions precedent to our decision to move to the South Pearl District from our beautiful home in Forest Heights.

When we moved to the South Pearl District, i did realize that there would eventually be development on quarter block lot sites, such as the parking lot located on southeast corner of NW 12th and NW Flanders (“Hyatt Project”). Our condo is across the street from the site of the proposed Hyatt Project.

I am not opposed to reasonable development in the South Pearl District. We have built a number of apartment complexes and many other types of commercial property. But even though I am a longtime real real estate developer, it never crossed my mind that the zoning of each of these quarter block lots would be able to be increased to a height of 250 feet. The proposed Hyatt Project comprises a building structure which is more massive and oversized than on any other quarter block lot site in the South Pearl District. Accordingly, it is an unreasonable real estate project not worthy of your approval.

You need to support the PNID appeal with respect to the Hyatt Project. We rely on our Mayor and City Commissioners to act in the best interest of their constituents. Out of state developers are not your constituents.

Thank you for reviewing our above concerns regarding the Hyatt Project.

Jerome Marger
311 NW 12th Avenue
Portland, OR 97209

Mr. Mayor and City Council Members,

My name is Rita Silen and I have lived at 416 NW 13th Avenue for 21 years.

Thank you for allowing us to express our opposition to the 23-story mixed use development proposed for the quarter lot at Flanders and 12th Avenue.

Just because we CAN do something does not mean we SHOULD.

While legal according to CODE, or specifically the 2035 Plan, the over-arching PUBLIC POLICY or effect on livability of a community, the effects this development will have on citizens has thus far never been given serious consideration.

271 units (hotel rooms and apartments) with NO parking facilities?

Not even Valet Parking Services?

At a time in our global, national, and local history when Amazon, UPS, and Grocery deliveries are at an all time high, with no indication of future reversal, the congestion of people, traffic and bicycles is seemingly ignored.

I am respectfully asking for your practical consideration of these facts, along with the risks to the predicted increased bicyclists using the highly-anticipated NW Flanders Neighborhood Greenway.

YES! We need more housing in PDX: AFFORDABLE housing.

The Pearl District is home to seven low rise buildings devoted to affordable housing.

Let's encourage development on this site of another low rise affordable housing building!

In the South Pearl alone, there are presently two major Mill Creek Apartment developments with 553 apartment units of which less than 20% are leased, in spite of significant financial incentives. (Maybe these would be convertible to affordable housing units for families facing eviction!)

AND THESE buildings have impressive PARKING FACILITIES!

The Akoya with 291 units offers 223 vehicle spaces

The Gossamer with 204 units offers 145 vehicle spaces

The Rodney with 230 units offers 206 vehicle spaces.

THERE IS NO BUILDING APPLICATION MADE IN THE PEARL DISTRICT FOR A DEVELOPMENT WITH MORE THAN 60 RESIDENTIAL UNITS WHICH DOES NOT OFFER ON-SITE VEHICULAR PARKING, except the Hyatt Place development on a quarter lot with only one street access (100 linear feet on NW 12th).

As we have stated from the onset of this process 2 years ago, we do not resist development, just inappropriate development. Recently the Design Commission approved a 7-story apartment building with 58 units on 1/8 of a block at NW 13th Avenue and Johnson. While just outside of the 13th Avenue Historic District, the building is contextually in keeping with the Historic District and was approved by the Design Commission, without any community opposition after the first Design Commission hearing. There is no vehicular traffic parking but there are 89 long term bicycle stalls.

The proliferation of vacant hotel rooms city-wide, where the hotel occupancy rate is presently less than 30% - an 85% reduction over the prior year, indicates a diminished need for additional hotel rooms. On Jan 7th, the number of hotel rooms CLOSED was 1,143. Reversing the cause of these closed rooms and the drastically-reduced hotel room demand will not happen quickly. The pandemic and the widely publicized violence on Portland's downtown streets and resulting damage to buildings and grounds remain a lingering threat to tourism.

I respectfully ask you to give practical consideration of this development and how it will affect every citizen, young and old, who enjoy the The Pearl District in general and the intersection at 12th and Flanders specifically.

From: [Rita F. Silen](#)
To: [Council Clerk – Testimony](#)
Subject: Re: LU 19-145-295-DZ - Hyatt Place Design Commission Appeal hearing (In Opposition)
Date: Monday, January 11, 2021 5:00:16 PM
Attachments: [CITY COUNCIL Jan 14th 2021.pdf](#)

PDF file attached.

Mr. Mayor and City Council Members,

My name is Rita Silen and I have lived at 416 NW 13th Avenue for 21 years.

Thank you for allowing us to express our opposition to the 23-story mixed use development proposed for the quarter lot at Flanders and 12th Avenue.

Just because we CAN do something does not mean we SHOULD.

While legal according to CODE, or specifically the 2035 Plan, the over-arching PUBLIC POLICY or effect on livability of a community, the effects this development will have on citizens has thus far never been given serious consideration.

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I respectfully ask you to give practical consideration of this development and how it will affect every citizen, young and old, who enjoy the The Pearl District in general and the intersection at 12th and Flanders specifically.

January 11, 2021

VIA EMAIL (CCTestimony@portlandoregon.gov)

Honorable Mayor and Portland City Council
City Hall
1221 SW 4th Avenue
Portland, OR 97204

Re: Hyatt Place & The Lawson Residences
LU 19-145295 DZ

Dear Honorable Mayor and Commissioners:

This firm represents the Pearl Neighbors for Integrity in Design (PNID), an affiliation of residents and business owners promoting livability and quality design throughout the Pearl District. As PNID and over 100 concerned individuals have explained over the course of the last 2½ years, this proposal fails to satisfy the applicable Central City Fundamental and River District Design Guidelines and Zoning Code requirements. PNID's primary objection remains that the out-of-context building design coupled with the overall intensity of uses crammed together overwhelms the quarter block on which it is situated, creating pedestrian, vehicular and bicycle conflicts, undermining the protected Flanders bikeway and clashing with the 13th Avenue Historic District, located just half a block away, compromising Pearl District design character and livability for existing and future residents.

The Efforts on Remand Failed to Produce an Exceptional Design

The City Council first considered this appeal in the fall of 2020. During deliberation, a majority of City Commissioners expressed concerns. Some of those concerns included identification of specific design guidelines that were not met, whereas others were more generalized reservations that this was the wrong building for this location or that the intensity or demands generated from this development were too great to be accommodated by the limited right-of-way infrastructure available. See attached comments from Commissioner Fritz. Remand back to the Design Commission was requested, with instructions from Mayor Wheeler to create a "marquee project" and to "do something exceptional."

Rather than respond to the concerns identified by all of the Commissioners, City staff instructed the applicant to address two discrete things: overall building sculpting and setback. As a result, the only substantive change on remand was to increase the building step-back on the middle and top sections by less than two feet at each level. Whether or not this alteration results in a more

refined or sculpted building, as the Design Commission concluded, is largely non-responsive to the Council-stated concerns and the requirements of the Guidelines. In sum, this effort was essentially inconsequential, in the face of a 250' building that will tower over the South Pearl District like a specter with vehicular service demands generated by 160 hotel rooms, 111 dwelling units along with a publicly available event space, that will create safety concerns along the pedestrian realm. As explained in greater detail below, PNID's objections remain unaddressed.

If Approved, this Development will Set the Precedent for ¼ Block Towers Throughout the Pearl District

By way of background, particularly for the benefit of newly-appointed Commissioners, this project represents a sea-change for development in a specially protected area known as the South Pearl District. This is the first project to take advantage of the additional building heights authorized by the newly enacted Central City 2035 Plan. At 23-stories tall, this building will be at least 7 stories taller than any of its neighboring tower structures – the most proximate, The Casey Condominiums, is 16 stories. At 23-stories, this building will tower above the 2 to 4-story 13th Ave Historic District structures located just ½ a block away. This tower will stick out like a sore thumb and given that there are approximately 12 currently vacant, quarter-block lots in the South Pearl District, approving this application as proposed is likely to result in the establishment of 12 more “sore thumbs” permeating the District. Further, as explained in the attached “Times Have Changed” piece, planning policy looks markedly different today than it did when this application was first filed. It is for this reason that it is imperative that the Council take the time to dig into the record, reflect on and require compliance with not just the language of the Design Guideline but also the planning policy to be achieved through those standards.



Figure 1-This conceptual schematic illustrates how construction of similar-scale towers on ¼ block vacant properties would completely transform the character of the South Pearl District.

Second, although mixed use development is common in the Central City, this will be the first shared full-service 160-room hotel coupled with 111 studio and one-bedroom apartments for a total of 271 units, located entirely within a quarter block with no off-street parking or short-term bicycle parking. This is somewhat unique in the Pearl as it reflects an amalgam of two primary uses with different service demands forced to share the same under-sized, constrained frontage.

All other development of over 60-units within the Pearl include some level of off-street parking offering a means to get delivery vehicles and hotel guest rideshare and taxis off the public street and away from pedestrians. A building of this density with no off-street parking, will place an unprecedented reliance on short-term deliveries – Uber and Lyft, taxis full of hotel guests, regular UPS, grocery, Amazon and restaurant deliveries by car and bicycle, onto two-quarter block frontages, one of which is to be protected for the NW Flanders Greenway Bike Path. In contrast, the Hampton Inn has a comparable number of units but it includes a large, on-site parking garage and it occupies a full city block meaning that access for all modes is spread out along multiple full-length street frontages leaving ample space between public pedestrian and vehicular entrances, off-street valet parking, service entrances, loading areas, garbage enclosures and bicycle parking. PNID submitted qualified expert testimony identifying safety concerns resulting from a design that does not adequately protect pedestrians and bicyclists from delivery drivers and others but to date, the applicant has elected not to respond. It is the building design that created this condition and therefore, its effects triggering mitigation are germane to this review.

The Design Guidelines Have Not Been Interpreted and Applied Uniformly

The Central City Plan does authorize the construction of a 250-foot building on this property but only upon a finding that this design including massing, scale, architectural style, points of access, circulation, and other components of the design satisfy the Central City Fundamental and River District Design Guidelines. In other words, there is no entitlement for building at this height or intensity. The Guidelines must be met and if they cannot be met, this application must be denied.

That said, these comments should not be interpreted to suggest that a 250-foot building could never be approved on this property, elsewhere in the South Pearl or in a different configuration. There were a myriad of options open to this applicant to satisfy the Guidelines such as: reducing the number and increasing the size of the units to make them family friendly thereby reducing the overall vehicle demand, selecting a site that was not constrained by the Flanders Greenway, proposing a larger building footprint allowing more room to accommodate deliveries of hotel guests and goods, offering a greater level of publicly available stopping and resting places, providing off-street parking or an off-street unloading area; the list goes on. Instead, this applicant seeks solely to maximize its private development to the detriment of the public facilities necessary to support it. This is a classic case of an applicant attempting to stuff too much onto a site that fundamentally cannot accommodate it. The Guidelines exist to prevent over-stuffing a level of building program onto an inappropriate site.

In essence, the Design Commission's failed to apply the Design Guidelines so as to offset the very impacts that the Guidelines expressly protect. For example, large storefront window systems, concrete paneling on the ground floor to imitate the 13th Avenue Historic District and a tri-partite design are elements that the Design Commission has required for other Pearl District development that do not take advantage of the new CC 2035 bonus heights. The fact that this development includes the same level of design mitigation as would be appropriate to a 175-foot building does not make the building "compatible" when it is 7-stories taller and includes more FAR-authorized density than any other quarter-block building in the South Pearl, all with no off-street vehicle or short-term bicycle parking.

Not only did the Design Commission err in not imposing additional rigor from this applicant to offset the additional building height and building intensity to satisfy the Design Guidelines, it did not interpret and apply these standards to require even the same level of design elevation as has been required of other smaller-scale development within the South Pearl. Although the Design Guidelines are discretionary, the Design Commission has an obligation to apply these standards to applications uniformly. *Holland v. Cannon Beach*, 154 Or App 450 (2001) and its progeny. As explained in greater detail below, the Design Commission did not require that this project provide the same level of contribution to Neighborhood Identity, and Protection of the Public Realm as it has for other projects which, again, imposed less building height and intensity, than what is proposed in this case. Rather, than require a project that complies with the Design Guidelines as they have been interpreted and applied historically, the Design Commission allowed the Guidelines to be eroded. Detailed examples of this erosion are set forth in greater detail below.

Guideline A4, A5 and A5-1-1 Requiring Unifying Elements that Enhance the Pearl are not Satisfied

Design Guideline A5-1 requires that design must "enhance the qualities that make each area distinctive" considering the character and identity of three-blocks in every direction. As Commissioner Fritz noted in her comments regarding this application, nothing about this design reflects the characteristics of The Pearl District and rather, it could find its home anywhere in the City or the US. Commissioner Fritz was right; the proposed design bears a striking resemblance to the Benson Tower – another 250-foot building located 1500 SW 4th Ave, near Portland State University that is outside of the South Pearl District. Pearl District distinctive buildings must reflect the design elements that characterize that district and not just on their base but throughout, so that it is immediately evident to a visitor to the Pearl District that they are in a different and very special part of this City. This building does not speak to the Pearl, must less the three blocks in every direction, and this shortcoming requires denial of this application.



Figure 2 - These buildings are both 250-feet tall, occupy about 1/4 block (the Benson Tower is a bit wider), include upper story setbacks to reduce the mass, extensive use of balconies- all items that the applicant claims are reflective of the Pearl District but not in a way to distinguish the Hyatt from other towers located elsewhere throughout the City.

In response to this obligation to “use unifying elements” and “enhance the qualities that make the Pearl District distinctive,” the Design Commission findings conclude that (1) the Pearl is in “transition;” (2) additional building setbacks of one-to-two feet at the middle and upper story to provide additional sculpting provides better building integration and (3) the footprint of historic structures extend to the sidewalk with seating that spills onto the sidewalk. All of these findings are unresponsive and inadequate. New construction must “reinforce” and “enhance” an “urban warehouse character” rather than an eclectic one based on a finding that the neighborhood is in transition. Guideline C4 requires that the development “complement the context of existing buildings by using the local design vocabulary.” Saying that the “local design vocabulary” is “in transition” or is “eclectic” does not give any meaning to the special warehouse character requirement. It suggests that there is no “design vocabulary” at all.

Second, the Design Commission did not evaluate this proposal in the existing landscape before concluding that the additional sculpting would “better integrate with the Pearl District area context.” What the record shows is that buildings within one block of the historic district have upper story setbacks that far exceed 2-to-7 feet. For example, the Rodney located on NW 14th between NW Flanders and NW Glisan includes upper story setbacks that extend for at least a full window bay. The Rodney is a full block from the 13th Ave Historic District. The subject building is much closer, only half a block from the Historic District. The precedent set by The Rodney suggests that measuring the contextually appropriate level of tower sculpting must be at least as great, if not greater than another shorter tower located further from the Historic District.



Figures 3 & 4 - These images show The Rodney, approved in 2016, compared against the updated drawings of the proposed building illustrating the level of setback required to achieved context-appropriate design. Further, the top-story penthouse in the building directly to the north of the subject site in the image above evidences a setback that exceeds the two-foot setbacks approved in this case. If a setback the width of a whole bay is necessary to unify a 6 or 16-story building into its context in proximity to the Historic District, a 2-3 foot setback for a 23-story building is wholly inadequate.

In addition to a significant setback on The Rodney, the Design Commission required that the tower reflect the historic district through the “use of a strong grid vocabulary that plays off the historic and vintage typology in a contemporary way.” Context studies evaluating the adequacy of the setback would be the evidence a decision-maker would rely on to make such a finding. Yet, no such context studies evaluating the extent of the tower setbacks and how they work to unify this development from different vantage points, particularly the Historic District, were submitted as part of this review.

In another example, The Dianne, a 14-story building located at 535 NW Hoyt was deemed to satisfy Guideline A5-1-1 because the building utilized a “brick exterior that is designed with a traditional load bearing expression” in addition to a tripartite design elements. In contrast, the proposed 23-story tower introduces a new material – metal siding – and offers nothing that is reflective of the District, short of a tripartite design without any context study as necessary to establish that either (1) the tripartite design is, in fact, context appropriate or that (2) the use of only tripartite design with incomparable 2 to 3-foot tower setbacks taken alone, is sufficient to integrate this development.

Finally, the finding that historic buildings extend to the sidewalk with tables that spill into the pedestrian realm based on examples of ground-floor cafes in historic buildings is fundamentally inappropriate because the demand placed on the pedestrian realm for 2-3 story buildings is substantially lower than that resulting from a 23-story building containing 271 residential units with effectively a singular 100-foot linear frontage. The Design Commission refused to acknowledge the qualified, expert testimony that this proposal will over-activate the pedestrian realm causing so much congestion and conflict to create dangerous conditions for pedestrians and bicyclists. As discussed in greater detail below, Guideline B2 calls for the protection of pedestrians and an expansion of the public realm to serve the residents of new development. The Design Commission failed to take this over-activation of the pedestrian realm into account.

The Flanders Greenway is not “Integrated” and Bicyclists are Not “Encouraged”

Moving beyond the obligation to compliment the special historic features of the design, the Flanders Greenway bicycle path, abutting this development along NW Flanders is similarly not enhanced by this proposal. Even the Design Commission appeared to agree that the Greenway was a “special feature” that must be “enhanced” through this design and yet, the proposed development does nothing to highlight or encourage the use of the Greenway for non-vehicular traffic. There is no short-term bicycle parking in this proposal and no bicycle access into this building directly from the Greenway along NW Flanders.

The Design Commission concluded that this development will activate this highly dynamic Greenway area by recessing the building along the north elevation by 3 feet between the concrete bays to allow for café tables and installing folding storefront systems providing additional access and fewer barriers into the hotel lobby. Regardless of whether these amenities are ubiquitous in the Pearl, they not responsive to guidelines that require encouraging and facilitating cycling or the protection and use of the Greenway for this purpose. What is critically missing from this meager recitation of design elements is any contribution to or connection with this unique and special feature, particularly for the benefit of Pearl District resident bicyclists, who are most likely to use the Greenway. Without any off-street parking, it is quite likely that residents of this building and their guests will move around by bike and yet there will be no place for these guests or even passing cyclists to park their bikes in order to enjoy the café – the singular amenity the the Design Commission identified as “encouraging” cycling.

More problematic, perhaps, is that bicycle access to the residential units is not direct from the Bikeway but instead is an afterthought, conflated with the residential pedestrian access on NW 12th, to be served by two limited occupancy elevators. The Design Commission expressed reluctance to approve a design that did not more directly accommodate bicycles but it felt that this was the best that the applicant could do. Simply throwing up one’s hands that this marked an overall design improvement or that it is best that could be done given the applicant’s other self-imposed programmatic demand, fails to acknowledge that the building did not have to include a hotel use, thereby freeing up ground floor space to celebrate residents to “go-by bicycle” and integrate cycling into the design.

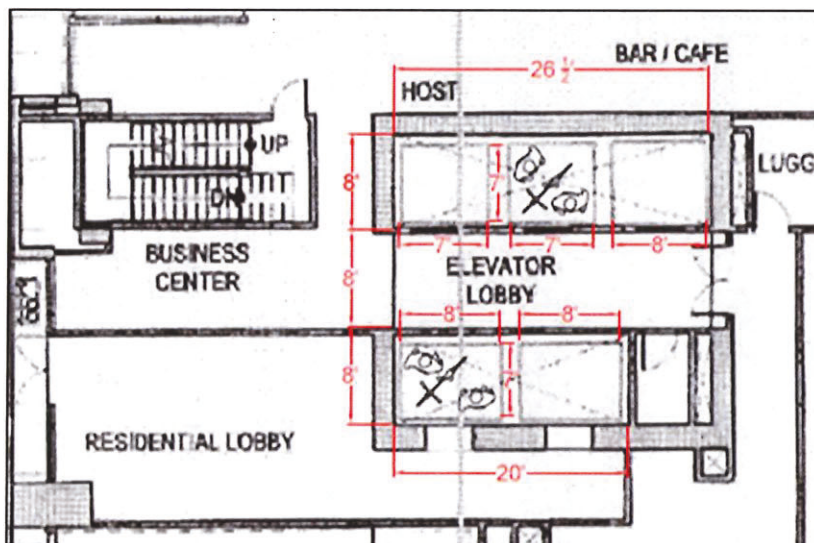


Figure 5 - Excerpt taken from the applicant's most recent plan including to-scale dimensions of bicycles and people.

This image shows how cramped and congested the access will be for cyclists who are forced to share access to the residences in order access the long-term bicycle parking. Each elevator will accommodate a single bicycle meaning two cyclists will have to take separate elevators. Traditionally, access to bicycle parking happens directly through the off-street parking lot or along a ramp eliminating the need to negotiate elevators amid residents carrying groceries, with strollers or in wheelchairs. Further, the applicant's plans indicate that only access to the long-term bicycle storage will be through the residential lobby. No hotel access to the bicycle parking area is provided. Bicycling is not encouraged or integrated into this development.

Pedestrians Will Not Be "Protected" from "Vehicular Movement" Through the Use of Public "Stopping and Viewing Places"

The utter lack of accommodation for cyclists is going to steer residents and hotel guests toward greater reliance of vehicles. PNID submitted unrefuted expert testimony, and the Council received testimony from residents with knowledge about how deliveries on this block of NW 12th happen, indicating that deliveries of Uber carrying hotel-guests coupled with food and supply deliveries to residents will overwhelm the on-street parking capacity forcing the blocking of travel lanes creating dangerous conditions for bicyclist and pedestrians. A number of Commissioners noted these concerns during the last appeal hearing, most notably Commissioner Hardesty pointed out that this applicant must acknowledge that "people have cars" and design must take that into account, and yet the applicant did nothing during the proceeding before the Design Commission to respond to these concerns.

Guideline B2 requires: “Protect the pedestrian environment from vehicular movement.” The background for Guideline B2, offers additional context for this obligation, noting that: “Successful right-of-way design must recognize the implications of mixing pedestrians, bicyclists, and motor vehicles.” p 65. The curb extension at the corner of NW 12th and Flanders will serve solely the hotel, whose lobby feeds directly onto this area. This is critical to understand – the setback of the corner entry and the extended sidewalk on the corner will not serve the 111 dwelling units or anyone using the long-term bicycle parking in any respect.

The sole access point for 111 dwelling units (along with their bicycles) will occur within the 12’ travel sidewalk located inches from an adjacent to a two-bay loading dock. There is no space for residents to unload their bikes or unfold their strollers outside of the traveled way which must also accommodate passing pedestrians, the unloading of hotel guests and any residential food or service deliveries. The mid-block residential / bicycle entrance dumping directly onto a congested 12’ sidewalk is going to encourage residents and cyclists to find another route by either crossing NW 12th at midblock and cyclists to join vehicles on NW 12th rather than walking their bicycles along the sidewalk creating unsafe conditions.

Throughout this proceeding, the Design Commission, on advice from PBOT, has maintained that it cannot consider the vehicle circulation demands resulting from a project including valet parking and yet, in 2012 the Design Commission directly weighed in the location and staffing of the valet parking for the Pearl Marriott Residential Inn, located on NW 9th and Marshall. See attached article from the Daily Journal of Commerce. If the location of the valet parking and functioning, down to its staffing levels, was germane in the Design Commission’s review of a 6-story, 225-room hotel, it is certainly relevant to evaluating how a 160-room hotel with 111 residential units. Yet, the current plans do not include any reference to the provision of valet parking in the first instance. All references to the provision of valet parking were removed after the first series of Design Commission hearings. Nothing in the record reflects evidence of how a 160-unit hotel will function without valet parking. It was impossible for the Design Commission to conclude that pedestrians would be “protected” without having a clear understanding of how valet parking will occur and finding that it will function so as to adequately “protect” pedestrians, particularly when faced with expert testimony indicating that it will not.

Guideline A8 requires increased setbacks and sidewalks “for potential public use” and Guideline B4 calls for the provision of “safe, comfortable places where people can stop, view socialize and rest” that does not conflict with “other sidewalk uses.” The images below show the stopping and resting places that the Design Commission approved for the Modera Akoya, a 291unit 12-story building on NW 14th and Glisan, the Chown Loft Parking Area seat at NW 12th and Flanders, and The Heartline, a 218-unit, 12-story structure on NW 12th and Kearney.



By contrast, the Design Commission did not require any seating or other public space be provided for this development. The proposed development sits on the property line, except for the hotel entrance corner, which serves solely the hotel. No public stopping and resting spaces are proposed other than in the recessed bays between columns along NW Flanders which will be used to accommodate café tables that will spill into the sidewalk – a private use rather than a public one. Extended overhead canopies are a far-cry from what the Design Commission has required for other modern towers. For a building whose intensity will demand so much in terms of vehicle capacity for adjacent roadways and the public sidewalk, Design Guideline A8 requires that a development contribute something back to the public through the provision of public seating area that will welcome Pearl residents and the City as a whole.

This Design will Destroy the Identity of the South Pearl District

In summary, the proposed design demands too much, given its limited location. The unique, identifying design characteristics – the Greenway and the Historic District – will be overwhelmed by a building design that could go anywhere and does not reflect the context of the South Pearl. Additional sculpting approved by the Design Commission on remand is not grounded in any comparative massing or height within the District. The service demands placed on the public realm resulting from this design goes past the point of providing a vibrant streetscape to over-saturation creating unsafe conditions for pedestrians and bicyclists.

Honorable Mayor and Portland City Council
January 11, 2021
Page 11

As a proposal treading new ground, the City Council must not overlook past precedent by ensuring that this new uber-tall spire comply with the applicable review criteria and design guidelines. Rather, the Council must follow past precedent by requiring at least as much, if not more, in terms tower design and pedestrian realm improvements as it has for other developments. By far the tallest and skinniest building in the South Pearl, this tower will be more visible from both the street-level and from a distance than any other building in the area and as a result requires greater attention to façade coherency, massing design, articulation and quality materials to achieve compatibility than a typical 10-story proposal. This design fails to acknowledge this obligation in every respect and for these reasons PNID urges the City Council to deny this application.

Very truly yours,



Carrie A. Richter

CAR:kms
Attachments



CITY OF
**PORTLAND,
OREGON**

Amanda Fritz,
Commissioner
1221 SW Fourth Avenue, Suite 220
(503) 823-3008
amanda@portlandoregon.gov

9/16/20

**Statement in Favor of Upholding the Appeal and Denying the Design Review
Approval for Hyatt Place, a 23-story mixed use building at 350 NW 12th Ave in the
Pearl Sub-District of the Central City Plan District LU 19-145295 DZ**

I support Denial because the following Design Guidelines are Not Met.

Guideline A5-1: Enhance the qualities that make each area distinctive within the River District. "The design should acknowledge the character and identity of three blocks in every direction – includes a portion of the historic district.... "with visual and physical references to its warehousing past". Guideline A5 in full:

A5. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

I don't agree this design enhances the qualities that make the area distinctive. I don't see any design elements that wouldn't be proposed in any other neighborhood in Portland or indeed any high-rise hotel in an area downtown in the US.

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.

Nothing in the proposed building evokes the reflection of urban warehouses.

- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.

I agree this guideline may met, although the distinction between base/middle/top is minimal.

- 4) Adding buildings which diversify the architectural language and palette of materials.

I don't see how this building diversifies the architectural language. It is a building that could go anywhere without Design Guidelines. Lots of glass may diversify the palette of

materials in the district, but in a way which is untrue to the Pearl District character and identity.

5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District's "arts" ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the "arts" concentration.

The findings state, "The project will reinforce a unified streetscape through the use of established street elements such as street tree placement, sidewalk width and patterning, and corner pedestrian curb extension."

Compliance with Code standards is insufficient to meet this Guideline. There are minimal arts functions. The proposed awnings are modern on a very modern building not in keeping with the industrial history of the district or the nearby Historic District.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

The stopping areas require patronage of the businesses on the ground floor. The connections to the interior spaces all seem private, too. The setback of 3' is minimal and the setback of the upper floors above the lower is not sufficient to enhance the pedestrian experience or streetscape. The Findings state for the next Guideline, "**Findings for C8, C9 and C9-1:** The sidewalk-level of Hyatt Place is differentiated from the middle and top of the building with, as previously mentioned: concrete columns that help to frame and articulate the building edge and storefronts; a 3-foot recessed area for sidewalk seating and landscape planters"

This is ludicrous. Three feet for "sidewalk seating" is woefully inadequate.

Similarly, "The building has been further refined with a clear base, middle and top. The three-story base is now: clearly articulated with concrete panel; proud of the middle and upper stories by approximately 2-feet on the two street frontages; "

Seriously? It is "proud of the middle and upper stories by approximately 2-feet"? Two feet on a building 250' tall is less than 1%.

The Findings continue to err in:

"B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

Findings for B1, B1-1, B5 and C7: *Hyatt Place* maintains the established pedestrian system within the right-of-way that is consistent within the district. The proposed design also provides a 3-foot setback along the ground level of the north and west elevations to allow additional area for café seating and building frontage programming. The proposed articulation of the building at the ground level includes the integration of large windows providing views into the hotel lobby and café, canopies along the majority of both street facing elevations, and lighting within the frontage zone. “

A 3-foot setback does not “allow additional area for café seating and building frontage programming.” The minimal setback promotes taking the public realm and privatizing it, rather than welcoming the public into the private space. The “large windows” are out of character with the surrounding area and the warehouse nature of the District. There are no stoops or near-grade balconies on the ground floor, even though this is partially a residential building.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

As noted above, 3 feet is insufficient as a transition area, for landscaping, for gathering places or for seating. The pedestrian realm on the sidewalk will not be enhanced by the design.

Respectfully submitted,

Amanda Fritz

The Times Have Changed

The Central City Fundamental Design Guidelines documents opens with the following:

“The design and historic design review processes are not intended to achieve minimal design solutions. The goal of these processes is to foster the development of high quality and innovative designs.”

This purpose statement suggests a clear intent to interpret the applicable design guidelines to require design innovation that is NOT MINIMAL and responsive to the facts and circumstances surrounding a proposal. Further support of this purpose is set forth in Goal 8 for Design Review, which provides: “Assist in creating a 24-hour Central City which is safe, humane and prosperous.” Although the Design Guidelines are subjective, the City Council must keep these objectives in mind applying the applicable Guidelines in a way that is consistent with these purpose statements.

When the Hyatt Place/ Allison Apartments first initially went before the Design Commission for Design Advice in the summer of 2018, immediately after the 2035 Central City Plan was adopted, the developer was relying on its most expansive interpretation of the CC Plan, namely that it could, **AS OF RIGHT**, build a 23 story building with two primary uses: a 160 room hotel and 111 apartments, 271 units in all, on a 10,000 square foot corner lot with no on-site parking, adjacent to the soon to be installed Flanders Street Greenway Bike Path.

Aspects to the 2035 Central City Plan were subsequently challenged at LUBA and the City Council was called upon to re-enact the Plan with some changes. **At the time that the Central City Plan was re-enacted in 2020, Mayor Wheeler stated that the 250 foot height enabled in the plan would not be as a matter of right, but rather “discretionary” and only if the applicable Design Guidelines were satisfied and if “development would not negatively impact the safety and livability of the neighborhood.”**

The events of the past nine months illustrate why the Design Commission approval of the Hyatt Place development should be viewed as “having a negative impact on the safety and livability of the neighborhood” and subsequently overruled:

- The Covid-19 pandemic has caused a major Lock Down on activities and the consequent failure of numerous small businesses and local restaurants and bars have led to a diminished population of the South Pearl obviating the need for new real estate development in this district.
- Incorporating a “new normal” in real estate and urban planning which accommodates the World Health Organization’s warning that the danger of potential subsequent highly contagious viral infections that must be integrated in the design. “Protecting” future residents and hotel guests requires a building design that accommodates social

distancing should become a required option in future developments. The undersized entranceways, elevators and hallways do not come close to providing even the bare minimum of opportunity for social distancing and as a result, could become a subsequent super spreader edifice.

- Statewide mandates to “Stay Home, Stay Safe” has led to major increases in on-line commerce with UPS, grocery and food delivery services making numerous small truck drop offs at residential buildings. This traffic is not likely to decrease, but rather to increase and there is no off-street or on-street street space available abutting the Hyatt Place development to accommodate this increased delivery traffic on the 100 linear feet of NW 12th Ave. Consequently, these deliveries as well as pick up/drop off vehicles servicing hotel guests will spill over into the northbound traffic lane causing major congestion and potential collisions.
- The pandemic has resulted in a significant decline in use of public transportation and as a result, a significant increase in the use of personal vehicles. There is no on-site parking or even valet parking planned in the Hyatt Place development to accommodate vehicle traffic in “ordinary times,” much less these extraordinary times.
- None of the ambitious goals of the 2035 Central City Plan to provide increased housing to accommodate the anticipated need for 123,000 new households by 2035 are accurate. Rather, current data suggests that the population of the inner city is decreasing and there is a major over-supply of unrented studio and one-bedroom micro units, which will take years to absorb.
- The major reduction of tourist and business travel has brought about the underuse of existing hotels, which have a current occupancy rate of under 30%, not including the seven major downtown shuttered hotels. (see Travel Portland). Consequently, the construction of 160 additional hotel rooms provides no community benefit.

Hopefully, these public policy reasons, which the Design Commission ignored, will be seriously considered by the City Council in recognizing that the Hyatt Place development will serve no community benefit and will negatively impact the safety and livability of the South Pearl neighborhood.

Revised design for Pearl hotel passes through Portland Design Commission

By: Lee Fehrenbacher in Architecture and Engineering June 8, 2012 2:41 pm



Construction of a Pearl Marriott Hotel is planned to begin in January 2013.

(Rendering courtesy of SERA Architects)

If a building can interact with a street, then **SERA Architects'** design revisions for the **Pearl Marriott Hotel** have improved that relationship substantially, according to Portland Design Commissioner Ben Kaiser.

SERA and **Williams & Dame Development** last week presented their latest plan for a six-story, 225-room, 170,000-square-foot hotel at the Northeast corner of Northwest Ninth Avenue and Marshall Street. The Design Commission unanimously approved the team's proposal.

John Mangan, spokesman for Williams & Dame, said the team is hoping to break ground in January 2013.

"Before, I described the building as having an urban skin and a suburban core, and I think now it has a really refined urban skin and an urban core – but an urban core for people," **Commissioner David Wark** said in reference to comments he made earlier this year. "And I just can't say how pleased I was to open the (proposal) packet."

In January, the commission took issue with several design concepts, including the location of vehicle drop-off zones, the looming nature of the exterior facade and conflicting motifs around the main entrance. The commission held a subsequent meeting for project review on May 17, and in its staff report last week, the Bureau of Development Services reported that the design team had responded entirely to the commission's concerns.

Perhaps the biggest revision was the elimination of all vehicle use in the interior courtyard. The original design called for a drop-off and valet service area to blend with open green spaces on the interior of the U-shaped building. Now the valet service will

be on Northwest Ninth Avenue, and three parking spaces along that street will be commandeered for the drop-off zone.

"Marriott agreed to up the staffing of valet parking so that when someone is coming to the hotel they would pull off into one of the three loading zones and get people out of there fast," said SERA principal **Kurt Schultz**. "That's really to address the neighborhood's concerns that there's not any stacking up in that location."

Changes benefit the interior courtyard as well. **Kurt Lango**, a principal at **Lango Hansen Landscape Architects PC**, presented a series of renderings revealing a lush, treed public space with wooden benches, pervious pavers, a water wall and fire pits. He said the idea was twofold: to provide the types of amenities that would encourage lounging in the garden area but also to provide a canopied buffer for terraces overlooking the courtyard. He said his company paid close attention to color highlights.

"(We're) really trying to play with the color and texture of the plant material and how it relates to the facade of the building," he said, adding that several of the trees would turn bright yellow in the fall and complement the building's yellow accents.

The design team also moved hotel rooms to the building's interior and pool and exercise rooms to the exterior. Those latter rooms previously looked onto the courtyard because the design team didn't want headlights flashing into private rooms. Schultz said the change would help activate the street along Northwest Station Way.

SERA also revised the building's exterior facade by adding window systems on the ground floor and various "blank" spaces on upper floors, increasing the prominence of the building's tower/beacon entrance and expanding the brick and metal panel motif.

Commissioner Katherine Schultz said the improvements would help her rest more at night but hesitated to say whether they provided full closure. In her review, she questioned a section of the exterior facade that she considered incongruent with the rest of the structure. Walker Templeton of SERA responded that the team hoped to provide some diversity to the design, and Schultz eventually conceded.

"Sometimes variety is a good thing and the spice of life," she said. "After thinking about it a lot, I'm comfortable with the direction it's gone."

Only one Pearl District resident voiced concern about the project during the meeting. She had multiple questions about the building's sustainability, its potential economic impact to the area and how it would withstand illegal drug activity in the area. Kurt Schultz replied that the building is designed to receive a Leadership in Energy and Environmental Design silver rating, and Trevor Rowe of Williams & Dame offered to meet with the woman later to address her questions in more detail.

Wark closed by voicing his eagerness to see the finished product.

"I'm also looking forward to having a refreshment in the courtyard when it opens," he said. "You potentially have one of the best private urban spaces in the city."

From: [Carrie Richter](#)
To: [Council Clerk – Testimony](#)
Subject: Hyatt Place & Lawson Residences Testimony
Date: Monday, January 11, 2021 8:32:38 PM
Attachments: [20210111202802951.pdf](#)

Keelan:

Attached please find written testimony to be submitted into the record in the above-captioned matter. Please confirm receipt and copy me when you circulate it to the Commission.

Thank you,
Carrie

Carrie Richter
Bateman♦Seidel
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.
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January 11, 2021

City Council Consideration of Hyatt Place and Allison Residences
LU 19-145-295-DZ

Statement in Opposition
by
Thomas R. Graham
311 NW 12th Avenue, Portland, OR 97209

In its remand hearing and follow-up last fall, the Design Commission ignored many of the issues raised by the City Council, and that have been raised repeatedly by others including the Pearl Neighbors for Integrity in Design. Instead, the Commission returned the proposed project to the Council with a few insignificant adjustments.

The proposed project continues to be:

- dangerous to bicyclists and pedestrians;
- contrary to the city's quality-of-life goals and projects;
- grossly unsuitable for current and future pandemics;
- unneeded and contributory to further over-building.

Overall, it would degrade the character of the Pearl and the attractiveness of the Pearl as a place for city residents and visitors to spend time, and would set a precedent that would lead to approval of other similar developments throughout the Pearl. Approval would, thus, be a statement that the Council cares more about the pecuniary interests of an out of state developer than about long-term quality of life and safety of the residents of the Pearl.

Danger to bicyclists and pedestrians. NW 12th Avenue between Everett and Flanders is narrow, two-way, and was congested before the COVID pandemic hit. If the Hyatt proposal is approved, it would add to this single, already-congested block the burden of all entry and exit needs of 160 hotel rooms and 111 apartments plus two loading docks.

Unless this misfit of a building becomes a severely underused "white elephant" -- a possibility (see below) -- taxis, Ubers, private cars, tour buses, moving vans, and delivery vehicles for 160 hotel rooms and 111 apartments will be shoe-horned into this one small block of the Pearl.

The resulting congestion will back up traffic all the way to Burnside and past, and in surrounding blocks of the Pearl as motorists look for ways around the congestion. Bicyclists heading north on 12th Avenue will be pulling into the center of that two-way street -- facing frustrated drivers in oncoming traffic -- in efforts to pass the parked and backed-up vehicles. Bicyclists trying to use the Flanders Bikeway will be endangered and overwhelmed. The resulting chaos will endanger pedestrians in the entire area.

The Design Commission expressly declined to consider traffic, congestion, safety, and lifestyle issues, claiming they were beyond the Commission's mandate, even though the Design Commission has done so in the past. (See *Daily Journal of Commerce* report on the Design Commission's approval of the Marriott Residence Inn project in the Pearl (2012 The City Council would be irresponsible not to consider the congestion and related safety issues related to the Hyatt proposal.

Contrary to the city's quality-of-life goals. The Hyatt proposal directly conflicts with -- makes a mockery of -- the Flanders Bikeway and the Flanders Bike and Pedestrian Crossing, projects, which are intended to increase the safety and attractiveness of NW Flanders for bicyclists and pedestrians. The contrast between those projects and the Hyatt proposal is so stark that it would be derelict of the Council not to consider it carefully in their meeting upcoming meeting.

Unsuitable density. The Hyatt project is designed to bring higher density to the Pearl. The COVID pandemic has made that goal questionable not only for the present, but also for the future. As Eric Engstrom, Principal Planner for the city's Bureau of Planning & Sustainability was quoted recently as saying: "The biggest impact [of the current and future pandemics] could be on the demand for office buildings for the next few decades, and probably a permanent shift in telecommute rates...I think reduced demand for office space will be an issue we grapple with." (Allen Claussen, "Will City Counsel Consider Disease Transmission in Evaluating 23-Story Pearl Hotel?" *Northwest Examiner*, January 2021.)

Unneeded now and in the future. The type of development that Hyatt project is proposing is not needed now, and its supporters cannot demonstrate that it will be needed in the foreseeable future. In the Pearl and citywide, market rate studio and one-bedroom apartments are under-leased in spite of significant financial incentives, and hotels are either shuttered or have an occupancy rate under 30 percent. This is in part the result of overbuilding, which has been compounded by the Covid-19 pandemic and the demonstrations.

Overall. In addition to the specific points above, the Hyatt project would degrade the character and the attractiveness of the Pearl as a place for city residents and visitors to spend time, and would set a precedent that would lead to approval of

other similar developments throughout the Pearl. Approval would, thus, be a statement that the Council cares more about short-term dollars than about long-term quality of life and safety.

From: tomrgraham@aol.com
To: [Council Clerk – Testimony](#)
Subject: Statement to Council for Jan. 14 Hearing
Date: Monday, January 11, 2021 9:22:49 PM
Attachments: [T.Grahamstatementtocitycouncil.docx](#)

Attached please find an amended replacement for my testimony, which I sent to you a few hours ago. The attached version should replace my earlier version if possible. If that is not possible, it is ok, as the versions are very similar.

I can be reached at the email address above or at 503-964-7935.

Thank you,

Tom Graham

To: Mayor Ted Wheeler and the members of the City Council

January 12th, 2021

Re: LU19-295-DZ – Hyatt Place and Lawson Apartments

My name is Tobi Travis and I reside at the McKenzie Lofts at 408 NW 12th Avenue, across the street from the site of the proposed Hyatt development.

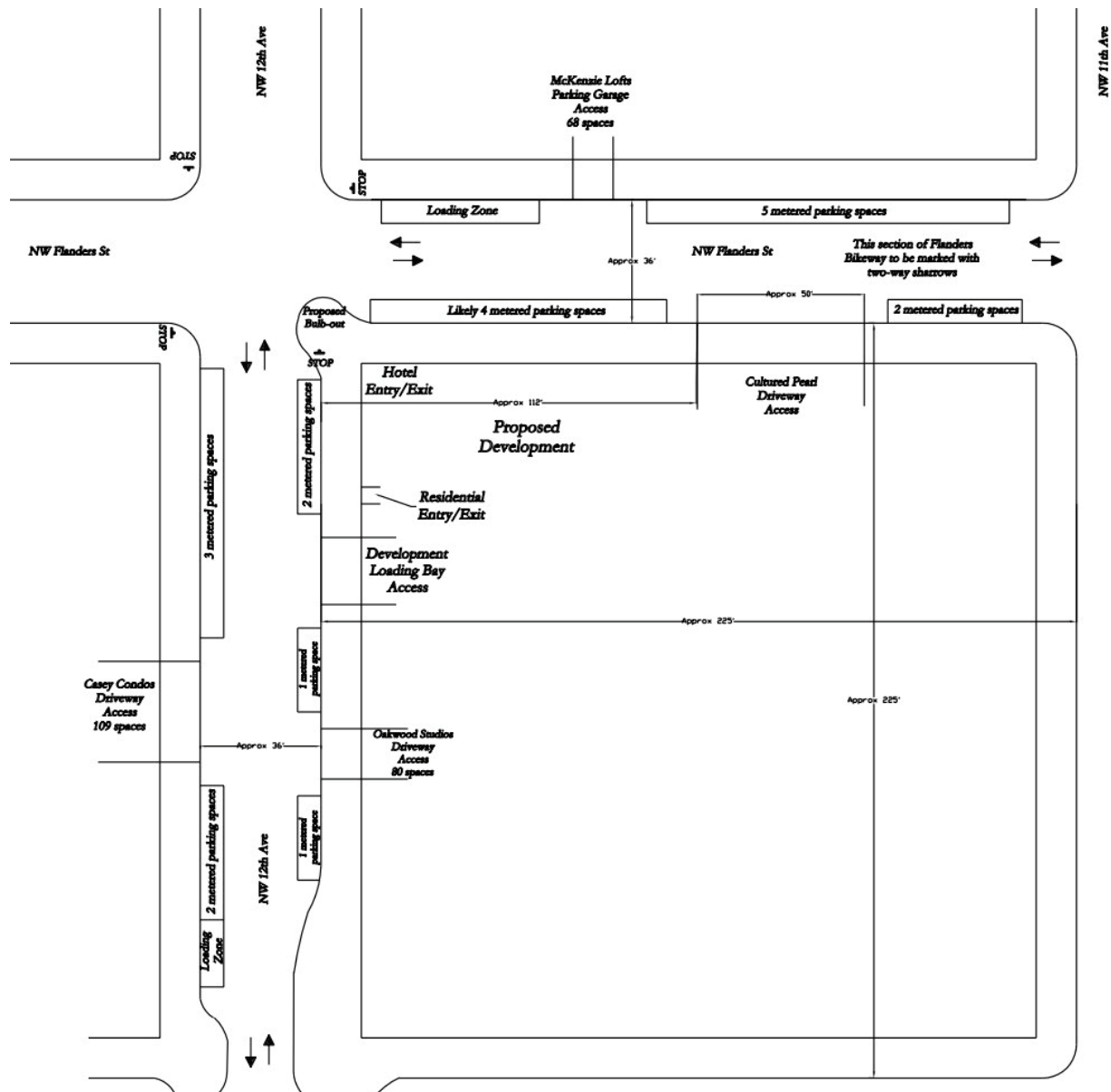
I had previously written to you in August about my serious concerns regarding the Design Commission's approval of this project, but I would like to update you on the events which have occurred in the interim.

The McKenzie Lofts contain 68 homes and 78 individual on-site parking spaces for the residents' private use. The entrance/exit to this garage opens midway onto Flanders between NW 11th and NW 12th, opposite the proposed Hyatt Place development.

It is anticipated that this long planned and community advantageous Flanders Greenway Bike Path, which will be the primary link for cyclers from the Naito Parkway, westward to NW 24th, crossing over the long planned and soon to be effectuated Flanders Pedestrian and Bike Bridge over I 405, will be a heavily trafficked bike, scooter and multi modal route.

The traffic congestion that presently exists on the two-way Flanders between NW 11th and NW 12th will be exacerbated by the planned Hyatt Place project. There is much confusion created by PBOT's planned permitted use of the vehicular and bike traffic on this stretch of road. Originally the bike path was to be a "protected two-way bike lane". This no longer appears to be the case.

Here is a sketch of NW Flanders and NW 11th and 12 as originally planned.



Since the number of fatal traffic deaths has increased in Portland in 2020, to the highest number since 1996, special attention should be given to reducing and not increasing these accidents. The users of this long-planned bike path deserve special consideration.

An additional factor which should be noted, is that at the end of December, 2020, a homeless middle aged woman set up her campsite on the sidewalk on NW 12th between Flanders and Glisan, a half block from the proposed development site. She mentioned that she feared for her personal safety in the areas further

downtown. Since she has a legal right to remain in this location, others will no doubt follow, further constricting the pedestrian realm that the Hyatt project will already impinge upon.



The increased fast-moving traffic on NW 12th in both directions will also endanger the safety of these houseless individuals who have no protection from racing cars.

For all of these reasons, most especially the endangerment of public safety, the City Council should vote to Appeal the approval of the Hyatt Place and Lawson Apartment's application.

Thank you for your attention to this matter.

Tobi Travis
408 NW 12th Ave
Portland OR 97209

From: [Tobi Travis](#)
To: [Council Clerk – Testimony](#)
Cc: patricia@patriciacliff.com
Subject: LU19-295-DZ
Date: Tuesday, January 12, 2021 5:38:18 AM
Attachments: [Tobi Travis Testimony.pdf](#)

Please see attachment.

From: [Carol Adelson](#)
To: [Council Clerk – Testimony](#)
Subject: #LU19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Tuesday, January 12, 2021 10:19:49 AM

From:
Carol Adelson
311 NW 12 Ave. #1602
Portland, OR. 97209

Portland City Council:

I am very concerned about the proposed Hyatt Place project and its effect on congestion on NW 12th Ave. Currently two buildings have garage access on this block. The sidewalk will be completely interrupted with the addition of the proposed building's two loading docks and entrance/exits for both the hotel and apartments including bicycle access to a non street level floor. UPS, FedEx, and grocery deliveries, Uber, Lyft and garbage pick up will create unmanageable congestion. This congestion poses a hazard to the anxiously awaited greenway, marginalizing its safety and success. A project attuned to the neighborhood scale and the greenway is demanded for this location. Thank you for your consideration.
Carol Adelson

Joseph L. McGee
333 NW 9th Avenue, #1115
Portland, OR 97209

January 12, 2021

Re: #LU19-145-295-DZ Hyatt Place/Lawson Apartments

Mayor Wheeler and Members of the City Council:

The many hundreds of us who oppose the Hyatt Place/Lawson Apartment project are, for the most part, downtown residents and people who purposely chose Portland, the Pearl District, and dense urban living. We are not opposed to development, high rise buildings or construction projects in general. What unites us in consistently objecting to this particular proposed building is the utter inappropriateness of this particular structure at this particular intersection of our neighborhood. And, speaking of our neighborhood, the Pearl District Neighborhood Association is also on record as opposing this project.

I urge you to visit the building site. And when you do, don't forget to observe the hundred plus year old tree, one of the oldest in the neighborhood. It's bare right now, but with the onset of spring, it will show new green and begin to reveal its full majesty, which many of us have come to revere and marvel at. And next, please note the intersection of NW 12th and Flanders. Both of those streets are not much bigger than an average residential neighborhood street. Neither is a major arterial. And yet this project would plant 271 vertical residences at this very intersection. The limited street frontage will have to accommodate the comings and goings of apartment dwellers, hotel guests, visitors, ride share vehicles, moving and delivery vans, food service and other supply vehicle traffic and more. There is no parking within the building and all commercial vehicle traffic along with auto traffic, both related to the Hyatt/Lawson and the usual neighborhood traffic will converge at this relatively small crossroads.

That would be chaos enough but just to complicate things on a massive scale, Flanders is, as the Portland Bureau of Transportation (PBOT) put it in recent communications to the neighborhood about the Flanders Crossing Bridge:

...part of a new neighborhood greenway route, a low stress, east west biking and walking connection between Northwest Portland, the Pearl, Old Town, and into downtown Portland, including connecting to the Steel Bridge and Waterfront Park.

Low stress? Really?? It seems contradictory and hypocritical to try to achieve a big and necessary infrastructure improvement for the benefit of pedestrians and cyclists and then intentionally allow a hyper intensive use to be installed at the exact midpoint of the greenway project, which will necessarily inject heavy traffic right into the heart of the "low stress" mix, along with much more intensive vehicle traffic in general. Trucks, specifically, are a danger to pedestrians and cyclists. As it currently stands, the greenway will have motor vehicle traffic and

metered parking spaces so even in its most basic form it will hardly be low stress for cyclists and pedestrians. But adding an oversized, vehicle-intensive structure at a critical intersection will almost certainly negate the lofty promise of the greenway.

Portland has made a big deal in the past of its commitment to Vision Zero, aiming for zero fatalities especially among those using the streets without vehicles (primarily pedestrians and cyclists). The disconnect would be laughable were the likely results not so potentially deadly. No wonder this city falls so short of its goals for pedestrian and cyclist safety. Here you have an opportunity to affirm the noble commitment to save lives by not allowing a developer to push the outer limits of site and zoning potential. This project shows no respect for scale or community infrastructure investments in the south Pearl District and, placed at this particular and unique intersection, it will be a regrettable blight on a safety-oriented greenway that will forever diminish the value and intent of our community transportation investment.

Adding even more harmful impacts, the Hyatt/Lawson project on this corner undercuts the plans and purposes of the highly touted and long-awaited Flanders Crossing Bridge. PBOT again: "Flanders Crossing will provide the first easy, comfortable way to get across I-405, connecting Northwest Portland with the rest of the central city in a much safer way for pedestrians and people biking." Such a wonderful vision, and soon to be reality. That is, until the Hyatt/Lawson Apartments behemoth is erected just two blocks away from the bridge. It will create a disproportionately huge truck and vehicle traffic gauntlet all those pedestrians and cyclists will have to run. The low stress safe passage the City aims to create will almost immediately be compromised if the project is approved in its current overly immense format. It simply defies logic and common sense for the City to be putting itself in such a contradictory, self-defeating position.

The Mayor has referred to this proposed structure as a "marquee project," but calling it that doesn't make it one. It's just repeating developer hype. I predict that if it gets built it will be widely viewed as a marquee mistake. The impacts are foreseeable, and, at this point, avoidable by those with the foresight and courage to say this city and this neighborhood deserve better. The current design of this project is not architecturally noteworthy. It's just another generic high rise without flair, originality or drama, hardly what amounts to a marquee building. Its design is meant to squeeze maximum people into a space intended to produce maximum revenue for its out of town developers who will be long gone when the damage done becomes apparent. Let's not, as a city, be so desperate for development that we sell our soul and/or the soul of our neighborhoods to end up with something that rather than helping to solve any urban problems, simply compounds them.

As a Pearl District resident, one of the most amazing and baffling things about the evolution of this proposed project has been the apparent abdication of nearly everyone at every level to seriously analyze and objectively consider the traffic impacts of this structure, again, at such a critical and sensitive intersection. The Design Commission won't touch those issues, which definitely seem intertwined with successful and safe design that works at all levels. The Design Commission obsesses about seemingly superficial design elements that might pay homage to

the bicycle or reference the river while blowing by the potential lethality of cramming too much diverse and intensive traffic and use into too little space on a greenway. And pandemic considerations likely won't catch up with their narrow focus until after the next pandemic roars through.

PBOT has approached this from a remove that, to me, says don't bother us with the details (which, as we know, is where the devil lurks). The attitude seems to be "it will all work out." But will it? Those of us who live here and use our imaginations just a little bit know this is a disaster in the making. When will we know about impacts from construction if this project is going to be built? It's rare to construct a structure of this size and scale without one adjacent street being closed. Will it be NW 12th? Or will it be Flanders? Will the long awaited, much advertised greenway be closed as soon as it opens? What about the goals for the new bridge and the greenway in terms of cyclist and pedestrian safety if the greenway is impacted by construction for several years? We who have waited years for these improvements and have invested in this city and support it with our tax dollars should just wait a few more years so developers from elsewhere can try to turn a profit building hotel rooms and market rate apartments we already have too many of? We deserve some answers, some clarity and also some specific explanation of traffic flow and safety impacts based on verifiable facts and data rather than generalizations and assurances from the City and its bureaus, PBOT in particular.

Some members of the City Council, at the prior hearing on this matter, made comments that indicated your first reaction, or your "gut," told you this project was not a good fit for this location. Your reactions were spot on and are consistent with the intense reservations we have.

Post pandemic, cities will have more and bigger challenges than ever before. Some prognosticators forecast a tough future for even the best of cities. The south Pearl District is among one of our city's greatest strengths. If ever there was a time to play to your strengths and not undercut or diminish them, this is it. I urge you to decline to approve this project as it is currently proposed. It does not enhance the public good, it detracts from it. Surely we can do better. Please do what you can to make it so.

Thank you for your time, attention and consideration.

Sincerely,

Joseph L. McGee

From: [joe mcgee](#)
To: [Council Clerk – Testimony](#)
Subject: #LU19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Tuesday, January 12, 2021 12:12:39 PM
Attachments: [PNID Hyatt Place Appeal January 2021.docx](#)

To Whom It May Concern:

Please include the attached testimony in the record for the upcoming hearing on this matter.

Thank you.

Joseph L. McGee

To: CCtestimony@portlandoregon.gov

January 13, 2021

Re: LU 19-145-295-DZ Hyatt Place/Lawson Apartments

Honorable Mayor Wheeler and City Council Members:

I would like to start by congratulating you on your elections and wish you good health and much success in dealing with the multiple challenging issues facing the City of Portland and the country at this time.

I come to you today as a resident of the South Pearl and the **President Pearl Neighbors for Integrity in Design, PNID**, an affiliation of residents and business owners promoting livability, historic preservation, affordable-housing and quality design throughout the Pearl District.

For two and a half years, residents of the Pearl have, in large numbers, articulately and vehemently voiced their valid objections to the proposed Vibrant Cities, Hyatt Place & Lawson Residences development to the Design Commission, the Bureau of Development Services and to the City Council at a prior hearing. I trust that you and your staff have been apprised of these, so I will limit myself to saying that PNID concurs with all of the objections raised by our legal-council and by those who have individually articulated their own strong opinions.

During this two and a half year period, there has been no attempt by the developer to engage PNID or the community in any meaningful reduction in the height or density of this out of context, super-tall edifice with two distinctly different primary uses, a 160 unit hotel and 131 studio and one bedroom small apartments with no on-site parking on a 10,000 square foot site.

In the intervening two years and a half years since this project was first reviewed by the Design Commission, much has changed making this development even more unsuitable for this location than when it was originally proposed.

Since March 2020, with the onset of the Covid-19 and the Lock Down, resulting in the increased rate of viral infections, many distressed businesses have failed, especially the local restaurant and retail businesses. The physical destruction of downtown, by out-of-control political demonstrations, has spilled over into the South Pearl. At beginning of 2021, our formerly wonderful city finds itself in a state of turmoil: a daily humanitarian crisis brought about by the growing homeless population, increased street crime, shootings and homicides, the highest number of traffic deaths in 25 years, boarded up and graffiti covered retail stores and underused vacant office space, along with a devastated tourist industry with many shuttered hotels and a 30% occupancy rate of those that struggle to remain open.

All of these factors have led to a seriously diminished livability factor, with formerly happy urban dwellers fleeing further from the inner-city to the suburbs, leaving behind a large number of unrented studio and one bedroom market rate apartments while the growing need for family appropriate affordable housing remains unaddressed.

The philosophical question that I would like to pose to the city council today concerns the role that the new city government sees itself playing in this vastly changing urban environment that we are experiencing.

Will the city government bend to the demands of real estate developers who are non-responsive to the needs of the community, as previous administrations have done, or will the serious public policy, health issues and livability concerns of their constituents take preference?

As many of the issues which plague Portland and other cities in this pandemic period, I concur with my friend, Fareed Zakaria's insightful remarks: "Those cities that use the pandemic as an opportunity to make long overdue changes will rebound. Those that handle the crisis badly will get mired in a downward spiral. But when cities decline, most often they do so for the same reasons that countries decline – bad government and mismanagement – not some broad structural trend against cities."

It is my greatest hope that Portland's newly elected government will take this to heart and give serious thought to livability and public policy issues affecting the residents of this district and city-wide which should be weighted above the purely pecuniary interests of an out of town developer, who has chosen to push the outer limits of zoning to the detriment of our community.

Thank you for your attention to this matter.

PATRICIA CLIFF, President

Pearl Neighbors For Integrity in Design, PNID

Patricia@patriciacliff.com

www.pearlneighbors.org

From: [Patricia Cliff](#)
To: [Council Clerk – Testimony](#)
Cc: [Council Clerk – Testimony](#)
Subject: LU 19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Wednesday, January 13, 2021 11:17:47 AM
Attachments: [pwc final stement to CC on appeal 1.13.21.pdf](#)

To: CCtestimony@portlandoregon.gov

January 13, 2021

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pandemic period, I concur with my friend, Fareed Zakaria's insightful remarks: "Those cities that use the pandemic as an opportunity to make long overdue changes will rebound. Those that handle the crisis badly will get mired in a downward spiral. But when cities decline, most often they do so for the same reasons that countries decline – bad government and mismanagement – not some broad structural trend against cities."

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Thank you for your attention to this matter.

PATRICIA CLIFF, President

Pearl Neighbors For Integrity in Design, PNID

Patricia@patriciacliff.com

www.pearlneighbors.org

January 11, 2021

To: Portland City Council: TESTIMONY in OBJECTION to The Hyatt Hotel Proposal

Dear City Council Members,

I am Carolyn Wheatley, and I reside in The MacKenzie Lofts at 408 NW 12th, #413, Portland, Oregon 97209, the residential property directly across NW Flanders from the proposed site.

What I have learned during this pandemic has led me to more significant concern for the HYATT Project's negative impacts on the health and well-being of the 700 HYATT guests and residents and the 600+ hundred people living close to the project at 12th & Flanders. Scientists from WHO, CDC, etc., are predicting that there will be MORE pandemics coming. And that they will occur more frequently.

Of course, I was always worried about "Traffic Congestion," but now I am seriously worried about "People Congestion." Impacts on health and contagions that will be concentrated around one tiny intersection.

This high rise is the wrong design for the times, set on the wrong site here for its mass, without any green spaces, and a swarm of multiple uses resulting in a toxic physical environment for the neighborhood, as discussed earlier.

On the City Council Docket is to consider not just the Hyatt Hotel, but the wisdom of an 11-12 story apartment building of a few hundred units on TOP of an 11 story Hotel, far above street level on a small corner with no access to hotel green space. Most of the discussions so far have centered on the Hotel section and design.

LETS TALK NUMBERS

The builder bragged that they would bring 700 people to inhabit that corner with no cars in a hearing. Hundreds of hotel rooms and apartments were shocking on such a tiny lot, maxing out sidewalks, no green spaces, squeezing in a restaurant, bike room, and more, all while admitting they did not know about the Greenway. Nor considered the impact of all these uses on congestion. **Not planning for parking or cars does not preclude the potential for traffic and congestion.**

For context within a block of the proposed site: The MacKenzie sits on half a block, and every unit has decks; The Gregory is a whole block with half block 2nd floor of open space, and foot decks in units; The Chown Pella is an entire block including outside fenced half block for cars, walking dogs; The Oakwood is a half block with roof gardens & buildings; The Casey is a quarter block with very spacious and few units per floor, large decks, wide halls, and a big lobby.

Let's ADD that 700 people in the Hyatt to the 600+ current residents in the five above buildings living their daily lives just 50' to less than a block away from the proposed front door.

Now you are talking about 1300 people living a few steps from that corner, which doesn't take into account hotel traffic or business visits.

Developing density can be a reasonable goal, but it is only beneficial if you are developing and planning for the type of density with which people are willing to live. Human Ecology shows that density without planning can create devastating economic impacts on an area that layered onto a potential disease spread during our current pandemic and what could be an ongoing issue. It makes this design and plan questionable for the short and long-term health of the neighborhood and Portland as a whole.

OKAY: APPROXIMATELY 1300 PEOPLE COULD BE LIVING IN PROXIMITY TO THAT CORNER NOW ADD...

1. Visitors of those residents and hotel guests from all over the world, parties and events, etc.
2. Restaurant customers in the proposed restaurant inside The Hyatt
3. Bicycles, scooters, motorcycles, pedestrians, wheelchairs, walkers, etc. all trying to move in the one-block area.
4. Patrons of the street level 15 or so small businesses, coffee shops in these five neighboring condo/apartment buildings, already suffering from limited parking
5. Daily commercial truck traffic for what a hotel, restaurants, and residential buildings need including laundry pick up, cleaning services, maintenance, window cleaning, trash.
6. DAILY TRUCKS & CARS: Employees, Management, Take Out Deliveries, Visitors, US MAIL, FED EX, UPS, LYFTS, UBERS, TAXIS, LIMOS, AIRPORTERS, BUSES, GUEST CARS, DROP OFFS & PICKUPS MID STREET.
7. All year there are in and out moves for residents. Moving Vans are huge and reserve two parking spaces for a day.
8. POLICE, FIRE TRUCKS, AND AMBULANCES USE NW 12TH AT ALL HOURS

There are a few hundred private cars in close neighboring condo/apartment buildings driving in and out daily. SO, estimates of numbers of people in the area with the Hyatt Hotel And Apartments on any given day,

1300 residents/guests in Hyatt building and an additional 600 in five close residential buildings,
100 visitors
100 employees and service people over a day
100 Greenway bikes, plus walkers, street level shop customers
50 coffee shops customers

TOTAL 1750 general estimate/day at the intersection of NW 12th and Flanders

Whatever the numbers become, it is evident that this would also be close to the Student Body of a large Portland high school, vectored into this intersection daily.

That alone makes the PEOPLE CONGESTION and interactions dangerous for the safety and health of all. This adds to the issue of air quality from idling traffic congestion.

There are buildings of the Hyatt proposal's the exact size in the North Pearl, and they are all on larger lots, of both whole square blocks, or half blocks. All have a large patio and garden, outdoor green spaces. The functionality of the Hyatt pales in comparison if considering public health related to less crowded living areas.

Is this High Rise proposal for 700 people a constructive use for a 1/4 block site in an already compacted residential area?

Do so many uses squeezed into a small space make even less healthy environment for all who would live there and their neighbors?

BUILDING HEALTH

My concern has moved to the apartments part of this building, hundreds of small apartments packed into 11 floors resulting in many people living in close quarters, with narrow hallways, stairwells, public restrooms, crowded elevators, 12 to 23 floors above ground, with no green spaces, few decks if any, and only one entrance or exit via stairs or elevator to the outside environment, 11 to 22 floors below. The pandemic has taught us it is in congested living like this that contagion moves rapidly. We would not have thought of that so much before this disastrous disease. Living in the luxury of close proximity to each other was delightful, but future living arrangements must be different.

Urban planners in the world deal with what has changed will change, and what former assumptions must change. What has been learned, or not yet learned, from the Covid pandemic. And we must consider the impact on the neighborhood as a whole not just this building.

A massive wave of workers working virtually will become the New Normal, as it has proven to be more productive and cuts down on pollution with less commuting. Women have taken the brunt of unemployment due to child care; this will change as women and men will be encouraged to work remotely, sharing family responsibilities.

The result is that commercial high rises everywhere have far fewer workers inside. Investors in high towers are now considering their vacancies, rental income losses, and ways to shift their usage model, but what will happen is conjecture at this point.

LESS BUSINESS TRAVEL IMPACTS HOTEL INDUSTRY

Business travel to meetings, among cities and states, has nearly stopped and will continue to be slow. With Zoom and social media, there is no urgent need to catch a plane/train, stay in a hotel for a few days, and return home. Business travel will continue to shrink, and demands for hotel rooms will lessen. To invest in a new hotel now would be a risk. Less travel will be normal for the foreseeable future, and it may be a decade before many are as comfortable as before in crowds.

LESS LEISURE TRAVEL AND TOURISM IMPACTS HOTEL INDUSTRY

Travel and Tourism have also pretty much collapsed for now. Hotel occupancy rates will remain lower until confidence returns.

TOURISM AND PORTLAND's SITUATION

We now have a unique problem in Portland. Sadly, we have received national and international attention not for our protests, which locals supported, but for their evolution into riots, vandalism, looting, and intentional destruction. Primarily in now boarded up downtown and Pearl Business Corridors. Continuing clashes in various neighborhoods contribute to further fear and negative publicity. A boarded-up city does not attract. We know many vandals are not local, but the damage is. The homeless situation, too, is of concern for tourists. I cheer the Mayor for seeking accountability for rampant destruction.

It will take perhaps years to develop policies to deter and recover and rebuild Portland's reputation as a safe and delightful place to visit. "The Oregonian" reported that insurance companies would no longer insure businesses in the damaged downtown and probably The Pearl. Will new business dare to open, or former ones to reopen, at significant financial risks, further complicating revitalization. It's a perfect storm and influences people visiting or wanting to move here.

FUTURE BUILDINGS

The issue has highlighted new issues with construction for living, work, and school spaces. High rises have mostly recirculated air, reheated and re-cooled, with sealed windows to control interior temperatures.

Scientists now point out that fresh outdoor air is essential to fight disease contagion. People are not safe inside congested buildings, and those without fresh air and can step outside easily. They Hyatt satisfies neither of these safe goals.

Being in close contact and exchanging air over a 23 story elevator ride makes the Hyatt's four elevator ratio to 700 people much more of an environment to spread contagions. For one person, it might be an interminable time to get to the 1st floor from the 23rd floor and not likely alone.

Additionally, People in Portland and other cities are desperately trying to buy larger, safer homes. It's a seller's market for houses, but not so for condos and apartments. People want to have bigger inside space as well as outside spaces to feel safer away from congestion. Many are also buying in rural areas. Fewer want to live in tiny unites with many others near with potential for higher contagion rates and less space to live and work.

IN SUMMARY

I appreciated the City Council's thoughtfulness during their last meeting on this subject. Some of you expressed concern about severe congestion on narrow streets with four driveways from buildings across from the site, the Greenway, Service trucks, etc. With this pandemic, I have additional concern for so many more people and their health and safety. Doubling the current residential population in the five nearby residential buildings within a block creates massive congestion of people and traffic.

When the proposal was sent back by you, the design was not the only consideration discussed. However, the Design Commission Chairman opened the meeting with the directive that the commission members could not discuss any of the Council's issues at the earlier meeting and discuss only the Hyatt building's design. So the conversation went back to mass, restaurant setback, etc.

Consequently, neighbors' larger concerns were again not addressed. I hope you can see beyond the building's looks to see the entire problem and factor in the recent health concerns about large numbers of people living very close and congested neighborhoods as a risk to health and quality of life.

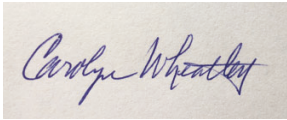
The Hyatt Hotel and Apartment Building Proposal is:

- Not the Building for the south Pearl that needs more family-size units, work-home units
- Not the site for such a large building of multiple uses
- It is an unhealthy addition to the neighborhood

It is an opportunistic venture amid changing times, driven by unknown winds, and makes no sense. I hope you agree with us.

Thank you for your work.

Sincerely,

A handwritten signature in blue ink on a light-colored rectangular card. The signature is written in a cursive, flowing style and reads "Carolyn Wheatley".

Carolyn Wheatley
503-367-4787

From: [Carolyn Wheatley](#)
To: [Council Clerk – Testimony](#)
Subject: [User Approved] Written Testimony Against Hyatt Proposal for Council 1.14.2021
Date: Wednesday, January 13, 2021 3:03:57 PM
Attachments: [Wheatley testimony against Hyatt proposal 1.14.2021.pdf](#)
[ATT00001.txt](#)

Hello!

I spoke with Art Graves today and he said to send this on to you. He said the file on the Hyatt project is still open.

I had a computer issue yesterday and had refigure how to resend this today.

I'd appreciate if you could now include this in the Council Packets, or send to each member if necessary.

Thank you so much,

Carolyn

Carolyn Wheatley
503-367-4787

From: [Faun .](#)
To: [Council Clerk – Testimony](#)
Subject: #LU19-145-295-DZ Hyatt Place/Lawson Apartments
Date: Wednesday, January 13, 2021 10:31:05 PM

January 14, 2021

To: Mayor Wheeler and the City Council

Re: ***LU19-145-295-DZ Hyatt Place/Lawson Apartments***

From: Faun Tiedge 311 NW 12th Ave. Portland, OR 97209

We moved to the Pearl District in 2019 because of its identity as a residential neighborhood with cultural events, diverse shops, restaurants, walkability, parks with trees and benches, and a unique mix of old and new buildings. We also enjoy its reputation as a friendly neighborhood with many dog owners. We walk our dog several times a day and meet other local residents who recognize each other and sincerely care about the quality and safety of our area.

One of the major problems with the Hyatt Place/Lawson Apartments project is that it will cause a great increase in dangerous traffic congestion. This will have a very negative impact on the quality of life in the South Pearl and the public realm around this development. As an active senior citizen, I can see how this will affect the future comfort, safety, and pedestrian lifestyle for all of us in this neighborhood. The new development plans for 160 hotel rooms, 111 apartments, and 2 loading docks at the intersection of NW 12th Ave and Flanders. We already have a plethora of empty hotels rooms and apartment units within a 5-block radius. It is not at all evident in the design how this development will add anything of merit, beauty, or meaning to our neighborhood, or to the quality of Portland living.

Please support this appeal and say no to the developers of the Hyatt Place/Lawson Apartments project in the Pearl District.

Thank you for your consideration.

Renee M. France
rfrance@radlerwhite.com
971-634-0217

January 14, 2021

VIA EMAIL: CCTestimony@portlandoregon.gov

Portland City Council
1221 SW 4th Avenue
Portland, OR 97204

RE: Hyatt Place/Lawson Residences (LU 19-145295)

Dear Honorable Mayor and Commissioners,

This office represents the applicant in the above referenced matter. This letter provides a response to a new argument raised in the letter submitted to the City Council by Carrie Richter on behalf of the appellant dated January 11, 2021. The letter references the Pearl Marriott Residence Inn approved by the Design Commission in 2012 and argues that the Design Commission's decision in that case supports the appellant's contention that the Design Commission has the jurisdiction to evaluate valet location and function in this case. However, a review of the final findings and decision in the referenced Pearl Marriot case (LU 12-111904 DZ MS AD) reveal that is a false equivalency.

As explained in the introductory proposal statement of the attached findings for the Pearl Marriott decision, the final design approved by the Design Commission included several revisions from the original proposal, including the "elimination of all proposed vehicle areas in the courtyard." As noted earlier in the proposal statement and depicted in the floor plans approved through the decision, the referenced courtyard was located in the interior of the site. The findings and decision provide no further reference to the location or operation of a valet service within the adjacent right-of-way.

The findings clearly demonstrate that the Design Commission's decision in the Pearl Marriott fails to support the appellant's contention. First, the Design Commission's jurisdiction was not in dispute in that case. Second, to the extent the Design Commission found the location of valet area to be germane to its decision in the Pearl Marriott case as suggested by the appellant's letter, it was because the vehicle area was originally proposed in the interior of the site. The Design Commission has clear jurisdiction over on-site improvements. Once the valet loading spaces were moved to the public right-of-way adjacent to the Pearl Marriot, they were not a consideration or factor in the Design Commission's determination that the final design satisfied the applicable design guidelines. That is entirely consistent with the Design Commission's findings in this case. Finally, the appellants rely on a news article to suggest that the function, staffing and location of the valet area were considerations in the Design Commission's review of the Pearl Marriott. However, the findings do not reference the location or function of the valet spaces within the right-of-way, and the decision does not include a condition of approval related to the level of staffing for the valet service. Therefore, to the extent the developer in that case agreed to a certain level of staffing for the valet service as suggested in the article, that agreement was independent of the design review decision. In this case, the applicant has committed to continuing to work with PBOT following the

January 14, 2021

Page 2

design review decision to ensure rights-of-way surrounding the site function safely and efficiently for all modes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Renee M. France", followed by a long horizontal line.

Renee M. France

Attachment



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

FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON June 7, 2012

CASE FILE NUMBER: LU 12-111904 DZ MS AD
Pearl Marriott Hotel

BUREAU OF DEVELOPMENT SERVICES STAFF: Mark Walhood 503-823-7806

GENERAL INFORMATION

Applicant: Kurt Schultz / SERA Design, LLC
338 NW 5th Avenue / Portland, OR 97209

Property Owner: Hoyt Street Properties LLC
1022 NW Marshall St #270 / Portland, OR 97209-2989

Hotel Owner/Agent: Gary Finicle / Pearl Hotel Investors, LLC
1308 NW Everett St / Portland, OR 97209

Site Address: Northeast Corner of 9th and NW Marshall Street

Legal Description: LOT 4, STATION PLACE
Tax Account No.: R793100200
State ID No.: 1N1E34BB 01304
Quarter Section: 2929
Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
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/North Pearl Subarea DZ MS AD** (Design Review, Central City Master Plan Amendment and Adjustment)

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

Proposal: A new six-story hotel, courtyard, and associated sidewalk improvements are proposed on a vacant, full-block site on the east side of NW 9th Avenue, between NW Marshall and Northrup Streets on the south and north, and NW Station Way to the east. The layout of the building is a modified 'U' shape, open to the south, with a ground level courtyard opening onto NW Marshall Street. The proposal may utilize some off-site parking in the Station Place Garage across NW Marshall Street to the southeast, although this will require approval through a (separate) Central City Parking Review. No on-site parking is proposed.

Prior to the second and final hearing, the applicant made significant revisions to the project, in response to Design Commission concerns. These included elimination of all proposed vehicle areas in the courtyard, with additional plaza area, landscaping, a covered garden gazebo structure at the lobby courtyard entry, and a re-located water feature. The required 2,450 square foot public plaza area along NW Marshall Street was moved slightly eastwards,

increasing the amount of sunlight this area will received. Upper-floor window arrangements and ground level treatment have been unified on the street-facing exterior facades, and relatively blank ground-level and upper-floor walls at outside project corners have received additional windows.

The main floor of the hotel will include a main entry facing NW 9th Avenue, with a courtyard entry on the opposite side of the lobby. The main floor will include a reception and lobby area, a lounge and breakfast room area, conference rooms, and an exercise area with indoor pool for hotel guests. The upper five floors will contain 224 hotel guest rooms, each with a small kitchenette. The Marriott Residence Inn hotel concept caters to travelers who typically stay at the hotel for an average of 5-6 days. Each floor of the hotel building is approximately 28,000 square feet, and the gross square footage of the building is 172,700 square feet.

Exterior materials on the building include a light colored brick, metal panel systems, fiberglass windows on the upper floors, and an aluminum storefront system at the ground floor. A perforated metal panel system is used on a vertical wrapping tower/screen element near the main entry on 9th Avenue, extending vertically up the façade and then horizontally across the roof. Rooftop mechanical equipment is mounted behind metal equipment screen walls.

In 2001, a Central City Master Plan (LUR 01-00281 MS SU) approved residential-only uses for this block, and required a publicly-accessible plaza area of approximately 2,450 square feet along the NW Marshall street frontage of the site. The applicant is proposing to construct the required plaza, but a Central City Master Plan Amendment is necessary to allow the hotel versus residential uses on the site.

For a building of this size, the Zoning Code requires two on-site loading bays. A single loading bay is proposed for the north face of the building, off of NW Northrup Street. In order to reduce the required number of loading spaces from two to one, the applicant has requested an Adjustment.

Public improvements with the project include new sidewalks and street trees in the rights-of-way immediately adjacent to the hotel, which are improved with curbing only today except along NW 9th Avenue. New street tree species include Red Maples, Hornbeams, and flowering pear trees. Connections to public water services, sanitary sewers, and storm sewers in adjacent streets are also proposed.

Due to the project valuation and location, this application is processed through a Type III Design Review process, with a public hearing before the Portland Design Commission. Concurrently, as noted above, the applicant is requesting a Central City Master Plan Amendment and an Adjustment.

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:

- The *Central City Fundamental Design Guidelines*;
- The *River District Design Guidelines*;
- **33.510.255.E**, Central City Master Plan Approval Criteria; and
- **33.805.040.A-F**, Adjustment Approval Criteria.

ANALYSIS

Site and Vicinity: The site is a vacant, trapezoidal parcel of just over one acre, with 47,704 square feet of land. The site is bound by public rights-of-way in NW 9th 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 block directly south of the site

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 9th Avenue, are a collection of mixed-use condominium and apartment buildings with some ground floor retail uses.

The site is within and on the eastern edge of the northern portion of the Pearl District, a vibrant urban neighborhood of high-density housing developments, retail uses and restaurants, and newer public parks. The waterfront area is accessed from NW 9th Avenue as it curves to the northeast one block north of site and joins NW Naito Parkway.

The abutting public streets are improved with paved two-way roadways and curbing, but paved public sidewalks and street trees are only found on the west edge of the site, in NW 9th Avenue. The other three street frontages are improved with curbing, but no paved sidewalks at this time.

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 Overlay Zone [d] 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.

The applicant has indicated the intention to use some of the Station Place Parking Garage for the hotel use. As discussed with the applicant at and following the Pre-Application Conference, this use of parking for hotel uses on Lot 4 of the Station Place subdivision will require an amendment to the original Central City Parking Review for the garage (LUR 01-00406 PR).

Land Use History: City records indicate several prior land use reviews for the site, the majority of which relate to the site layout prior to a 2001 Subdivision that divided one larger parcel into eight lots and an interconnected street grid, and which have no bearing on current applications for the site. The relevant land use history for this site includes the following:

- *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. Relevant conditions of approval for this lot applied a 7.9:1 FAR for development, limited uses to residential, and required a specific open area along the NW Marshall frontage; and
- *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. No parking of any type was provided for Lot 4, so any use of the garage for hotel parking associated with this site will trigger a Type III Central City Parking Review.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **April 26, 2012**. The following Bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and provided informational comments and other technical details, but no objections to the three requested land use reviews, and no proposed conditions of approval. There are public sanitary and storm-only sewers available to the site that can serve the needs of this project. Connections to the sanitary sewer must follow the BES Rules of Connection and meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual. Development on the site must also comply with the City of Portland Stormwater Management Manual (SWMM).

The BES has reviewed the stormwater narrative and utility plan provided by the applicant. The applicant proposes off-site discharge to the public storm sewer, where previously-installed CDS water quality manholes will treat the runoff per as-built plans. Though not required to meet the SWMM, the applicant also proposes to install 13,700 square feet of vegetated ecoroof to aid in the treatment of runoff from the development. BES is supportive of the inclusion of the ecoroof. BES has no objections to this approach for purposes of the land use review. Portland Transportation requires new sidewalk construction in pedestrian corridors where curb and paved streets already exist. Constructing the sidewalk so that it slopes toward a vegetated area and/or planting street trees is a viable alternative to constructing stormwater management facilities, and will be reviewed with the public works permit. No dedicated public stormwater management facilities will be required for this project. Exhibit E.1 contains additional technical details, permitting requirements, and staff contact information.

UPDATE: Subsequent to the above response, the BES has submitted a memorandum to staff (Exhibit H.3) indicating that the loss of the eco-roof atop the structure does not impact their prior recommendation of approval for the project. Although it's disappointing that the eco-roof was removed, a public system was constructed for the Station Place Subdivision, and was designed to treat runoff from both public rights-of-way and private development on each lot. Therefore, BES is still able to support the project.

The *Development Review Section of Portland Transportation* has reviewed the application for potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. The site plan accurately reflects the required 12-foot sidewalk corridors along all frontages. The applicant will be required to construct frontage improvements to River District Standards as a condition of building permit approval. The improvements must be constructed under a separate street job permit to City standards per the requirements of the City Engineer. A bond and contract and any required dedications shall be conditions of building permit approval. The applicant shall submit a survey documenting that there will be 12 feet from the face of the curb to the property line as a condition of building permit approval.

UPDATE: Subsequent to the above response, Portland Transportation has provided a supplemental response with favorable recommendations and findings for the loading space Adjustment (Exhibit H.2). These supplemental findings are included later in this decision. As noted in the findings below, Portland Transportation is able to support the requested Adjustment to reduce loading spaces from two to one.

The *Water Bureau* has reviewed the proposal and provided informational comments, but no objections or proposed conditions of approval regarding this land use review. There is public water service available to the site from a water main in NW Marshall Street, but the connection will need to be reviewed by the Water Bureau for proposed usage and size per a submitted fixture count by the applicant at time of the building permit review, to appropriately size the water services and meter for this building. All applicable costs will be the responsibility of the applicant. Exhibit E.3 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and provided comments, but no objections or requested conditions of approval regarding this land use review. A separate building permit is required for this proposal, and all applicable Fire Code requirements must be met during plan review of the permit. If the requirements cannot be met, an appeal providing an alternate method of compliance is a potential option for the applicant. Exhibit E.4 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and commented that street trees will be required on all street frontages. Exhibit E.5 is an electronic record of this response.

The *Site Development Section of BDS* has reviewed the proposal and provided informational comments, but no objections to the requested land use reviews. A geotechnical report will be required at the time of building permit review. The report must be stamped by a registered design professional registered in the State of Oregon and include a summary of soil and groundwater conditions at the site and provide recommendations for the design and construction of foundations (including shoring as necessary) in accordance with the Oregon Structural Specialty Code. The site is not located in the Potential Landslide Hazard Area or within the 100-year floodplain.

The Bureau of Environmental Services will review the project for conformance with the 2008 Stormwater Management Manual. Site Development has no concerns with the slop/building setbacks. Erosion prevention and sediment control requirements found in Title 10 apply to both site preparation work and development. Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer and builders. Please refer to the City of Portland Erosion and Sediment Control Manual for additional information. A 1200-C permit from the Oregon Department of Environmental Quality is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to the surface waters or conveyance systems leading to surface waters of the state. Exhibit E.6 contains staff contact information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and provided informational comments, but no objections or recommended conditions of approval regarding this land use review. A separate building permit is required for the work, and the proposal must be designed to meet all applicable building codes and ordinances. A complete Life Safety plan review will be provided at the time of building permit submittal. It is recommended that the applicant contact the plan review section to request a Preliminary Life Safety Meeting to verify building code requirements. Exhibit E.7 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 26, 2012**. No letters were received from the neighborhood association, but one written response was received from a notified property owner. This letter objects to the Master Plan Amendment as a ‘significant variance from the current residential status of our neighborhood’, and the author suggests that the amendment would be approvable if the project provided adequate on-site parking. The letter suggests that the lack of parking will result in a ‘serious adverse effect’ for residents in the area, especially given the increase in nearby traffic following the completion of Jamison Square Park, as well as the potential increase in traffic associated with increased occupancy of the Encore and other buildings that is expected as the economy improves. For the same reasons, this letter also objects to the Adjustment to waive one of two required loading spaces. Finally, the letter expresses concerns about ‘commercial advertisement signage’ and the impacts that both potential commercial signage and increase on-street parking demand will create in this ‘residential neighborhood’.

Staff Response: Throughout the Central City plan district, there are no minimum parking requirements. The purpose statement for parking regulations in the Central City include goals of managing the supply of off-street parking to improve mobility, promoting the use of alternative modes of transportation, supporting existing and new economic development projects, maintaining air quality, and enhancing urban form (33.510.261.A). For the loading reduction from two spaces to one, staff has not yet received findings from Portland Transportation, so this issue remains unresolved at this time. Finally, the base zoning in almost the entirety of the Pearl District, as well as at this site, is a Central Employment zone, where *‘residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area’* (33.140.030.B). Although the majority of new development in the Pearl to date has been mixed-use residential/retail projects, commercial uses such as hotels, as well as their allowed signage, are a by-right entitlement in the district. Finally, the proposal does intend to use 100 spaces in the Station Place garage with a valet parking service at the hotel, but the necessary Central City Parking Review has not yet been submitted. Satisfactory completion of this separate land use review will be necessary before the hotel project can use any of the parking in the Station Place garage.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

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.

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

A1-1. Link the River to the Community. Link the Willamette River to the community reinforcing the river's significance. This guideline may be accomplished by:

- 1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.
- 2) Focusing and articulating roadways and pedestrianways to emphasize the river.
- 3) Developing projects that celebrate the river and contribute to creating centers of interest and activity that focuses on the Willamette.
- 4) Connecting the internal areas of the District to the Willamette Greenway Trail.

Findings for A1 & A1-1: Northwest 9th Avenue is an important physical connection to the river for the Pearl District. The proposed hotel will respect this important pedestrian connection to the river by locating the primary building entrance, lobby, and hearth/breakfast area facing this street, and by locating the loading bay on Marshal and Northrup, respectively. Northwest Marshall Street, on the southern boundary of the site, is also intended to be an eventual pedestrian linkage between the site and the river. At the time of development of the properties east of the Union Station Yards and fronting on the west side of NW Naito Parkway, a pedestrian bridge will link the intersection of NW Marshall at Station Way with a pedestrian plaza that connects directly to NW Naito Parkway. The applicant has proposed a water feature in the public open space along the NW Marshall frontage, knitting together the diverse art installations and water features of other parks in the Pearl and symbolically linking them to the Willamette River. *Therefore, these guidelines are met.*

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

Findings: Landscaping elements and a water feature are located in the public open space courtyard on Marshall to knit together the diverse art installations and water features of other parks in the Pearl and symbolically link to the Willamette River. *Therefore, this guideline is met.*

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

A3-1. Provide Convenient Pedestrian Linkages. Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

- 1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.
- 2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
- 3) Reusing or retaining cobblestone within the design of new development.
- 4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
- 5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

Findings for A3 & A3-1: The proposed hotel supports the Portland block structure on all frontages by massing the building at or near the property line. This specific block was platted in keeping with the 200-foot block pattern, except on its easterly edge where a trapezoid parcel is formed due to the adjacent Union Station rail yards. On NW Marshall Street, a public open space will be provided within the courtyard directly adjacent to the public sidewalk, and the hotel building surrounds the courtyard while providing a sense of enclosure on the abutting streets. *Therefore, this guideline is met.*

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

Findings: The proposed hotel uses common Pearl District materials which include storefront windows, brick, and metal panels, to unify the building with existing surrounding buildings. A white brick has been selected to contrast with the gray brick color of adjacent buildings as a new feature. The brightly colored perforated screen on the west elevation and the vertical panels on the northeast elevation help to bring new color to the Pearl District. These bold architectural features seek to enter into a dialogue with the bright color of the Broadway Bridge, the rooftop of Union Station, and the McCormick Pier Condos. This combination of elements will create a contemporary building that is consistent with the industrial past and material quality of the warehouse district. *Therefore, this guideline is met.*

A5. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District's "arts" ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the "arts" concentration.

Findings for A5, A5-1 and A5-1-1: The proposed hotel uses common Pearl District materials which include storefront windows, brick, and metal panels, to unify the building with existing surrounding buildings. A white brick is chosen to contrast with the gray brick color of adjacent buildings as a new feature. The NW Marshall Street public open space on the south side of the building is designed as a public mini-park to connect the public open space to the courtyard and landscape elements. A water feature in the courtyard will be used in the knit together the diverse art installations and other parks in the Pearl.

The proposed hotel generally is placed directly adjacent to the property line, consistent with the historic urban warehouse character of the Pearl District. Along NW Station Way, a landscaped setback separates the building from the sidewalk, while still providing a sense of enclosure along this street. The material palette and perforated metal screening elements on the building will inject color and diversity into the neighborhood. *Therefore, these guidelines are met.*

A5-3. Incorporate Water Features. Incorporate water features or water design themes that enhance the quality, character, and image of the River District. This guideline may be accomplished by:

- 1) Using water features as a focal point for integrated open spaces.
- 2) Taking cues from the river, bridges, and historic industrial character in the design of structures and/or open space.
- 3) Integrating stormwater management into the development.

A5-4. Integrate Works of Art. Integrate works of art or other special design features that increase the public enjoyment of the District. This guideline may be accomplished by:

- 1) Integrating art into open spaces or along pathways.
- 2) Incorporating art within the structure of the building.
- 3) Using "found objects" that are remnants from the area's history.

Findings for A5-3 and A5-4: Landscape elements and a water feature will be used in the open space on Marshall to knit together the diverse art installations and water features of other parks in the Pearl. No visible stormwater management facilities are proposed. The water feature is identified on the landscape and site plans. *Therefore, these guidelines are met.*

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

Findings: Along NW 9th and Marshall, the first floor of the building is held back from the property line to provide an overhang. This overhang combines with the main entrance

canopy, extensive glazing for active areas, and perforated metal ‘tower’ on NW 9th Avenue to create an active streetscape at the ground level the creates a distinctive pedestrian environment. The upper five stories of the building along NW 9th and Marshall, and the other primary façade on NW Northrup, create and maintain a sense of urban enclosure along the adjacent streets. *Therefore, this guideline is met.*

A8. Contribute to the Cityscape, Stage and the Action. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings’ active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

A8-1. Design Fences, Walls and Gateways to be Seen Over. Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction. This guideline may be accomplished by:

- 1) Elevating building entries higher than the public sidewalk or path.
- 2) Creating a low fence or wall to visually separate but not hide semi-private spaces.
- 3) Using a low or stepped-down planting area or terraces to separate private development from a public sidewalk.

Findings for A8 & A8-1: The first floors along NW 9th and Marshall are set back from the property line to create relief in the façade, to provide pedestrian protection from the elements, and as a potential space for the lounge area to spill out onto 9th Avenue. The primary building entry is defined by a vertically oriented and boldly colored perforated metal screen that contrasts with the surrounding buildings. This vertical architectural element clearly indicates the main building entry, helps to break up the façade and creates an interesting transition from interior to exterior. The lounge, lobby, and conference rooms are the most active elements at the ground floor, and have been placed along NW 9th and Marshall to provide views into and out of the building for these important interior activities. Along NW Marshall Street, the landscaped public open space enhances the pedestrian experience and activates Marshall by offering a spot for pedestrians to move off the sidewalk and rest. The public space will be defined with low plantings, benches, trees, a water feature, and changes in paving materials that integrates well with the overall hotel courtyard, while allowing views into the entire space from the sidewalk. *Therefore, this guideline is met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

Findings for B1 & B1-1: The project will involve the construction of standard city sidewalks at the adjacent frontage of the entire site perimeter, constructing new sidewalks that include a building frontage zone, movement zone, and a street furniture zone with street trees before the curb. The completion of these sidewalks around the site perimeter will complete the pedestrian zone on both sides of all adjacent streets, with the exception of the north side of NW Northrup Street, which abuts a currently vacant site. The block is not large enough to be considered a superblock, and no additional pedestrian routes through or across the site are proposed. A human scale is provided along the abutting sidewalks through the use of large storefront windows, landscaping

along the northeast side opposite the rail yards, and through the development of a public courtyard along the NW Marshall street frontage. Interest is provided by these same elements, as well as the vertical perforated metal ‘tower’ element near the main entry to the building on NW 9th Avenue. The ground floor of the building is set back from the lot line with an overhang above, providing opportunities for use of this space for seasonal outdoor seating adjacent to the lobby, lounge, and conference room areas. *Therefore, these guidelines are met.*

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.

Findings: The proposed hotel will provide a setback at the ground floor from the lot line in NW 9th Avenue and NW Marshall Street, except where the perforated metal tower element is located near the main entry. The setback area will be partially covered with a 3’-0” overhang of the upper floors of the building. Lighting is integrated into the soffit of the building overhang to illuminate the pedestrian space, and to increase visibility at night. Mechanical exhaust systems are located primarily on the rooftop, without impacts to the pedestrian environment. There are some louvers integrated into the storefront system along the north face of the building, as well as an emergency generator louver, but these are relatively modest in scale, well-integrated with the façade, and placed together in a small area. *Therefore, this guideline is met.*

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

Findings: There are clear pedestrian connections from the sidewalk in NW 9th Avenue to the main entry, and throughout the central courtyard. The use of lighting will be provided to increase visibility at night both in the courtyard and along NW 9th and Marshall Streets. *Therefore, this guideline is met.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

Findings: The public open space along NW Marshall is an ideal place to provide resting areas, and benches will be provided to allow the pedestrian to move off the sidewalk. A water feature is also provided in this public plaza. A range of landscape materials will be provided so that the pedestrian can be sheltered from full sun during nice weather if desired. The primary frontages of the building along both NW 9th Avenue and Marshall also feature a setback from the lot line that provides additional places to stop, view, socialize and rest, without conflicting with through pedestrian traffic or the furnishing zone. *Therefore, this guideline is met.*

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 B5: The open space along NW Marshall is an ideal place to provide resting areas, and benches will be provided to allow the pedestrian to move off the sidewalk. A range of landscape materials will be provided so that the pedestrian can be sheltered from full sun during nice weather if desired. A water feature is also provided in this public

plaza, creating an edge feature between the public plaza area and the larger hotel courtyard space. The public space will be defined with low plantings, trees, benches, and changes in paving materials and will blend into the overall hotel courtyard, providing transition from the public sidewalk to the hotel lobby. The courtyard will also be used for outdoor events and seating that spill out of the hotel from the conference rooms and hearth room. *Therefore, this guideline is met.*

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings: Along NW 9th Avenue and Marshall, the building is set back from the property line and the second floor hangs over the first floor creating a weather protected area on the pedestrian way. A thin steel plate canopy at the main entry on 9th Avenue also provides weather and sun protection directly above the main entry doors, adjacent to the projecting perforated metal ‘tower’ element. Pedestrian weather protection is also provided at the courtyard with a covered metal panel and wood gazebo/canopy structure. *Therefore, this guideline is met.*

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building’s overall design concept.

Findings: All access to the building and the exterior amenity spaces are fully accessible. Ramps are integrated into the design of the courtyard space as an integral site design element. *Therefore, this guideline is met.*

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

C1-1. Increase River View Opportunities. Increase river view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:

- 1) Designing and locating development projects to visually link their views to the river.
- 2) Providing public stopping and viewing places which take advantage of views of River District activities and features.
- 3) Designing and orienting open space and landscape areas to emphasize views of the river.

Findings for C1 & C1-1: Extensive glazing on the ground floor along both NW 9th Avenue and Marshall as well as around the courtyard visually and physically connect the interior of the building to exterior public spaces and adjacent sidewalks. Along NW 9th Avenue the vertical perforated screen clearly indicates the main building entry, helps to break up the façade and playfully creates a unique transition between interior and exterior. The south-facing courtyard connects the project to the ZIBA office building and provides another outdoor park within the Pearl. River view opportunities will be possible from some of the upper floors looking eastwards across the rail yards, and the building form itself respects the east-west views provided towards the river in alignment with both NW Marshall and Northrup Streets. In the final revisions to the project, the applicant added additional windows on relatively blank facades at the northwest corner, at the south wall of the east wing, and at the courtyard-facing wall of the southwest wing. *Therefore, these guidelines are met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: The proposed hotel uses common Pearl District materials, including storefront

windows, brick and metal panel, which helps to unify the project with other nearby buildings. The vertical colored perforated metal screen panels on the west elevation and the vertical panels on the northeast elevation help to bring color to the area. These bold architectural features seek to enter into a dialogue with the bright coloration of the Broadway Bridge, the roof of Union Station, and the McCormick Pier condos. The colors are bold enough to be seen from the Fremont and Broadway bridges. This combination of elements will create a contemporary building that is consistent with the industrial past and material quality of the warehouse district. The metal panel flashing underneath the horizontal window openings of the upper floors has been carefully considered, with invisible cleats providing an even, clean appearance at the sills of the upper-floor punched brick openings. *Therefore, this guideline is met.*

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings: The building uses storefront windows, metal panel, and brick as the primary exterior materials. A white brick is chosen to contrast with the gray brick color of the adjacent buildings. The brightly colored vertical perforated metal screen near the entry, the rooftop screen in the same material, and the vertical panels on the northeast elevation help to bring vivid color to the project and Pearl District. This combination of elements will create a contemporary building that is consistent with the industrial past and material quality of the warehouse district. *Therefore, this guideline is met.*

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: The proposed hotel uses three primary cladding elements: light colored brick, bright colored metal panel, and metal panel in alternating shades of gray. On the west and south portions of the building, along both NW 9th and Marshall, the upper stories have large windows grouped into horizontal frames with metal panel infill that utilizes the same bright color as the vertical perforated metal screen element. The perforated screen rises above and in front of the mass of the building to identify the main entry to the lobby and also serve as a screen for rooftop equipment. The north interior courtyard and southwest interior courtyard elevation tower elements have individual punched window openings in the same gold-colored metal panel found elsewhere on the building. The metal panel flashing underneath the horizontal window openings of the upper floors has been carefully considered, with invisible cleats providing an even, clean appearance at the sills of the upper-floor openings within the punched brick. *Therefore, this guideline is met.*

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: Along NW Marshall, the public open space enhances the pedestrian experience by offering a unique place for pedestrians to move off the sidewalk and rest. The public space will be defined with low plantings, trees, benches, and changes in paving materials, and will blend into the overall hotel courtyard, providing a transition from the public sidewalk to the hotel lobby. A water feature is also provided as a transition element from the public plaza to the private hotel portion of the courtyard. The courtyard will also be used for outdoor events and seating that spill out of the hotel from the conference rooms and hearth room/lobby area. *Therefore, this guideline is met.*

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings: The building has a single function as a hotel, and does not include separate street-level retail spaces. Along NW 9th Avenue the building houses the most active program elements, and storefront windows are provided to show the interior activities from the exterior. The conference rooms are located at the southwest corner, and are able to be subdivided into multiple spaces. This arrangement allows for a variety of events at different times. At the northwest corner, the hearth room and eating areas are located, with direct views towards the corner. These spaces comprise the day/night bar which will be open to the public allowing interaction between hotel guests and neighbors. *Therefore, this guideline is met.*

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: The main hotel entry faces NW 9th Avenue and will activate this important pedestrian connector. All active use spaces are arranged to front on NW 9th Avenue, such as the hearth room, lobby, check-in desk, and conferencing facilities. The main entry and interior courtyard entry both have projecting metal canopies that distinguish the primary pedestrian entry locations. The building on the first floor is set back from the property line and the second floor hangs over the first floor creating a weather-protected area along the pedestrian way. Along the street-facing first floor of the entire building, the facade is distinguished through the use of different materials, including extensive full-height storefront windows and a range of medium gray metal panels, while the upper stories are clad in light colored brick and colored metal panels. *Therefore, this guideline is met.*

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings for C9: The first floors along both NW 9th and NW Marshall are set back from the property line to create relief in the façade, to provide pedestrian protection from the elements, and to provide potential space for lounge and hearth/breakfast/bar area activities to spill out onto the sidewalks. The public courtyard on NW Marshall is accessible from the conference room and prefunction areas so that users of the conference rooms can break out into the courtyard and public space. The courtyard is designed to potentially be able to host small outdoor events. *Therefore, this guideline is met.*

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

Findings: The only encroachment into the right-of-way is a small section of the building at the extreme northwest corner, where a maximum 4'-0" deep area of the upper floors of the building projects over the street lot line. This minor encroachment complies with standards regarding projections into the right-of-way. *Therefore, this guideline is 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 which acts as a vertical accent on the west elevation also wraps up partially onto the roof. Rooftop mechanical screens are found in three locations, and constructed of a solid metal panel system. Specification sheets for the rooftop mechanical equipment verify that the proposed rooftop screening elements will be tall enough to effectively screen the rooftop equipment from view. *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: Exterior lighting is integrated to both enhance the architectural features of the building as well as support the sustainable and LEED goals for the project. Down lights are incorporated into the soffit of the building overhang of the upper floors along NW 9th Avenue and Marshall Street. In the courtyard and public open areas, post lights are used to differentiate and define the outdoor areas. The tower element near the entry on NW 9th Avenue will be illuminated with indirect fluorescent tube fixtures integrated into the structural framing for the tower element, providing a soft night-time glow without undue skyline impacts. *Therefore, this guideline is met.*

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings: No signage has been included with this application. The applicant has stated that exterior building signage will be a separate design review in the future. However, signage under 32 square feet is exempt from Design Review, and therefore a future review for signage is not mandatory. *Therefore, as no signage is proposed, this guideline does not apply.*

(2) CENTRAL CITY MASTER PLAN (33.510.255)

- A. Purpose.** The Central City master plan adds development potential and flexibility for projects in specified areas. The additional development potential and flexibility is possible because the plan is used to demonstrate that the policy objectives of the Central City Plan and the public service needs of the area are addressed. The Central City master plan is an option; it is not a requirement. A Central City master plan may also be created through a legislative process initiated by the City.
- D. Approval procedure.** Central City master plans requests are processed through a Type III procedure.
- G. Central City master plan amendments.** Amendments to an approved Central City master plan are processed through a Type II procedure. The amendment may be approved if the proposed change results in a plan which continues to meet all of the approval criteria in Subsection E., above.
- E. Approval criteria.** A Central City master plan application will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. The proposed plan is consistent with the policy objectives of the Central City Plan;
2. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed developments;
3. The plan provides for a useful and pleasant circulation system and for adequate open space within the plan boundaries;
4. Development will be placed and sized to protect significant public viewpoints and public view corridors; and
5. There are adequate assurances that required housing that is deferred or proposed for another site will be built.

Findings for E.1 through E.5: The only proposed amendment to the Central City Master Plan for the Horse Barn/Station Place Subdivision (LUR 01-00281 MS SU) is to allow a hotel versus a residential project on Lot 4. The proposed amendment to the original master plan remains consistent with the policy objectives of the Central City Plan. Specifically, the proposal remains consistent with the Economic Development policies to support, attract, and encourage new businesses in the Central City, and to contribute to the economic vitality, diversity, and livability of the Central City (Policies 1.F and 1.I). The proposal remains consistent with general housing related policies by providing a senior housing tower within the boundaries (Policies 3.C and 3.D), and issues of required housing are discussed later in this finding. There is no change with regards to the other policies in the plan (Transportation, Public Safety, Parks & Open Spaces, Urban Design).

There is no change in the proposed amendment related to the adequate and timely infrastructure capacity for projects in the area. The street network and a series of public sanitary and storm sewer connections have already been installed, and individual projects on Lot 4 and Lot 5 (directly to the north) will be required to complete any missing sidewalk improvements and street trees at the time of development.

The proposed amendment does not impact the provision of a useful and pleasant circulation system, nor does it alter requirements for the completion of additional public open spaces within the plan boundaries. The block layout and height limitations that remain in the area will adequately protect significant public viewpoints and public view corridors, and the proposed amendment will not change this situation.

Specifically with regards to the required housing regulations, the Station Place Senior Housing tower building just to the south of the ZIBA office building completed all the required housing within the master plan boundary. At the time of the original master plan application in 2001, the entire site had a Required Residential overlay designation in the Central City plan district. This regulation required a minimum density of 15 dwelling units per net acre (33.510.230/Map 510-15), as the regulation still does today. The net area of the master plan boundary was 7.02 acres, requiring 106 units of housing within the master plan boundary ($7.02 \times 15 = 105.3$). 170 housing units were built on Lot 1 with the senior housing tower, so the overall residential development requirement has already been exceeded within the master plan boundary.

Therefore, for the proposed amendment to allow non-residential development on Lot 4 of the master plan, these criteria are met.

(3) ADJUSTMENT REQUEST (33.805)

33.805.010 Purpose of Adjustment Reviews

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

The following adjustments are requested:

1. Reduce the required 'A' (35'-0" by 10'-0" with 13'-0" clearance) loading spaces from two to one.
- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The relevant element of the purpose statement for loading standards is to ensure adequate areas for loading for larger uses and developments (33.266.310.A).

The applicant has stated the proposed hotel does not need two loading spaces for their use. There is no need for move-in/move-out functions as may be needed in a residential project, there are no food service deliveries as there is no restaurant, and laundry is done on premises. The loading will only be used for garbage pick-up and hotel supply deliveries, which are infrequent.

Portland Transportation staff has reviewed these statements, and the relevant purpose statement for the loading standards, and provided a supplemental agency response (Exhibit E.2).

If the applicant did not seek this adjustment, "an additional roll-up door and a longer or second curb cut would be required on the NW Northrup ground floor elevation. This Adjustment allows the project to minimize service areas along NW Northrup, allowing more ground floor interior space with windows along this frontage.

To determine whether the proposal for the reduction of the number of on-site loading spaces is supportable, the frequency and types of loading uses must be considered. The development of the site will be with a hotel, with no retail or other secondary uses. With regard to the hotel use, the loading space needs will be related to garbage pick-up and for the delivery of hotel supplies. Garbage service is typically performed on a scheduled basis and generally occurs during non-peak hours of activities along the street. The extent of loading/unloading activities also include the continual deliveries of hotel use-related products (toiletries, office materials, etc.). These types of delivery services are more and more commonly provided by larger sized vans as opposed to the traditional

semi-trucks, especially in confined maneuvering areas such as downtown areas. The more regular service of providing clean laundry will not be a factor with the proposed hotel given that facilities will be on-site to provide said service. As such, requiring the applicant to provide two conventionally sized loading spaces within the proposed hotel would likely be excessive given the users/functions of the building

Further, by reducing the number of loading spaces that the applicant must provide in association with the proposed hotel will minimize the potential for conflicts between loading space vehicles and pedestrians. The site is located within the Pearl District and is within North-west Triangle Pedestrian District. Increasing the width for the necessary driveway/curb cut that would be associated with two loading spaces could place pedestrians in exposed positions wherein their level of comfort to walk along the sidewalk would be compromised.

PBOT can support the request to provide one on-site loading space (instead of the required two spaces). Given the limited amount of loading activity that will be associated with the proposed hotel and the expected scheduling of users of the one proposed space, PBOT staff does not expect that the lack of two on-site loading spaces will result in a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Therefore, this criterion is met.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: As discussed above under findings for criterion A, Portland Transportation has reviewed the proposal and found no significant impacts with regards to the desired character of the area as reflected in transportation-related planning documents. The reduction in loading spaces from two to one is also consistent with the desired character for new development in both the CX zone and the Central City plan district. *Therefore, this criterion is met.*

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment has been requested. *Therefore, this criterion does not apply.*

- D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: Any impacts resulting from the reduction of loading spaces for the project from two to one are mitigated by the relatively small loading needs for this specific hotel, which does not include a public restaurant, and which does all hotel laundry on-site. *Therefore, this criterion is met.*

- F. If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: This site is not within an environmental zone. *This criterion does not apply.*

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.

A bulleted summary of the primary development standards applicable to this project, including parenthetical notes for how the project does or does not comply, follows below:

EX base zone standards:

- 33.140.100, Primary uses allowed include Commercial Retail Sales and Service (*Hotels are an entertainment-oriented retail use, and allowed by-right in the EX zone*);
- 33.140.215, No minimum setbacks from adjacent streets (*project complies*);
- 33.140.215, Maximum setback of 10' from NW 9th for 100% of the ground level façade, and for 50% of the ground level at both Northrup and Station Way, NW Marshall has neither a pedestrian district or transit designation (*project complies*);
- 33.140.220, Maximum building coverage of 100% (*project complies*);
- 33.140.225, Minimum landscaped area of 0% of site area (*project complies and exceeds standard*);
- 33.140.230, Ground floor windows, requires all walls within 20'-0" of a street lot line to include 50% of their length and 25% of their area to be in windows (*project complies*);
- 33.140.235, Screening for trash and recycling areas (*all interior to building, project complies*); and
- 33.140.240, Pedestrian standards require a 6'-0"-wide pedestrian connection to the street and to key areas of the site (*project complies*).

Central City plan district:

- 33.510.200, Floor area ratio (*superceded by Master Plan FAR – not applicable*)
- 33.510.205, Maximum height of 100' (*project complies*);
- 33.510.215, No required building lines at this site (*not applicable*);
- 33.510.225, No ground floor active uses (*not applicable*); and
- 33.510.230, No required residential development (*not applicable*).
- 33.510.265.F.1, No minimum parking in River District 2 Parking Sector (*project complies*)

Parking and Loading:

- 33.266.210, Bike parking regulations require 1 short-term stall for every 20 rooms, and 1 long-term stall for every 20 rooms (*224 rooms triggers 11.2 or 12 stalls of both short-term and long-term bike parking – project complies*); and
- 33.266.310, Two 'A' loading spaces are required, each measuring 35'-0" long, 10'-0" wide, and with 13'-0" clearance (*an Adjustment is being approved for this standard, reducing the loading spaces from two to one*).

Master Plan Standards (LUR 01-00281 MS SU):

- Condition A, Maximum FAR of 4.9:1 (*project complies at approximately 3.6:1*); and
- Condition C, Provide a minimum 2,450 square foot rectangular public plaza along the center of the block abutting NW Marshall Street, with the following aspects:
 - At least 50% of the area is in the form of a park or plaza, and at least 25% of the open area must be in one plaza or space;

- Walkways can constitute no more than 25% of the area;
- Shadows from buildings (trees not to be included) shall cover no more than 50% of the area at noon, and 75% of the area at 3:00 pm on April 21 of any year.
- A minimum of one tree per 1,000 square feet of plaza or park area;
- Peripheral lines of trees, low walls, planters, or other similar treatment along the edges to create clearly defined borders;
- Safe, attractive, and convenient linkages to adjacent streets and developments; and
- High level of design quality with an attractive, pleasant, and convenient environment for pedestrians.

CONCLUSIONS

The Design Review process exists to ensure 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 value of each design district or area and to promote quality development near transit facilities.

The proposed hotel design is a dynamic, colorful addition to the Pearl District that will diversify the mix of uses in the area, adding a welcome hotel use to a predominantly residential area. The use of light brick, brightly colored metal panel and perforated metal materials will create a vibrant, highly identifiable building, and the vertical ‘tower’ or ‘veil’ element near the NW 9th Avenue entry is a playful, dynamic and unique feature. The provision of a public courtyard along NW Marshall Street will enhance the pedestrian environment along this street, which may eventually include a pedestrian bridge across the rail yards towards NW Naito Parkway. The materials selected appear to generally be of a high quality, and the overall design has been significantly streamlined and unified since the initial drawings presented at the Design Advice Request.

In the final revisions made to the project, the interior vehicle area has been removed, creating a large interior courtyard that will be unique unto itself within the entire Pearl District. The exterior facades have also been unified with cohesive upper-floor patterning and a distinct ground floor treatment, and the pool area has been moved to the east elevation facing NW Station Way. Because these final changes satisfy the concerns raised by Design Commission at the first hearing on May 17, 2012, the project is now able to meet the applicable design guidelines and should be approved.

DESIGN COMMISSION DECISION

Approval of a **Design Review** for the construction of a new six-story hotel building on a full-block site at Lot 4 of the Station Place Subdivision, with a large interior courtyard, 2,450 square foot public plaza area fronting onto NW Marshall, and a single loading bay off of NW Northrup Street.

Approval of a **Central City Master Plan Amendment** to LUR 01-00281 MS SU, to allow a hotel development on Lot 4 instead of residential development.

Approval of an **Adjustment** to reduce loading spaces on the site from two to one ‘A’ size loading spaces.

The above approval is granted based on the approved plans, drawings and renderings, Exhibits C.1 through C.61, and subject to the following condition:

- A. As part of the building permit review process, all plans, drawings and details must match the Exhibits C.1 through C.61 as approved in this Design Review. All drawings and detail information are required for the permit, and relevant sheets with exterior details must be labeled “Proposal and design as approved in case file #LU 12-111904 DZ MS AD. No field changes allowed.”

By: 
Guenevere Millius, Design Commission Chair

Application Filed: March 9, 2012
Filed: June 8, 2012

Decision Rendered: June 7, 2012
Decision Mailed: June 22, 2012

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 10, 2012, and was determined to be complete on **March 16, 2012**.

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 10, 2012.

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 requested that the 120-day review period be extended for 14 days, in order to schedule the hearing later than required, as shown in Exhibit A.3. Unless further extended by the applicant, **the 120-day review period will expire on July 29, 2012**.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on July 6, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services

Center until 3 p.m. After 3 p.m. and on Monday, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **July 9, 2012**.
- 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Mark Walhood
June 20, 2012

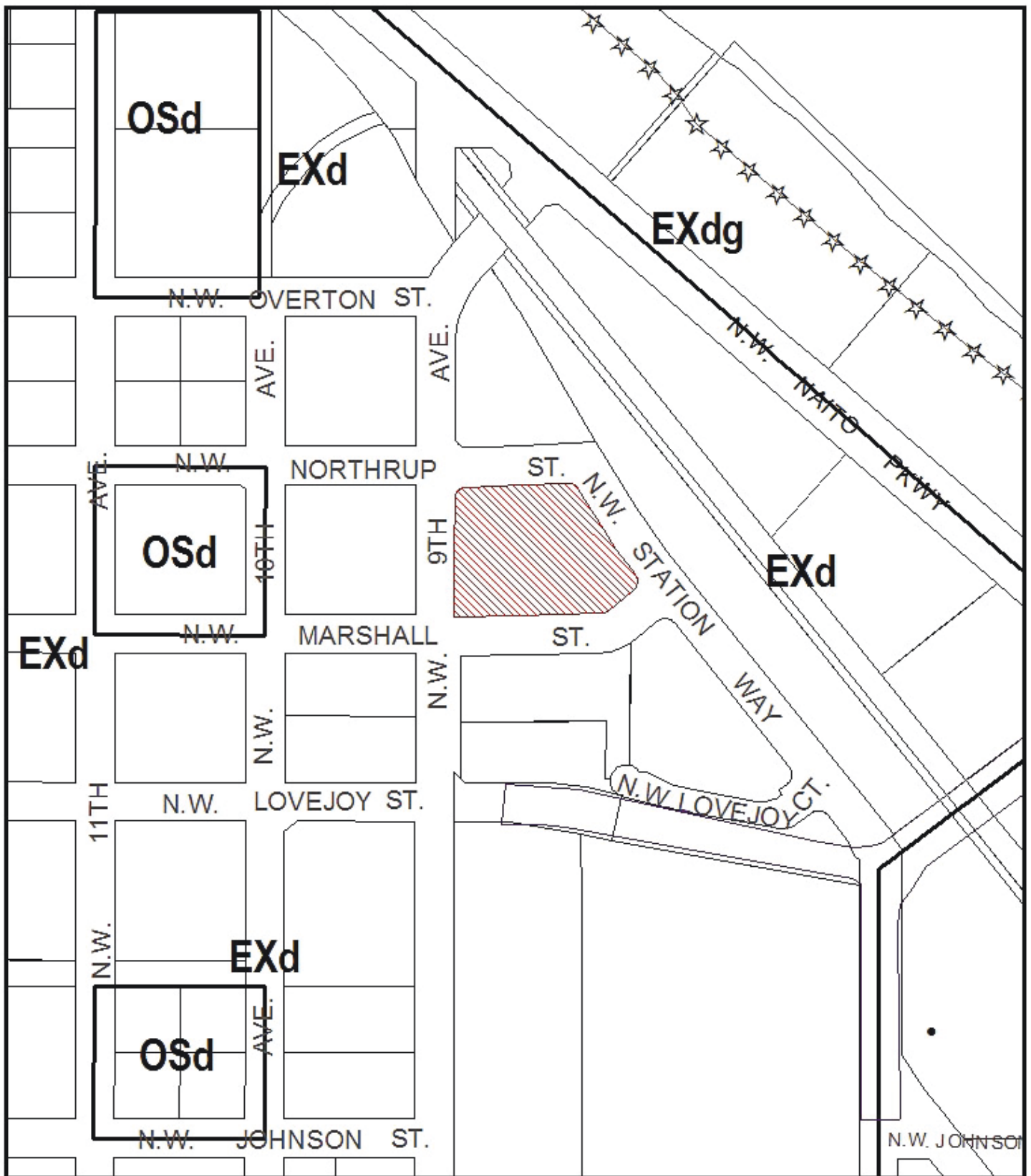
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 1. Original Narrative with stormwater information and copy of original Central City Master Plan
 2. Supplemental memo received with information making case complete
 3. 14-day extension of 120-day review period, necessary to extend hearing date
 4. Copies of original drawings replaced by 3/16/12 completeness updates – NOT APPROVED
 5. Copies of full plan set as submitted by 3/16/12 – NOT APPROVED
 6. Copies of mechanical cut sheets per 3/16/12 plan set – NOT APPROVED
 7. 8.5" x 11" copies elevations per 3/16/12 plan set – NOT APPROVED
 8. Full Set of Drawings for 5/7/12 Hearing – NOT APPROVED
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Cover Sheet with Rendering
 2. Table of contents page
 3. Neighborhood context images
 4. Neighborhood context images
 5. Inspiration images
 6. Inspiration images
 7. Vicinity map
 8. Site plan
 9. Stormwater/utility plan
 10. Lighting plan
 11. FAR Diagrams
 12. Ground floor plan (attached)
 13. Typical floor plan – levels 2-6
 14. Roof plan
 15. North elevation/color
 16. Northeast elevation/color
 17. South elevation/color
 18. West elevation/color

19. East courtyard elevation/color
20. South courtyard elevation/color
21. Southwest courtyard elevation/color
22. Enlarged elevations and sections
23. Enlarged elevations and sections
24. Enlarged elevations and sections
25. Enlarged elevations and sections
26. Rendering from southwest
27. Main entry rendering
 - a. Station Way perspective rendering
28. Courtyard aerial perspective rendering
29. Night rendering from southwest
30. Landscape planting plan
31. Courtyard materials detail sheet
 - a. Open Space requirements details (attached)
 - b. Courtyard water feature details
 - c. Courtyard perspective renderings
32. Materials detail sheet
33. Brick/metal panel details
34. Brick window details
35. Metal panel window details
36. Composite metal panel details
37. Storefront details
38. Level 1 sill details
39. Storefront head details
40. Metal panel soffit details
41. Metal panel soffit details
42. Louver details
43. Canopy details
44. Veil details
45. Veil details
46. Mechanical screen details
47. Wall assembly details
48. Window jamb details
49. Perf metal panel elevation
50. Roof Parapet detail
51. Loading Door details
52. North Elevation – keyed line drawing (attached)
53. West Elevation – keyed line drawing (attached)
54. South Elevation – keyed line drawing
55. Northeast Elevation – keyed line drawing
56. Southeast Elevation – keyed line drawing
57. South Courtyard Elevation – keyed line drawing
58. Southwest Courtyard Elevation – keyed line drawing
59. North Courtyard Elevation – keyed line drawing
60. East Courtyard Elevation – keyed line drawing
61. Mechanical Equipment Cut Sheets
- D. Notification information:
 1. Request for response
 2. Posting letter and notice as sent to applicant
 3. Applicant's statement certifying posting
 4. Mailed hearing notice
 5. Hearing notice mailing list
- E. Agency Responses:
 1. Bureau of Environmental Services

2. Development Review Section of Portland Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Urban Forestry Division of Portland Parks and Recreation
 6. Site Development Review Section of BDS
 7. Life Safety Section of BDS
- F. Letters
1. Letter with concerns from Jacky Sohn, received May 8, 2012
- G. Other
1. Original LUR Application Form and Receipt
 2. Site History Research
 3. Incomplete Letter from staff to applicant
 4. Request for Completeness Letter and Agency Responses
 5. Pre-Application Conference Summary Notes – EA 11-185167
- H. Hearing Exhibits
1. Staff Report and Recommendation, May 11, 2012
 2. Supplemental response from Portland Transportation, received May 14, 2012
 3. Supplemental response from BES, received May 11, 2012
 4. Pre-hearing memo from staff to Design Commission, dated May 9, 2012
 5. Staff PowerPoint Presentation, May 17, 2012
 6. Staff Discussion Topic Handout, May 17, 2012
 7. 2001 Northwest Triangle Open Area Requirement Code Excerpt
 8. Revised Staff Report and Recommendation, May 27, 2012
 9. Final memo from staff to Design Commission, dated May 27, 2012
- cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
City Auditor's Office
Development Services Center
BDS Staff for Bureau of Buildings
BDS Staff for Commission Book



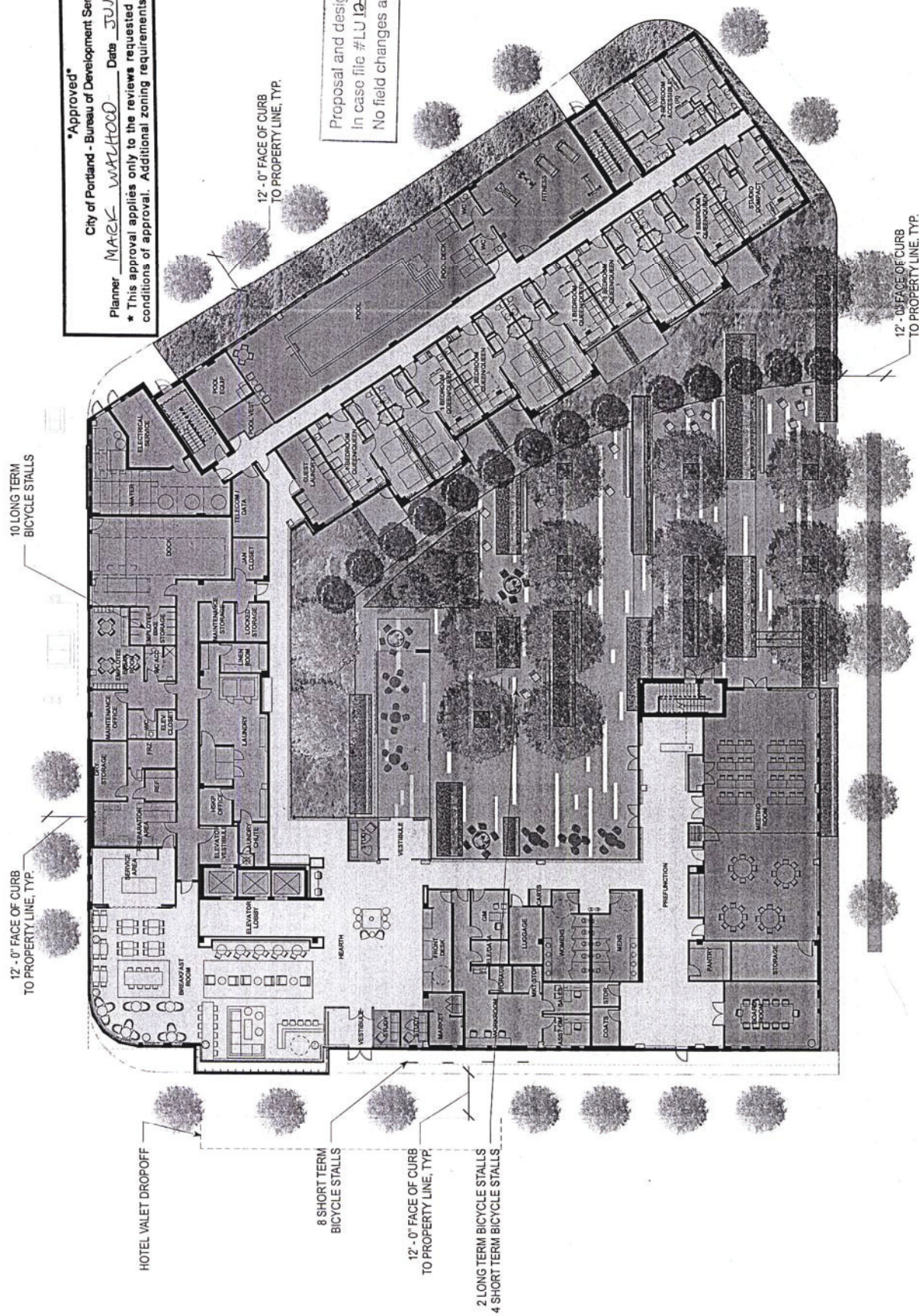
ZONING

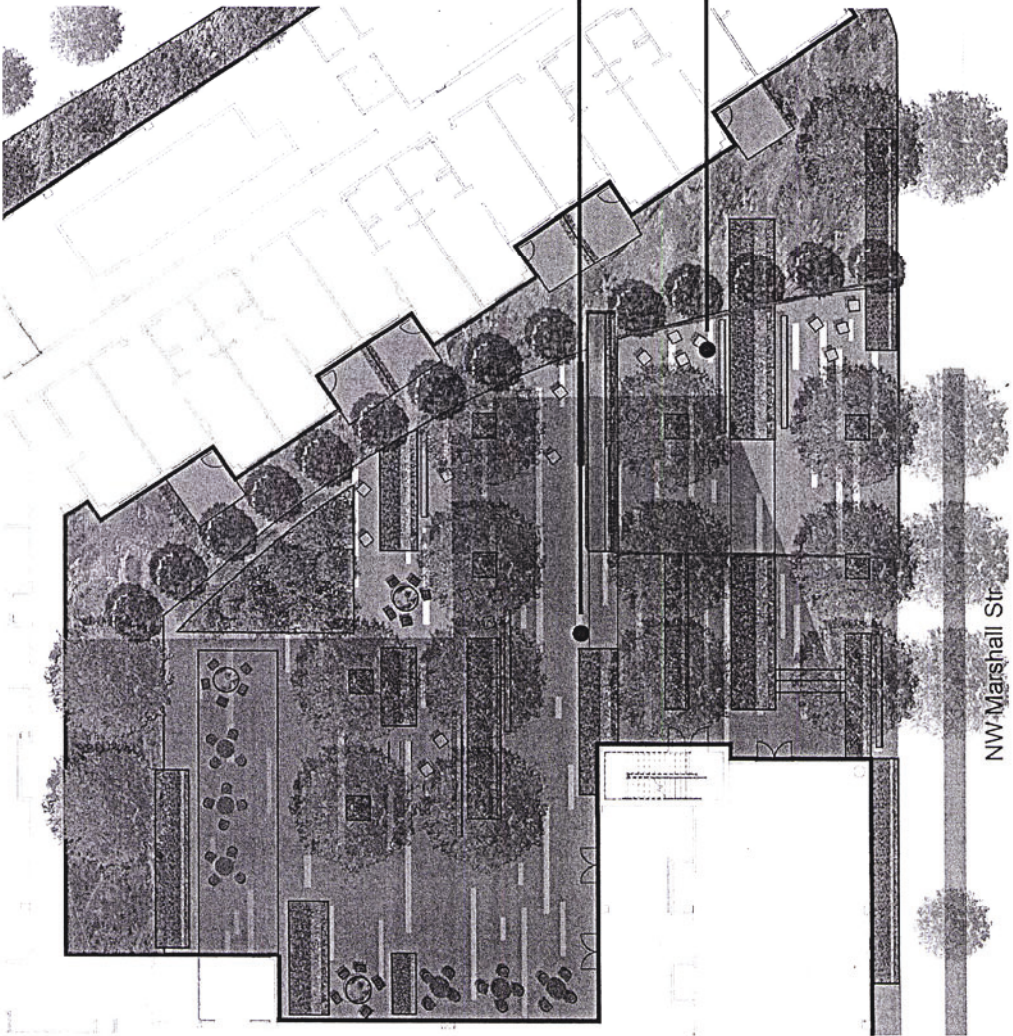


This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 12-111904 DZ
1/4 Section	2929
Scale	1 inch = 200 feet
State_Id	1N1E34BB 1304
Exhibit	B (Feb 14, 2012)

Proposal and design as approved
In case file #LU 12-111904 02 NS 40
No field changes allowed.





Approved
 City of Portland - Bureau of Development Services
 Planner MARC WATSON Date JUNE 8, 2012
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Proposal and design as approved
 In case file #LU 12-111904 DZ MS AO
 No field changes allowed.

Temporary sign for Hotel events,
 no gates or fencing proposed

Code Required Open Space

2,500 s.f. required open space with minimum 1,250 s.f. plaza

Shadow Requirement of no more than 50% at noon and 75% at 3:00 pm on April 21st is met.

Hours from 7:00 am to 10 pm with Rules and regulations in alignment with Portland Parks and Recreation

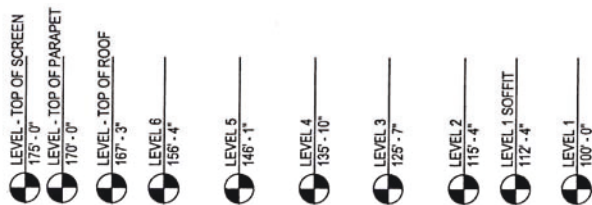
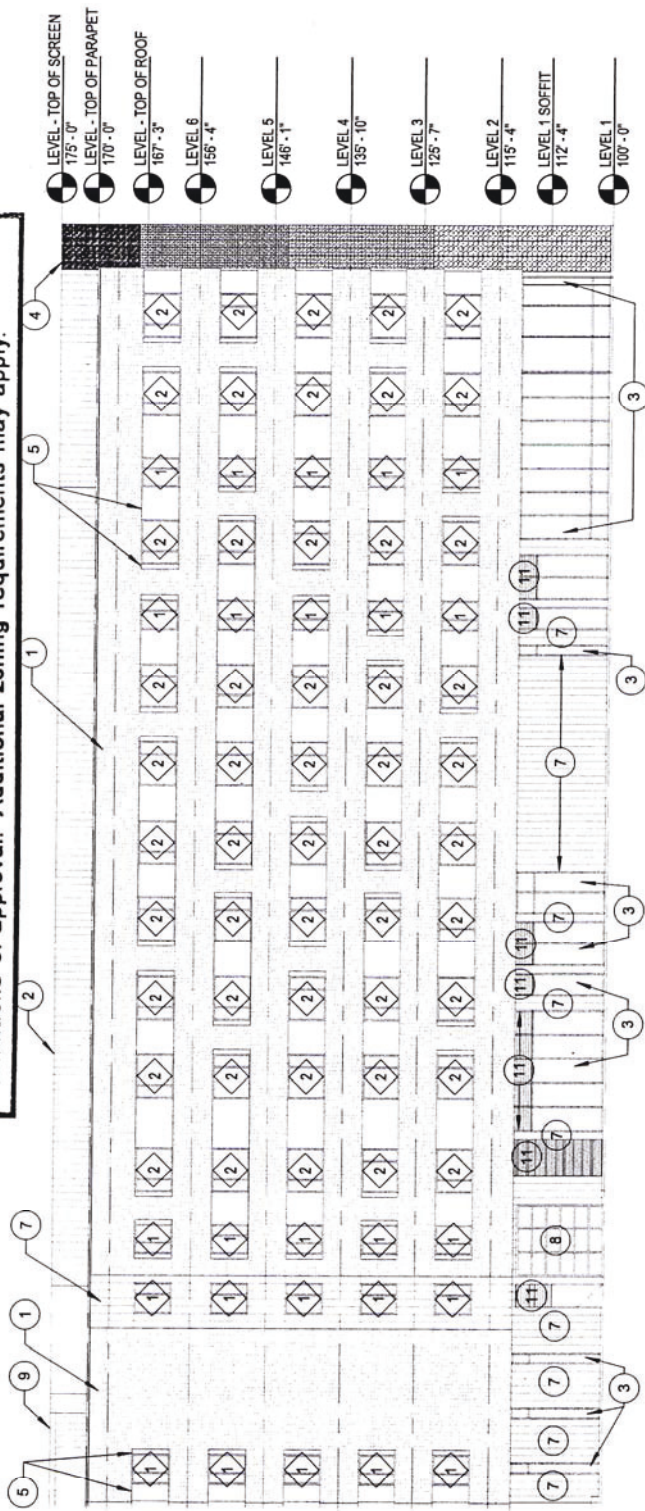
NW Marshall St



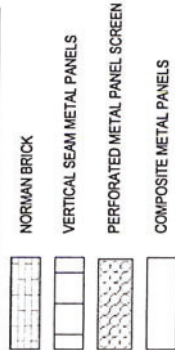
Proposal and design as approved
In case file #LU 12-119040ZMS AD
No field changes allowed.

Approved
City of Portland - Bureau of Development Services

Planner MAREK WALHOCO Date JUNE 8, 2012
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

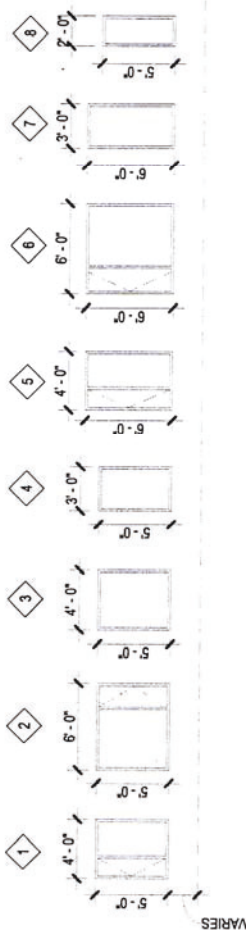


LEGEND - EXT ELEVS



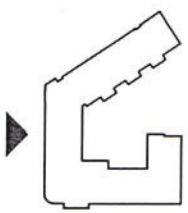
KEYNOTES - EXT ELEVS

- 1 LIGHT COLORED BRICK
- 2 MECHANICAL SCREENING
- 3 STOREFRONT GLAZING
- 4 PERFORATED METAL PANEL SCREENING
- 5 COMPOSITE METAL PANEL
- 6 VERTICAL SEAM METAL PANEL COLOR #2 - AUTUMN GOLD
- 7 VERTICAL SEAM METAL PANEL COLOR #3 - GRAY (3 TONES)
- 8 GLAZED LOADING DOCK ROLLING DOOR
- 9 STAIR DOGHOUSE
- 10 ENTRY CANOPY
- 11 EXHAUST LOUVER
- 12 COURTYARD CANOPY
- 13 VERTICAL SEAM METAL PANEL COLOR #4 - YELLOW (BEHIND PERFORATED SCREEN)



WINDOW CALCULATIONS

TOTAL AREA:	1502 SF	TOTAL LINEAR:	165'-10"
WINDOW AREA:	778 SF	WINDOW LINEAR:	87'-10"
PERCENTAGE:	51.8%	PERCENTAGE:	52.6%



NORTH ELEVATION C5

PEARL DISTRICT MARRIOTT RESIDENCE INN
PEARL HOTEL INVESTORS, LLC
2012 MAY 28 - DESIGN REVIEW #LU 12-11904 DZ

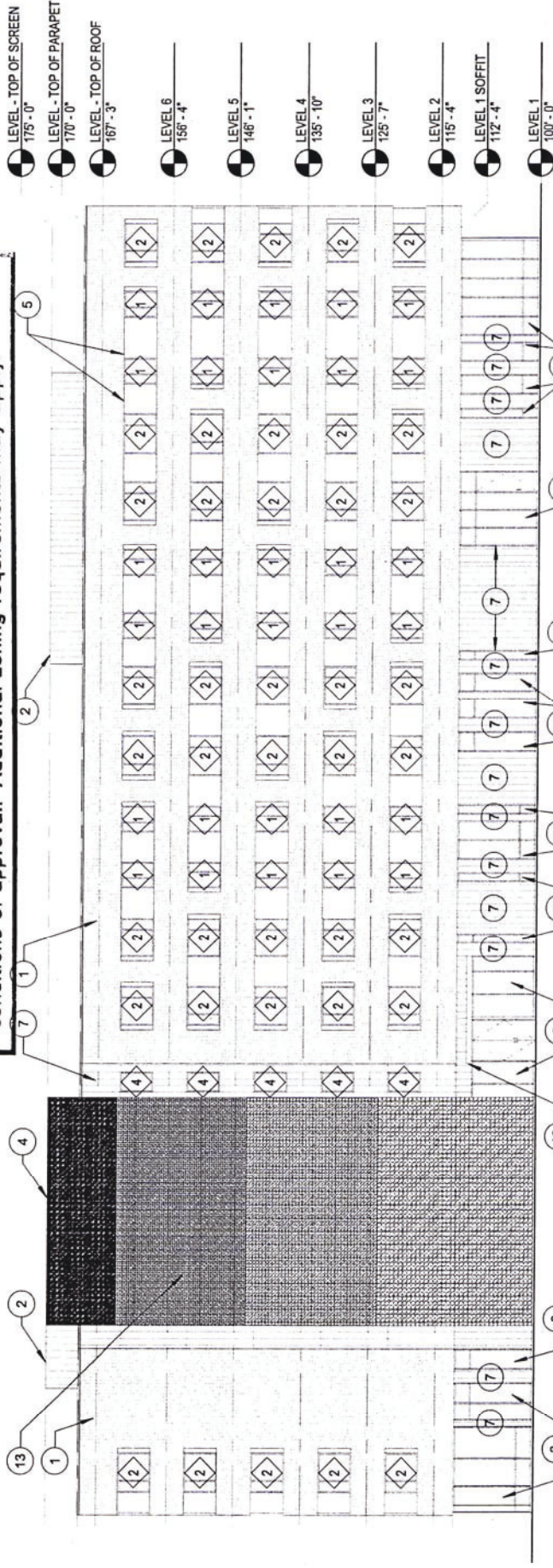


Proposal and design as approved
In case file #LU 12-111904 02.11.13 to
No field changes allowed.

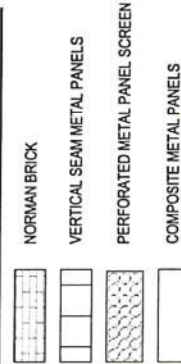
Approved

City of Portland - Bureau of Development Services

Planner MARK WALHOOD Date JUNE 8, 2012
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LEGEND - EXT ELEV

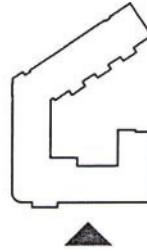


KEYNOTES - EXT ELEV

- 1 LIGHT COLORED BRICK
- 2 MECHANICAL SCREENING
- 3 STOREFRONT GLAZING
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- 10 ENTRY CANOPY
- 11 EXHAUST LOUVER
- 12 COURTYARD CANOPY
- 13 VERTICAL SEAM METAL PANEL COLOR #4 - YELLOW (BEHIND PERFORATED SCREEN)

WINDOW CALCULATIONS

TOTAL AREA:	1752 SF	TOTAL LINEAR:	194'-8"
WINDOW AREA:	1151 SF	WINDOW LINEAR:	132'-10"
PERCENTAGE:	65.7%	PERCENTAGE:	68%



0' 5' 10' 20'

WEST ELEVATION

PEARL DISTRICT MARRIOTT RESIDENCE INN

PEARL HOTEL INVESTORS, LLC

2012 MAY 28 - DESIGN REVIEW #LU 12-11904 DZ



From: [Renee France](#)
To: [Council Clerk – Testimony](#)
Cc: [Carrie Richter](#); [Li Alligood](#)
Subject: LU 19-145295 DZ - Applicant testimony
Date: Thursday, January 14, 2021 9:32:52 AM
Attachments: [FINAL City Council Remand Hearing - Response Letter \(01086672xC624A\).pdf](#)

Please provide the attached letter and attachment to the City Council and include it in the record of the above-referenced appeal.

Thank you!



Renee M. France

Of Counsel

111 SW Columbia Street, Suite 700

Portland, OR 97201

T. [971.634.0200](tel:971.634.0200) F. [971.634.0530](tel:971.634.0530) Direct [971.634.0217](tel:971.634.0217)

We advise you that any discussion of federal tax matters in this email is not intended or written to be used, and may not be used by you or any taxpayer, to (a) avoid penalties under the Internal Revenue Code, or (b) promote, market or recommend to any other party any transaction or matter addressed herein. All taxpayers should seek independent tax advice.



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Urban Development Partners

Vice President
Sam Rodriguez
Mill Creek Development

Secretary/Treasurer
Michael Nagy
Wood Partners

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Urban One

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Downtown Development Group

Noel Johnson
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Urban Asset Advisors

Elia Popovich
Oregon Law Group

Mike Kingsella
Up for Growth Action

Dana Krawczuk
Stoel Rives

Michi Slick
Killian Pacific

Damian Uecker
Banner Bank

Scott Vanderhoff
Holland Partner Group

Christe White
Radler White Parks & Alexander LLP

Executive Director
Gwenn A. Baldwin
gbaldwin@oregonsmartgrowth.org

January 13, 2021

Mayor Ted Wheeler and City Commissioners Hardesty, Mapps, Rubio and Ryan
1220 SW Fourth Ave.
Portland, OR 97201

Dear Mayor Wheeler and Commissioners,

Oregon Smart Growth (OSG) urges you to support the Hyatt Place hotel and housing project (LU19-145295) and reject the appeal by the Pearl Neighbors for Integrity in Design (PNID). OSG is a coalition of developers, investors and allied professions that supports policies encouraging walkable, compact development that is economically, environmentally and socially sustainable.

The Hyatt Place project is an ideal smart growth mixed-use project that includes affordable housing through the Inclusionary Housing program, meets *all* zoning codes—without adjustments or modifications—and was approved *unanimously twice* by the Design Commission. The location is ideal for mixed use development with a range of housing affordability, as it is served by significant public transit investments (light rail, streetcar, bikeways/greenways) and is exactly the type of project that CC 2035 envisions and encourages.

The project's developers also worked to address Council's requested modifications, through revisions that include expanded setbacks and extended canopies. **After two additional Design Commission hearings, the project was unanimously reapproved. We urge City Council to do the same.**

OSG recognizes the challenges that the City faces to process development projects under the coronavirus guidelines and at the same time, the City needs to move projects ahead efficiently to recover the economy and meet housing needs. The applicant first began the land use process in July 2018—*two and half years ago*—and while the coronavirus slowed the process, the delays due to the CC 2035 remand and PNID opposition tactics have been significant.

Further delays at this point, given the support of the Design Commission and adherence to CC 2035 and zoning codes would not only be challenging to the project, but would send a negative message to the development community trying to help rebuild the economy and provide housing.

Nearby multifamily tower residents fighting new apartment towers that are like the ones they live in is highly ironic and should not sway Council. We must choose to prioritize housing to meet the full range of needs in Portland over the objections of a few individuals, as well as the mixed-use, walkable development called for in CC 2035, especially in areas with strong services and transit.

OSG appreciates your consideration of this matter and urges you to support the Hyatt Place project and reject the appeal by PNID.

Sincerely,

Gwenn A. Baldwin
Executive Director

From: [Amy Ruiz](#)
To: [Council Clerk – Testimony](#)
Cc: [Diaz, Samuel](#); [Bond, Mark](#); [Montez, Chariti](#); [Lujan Valerio, Rico](#); [Carney, Shannon](#); [Bradley, Derek](#); [Glazewski, Matt](#); [Michelle Plambeck](#)
Subject: Oregon Smart Growth testimony on Hyatt appeal
Date: Thursday, January 14, 2021 11:58:15 AM
Attachments: [OSG Letter Opposing Appeal of Hyatt Place project 1-14-21.pdf](#)

Attached, please find testimony from Oregon Smart Growth on Council item 30.

We continue to support the Hyatt Place project as an ideal smart growth mixed-use project that includes Inclusionary Housing, meets all zoning codes, leverages a transit-rich neighborhood, and was unanimously approved – twice – by the Design Commission. We urge Council to reject the appeal, and approve the project.

Thank you,
Amy Ruiz
503-929-1036

From: [Patricia Cliff](#)
To: [Council Clerk – Testimony](#)
Cc: ["Carrie Richter \(CRichter@batemanseidel.com\)"](#)
Subject: Oregon Smart Growth letter - LU - 19-145-295
Date: Thursday, January 14, 2021 1:47:36 PM

I was just sent a copy of the letter from Oregon Smart Growth which was submitted in support of the Hyatt project.

This letter is basically a recitation of their previous letter supporting this project on a prior date.

I don't consider Oregon Smart Growth's support for this project surprising, since they are essentially a lobbyist organization for developers and builders in Portland.

Moreover, the Vice President who appears on the letterhead is Sam Rodriguez who is also the Senior Managing Director of Mill Creek Residential. Mill Creek has recently built the three largest apartment complexes in the Pearl District. He also served as the Vice Chair of the Design Commission when they approved the Hyatt Place development before the Design Commission both initially and on remand. Clearly Mr Rodriguez wears many hats and the support letter Oregon Smart Growth should be viewed in this light. In our opinion, his continued involvement with the project, in which Mill Creek will benefit because of the additional height permitted in the Hyatt Place project, will benefit Mill Creek Residential developments in the future.

For all of these reasons, Pearl Neighbors for Integrity in Design feels that Sam Rodriguez and his organizations should recuse themselves from any further comments on this development.

Thank you for your attention to this matter.

P.

PATRICIA CLIFF, President
Pearl Neighbors For Integrity in Design, PNID
Patricia@patriciacliff.com
www.pearlneighbors.org

City Council Meeting - Thursday, August 20, 2020 2:00 p.m. - Item 675

Status	No.	First	Last	Email	Access	Registration Time	Zip
Oppose the appeal							
x	1	David	Chen	dc8888888@gmail.com	Computer	8/16/2020 17:06	97239
x	2	Doug	Klotz	dougurb@gmail.com	Computer	8/16/2020 19:33	97214
x	3	David	Dysert	david.dysert@gmail.com	Computer	8/18/2020 7:08	97209
	4	James	Wong	JWONG@VIBRANTCITIES.COM	Computer	8/14/2020 16:33	98006
	5	brian	Fleener	brian.fleener@otak.com	Computer	8/18/2020 10:25	97239
Support the appeal							
x	1	Alvin	Solomon	ars9712@gmail.com	Computer	8/17/2020 7:24	97209
x	2	Denise	Green	Dgreen@embreydc.com	Computer	8/18/2020 11:03	97209
x	3	Ezra	Rabie	EzraRabie@Gmail.Com	Computer	8/16/2020 17:52	97209
x	4	Rita	Silen	ritasilen@yahoo.com	Computer	8/17/2020 14:44	97209
x	5	Patricia	Cliff	patricia@patriciacliff.com	Computer	8/18/2020 11:16	97209
x	6	Karl	von Frieling	karlvonfrieling@gmail.com	Computer	8/18/2020 11:28	97209
x	7	Neilson	Abeel	NAbeel1940@gmail.com	Phone	8/16/2020 17:37	97209

City Council Meeting - Thursday, January 14, 2021 2:00 p.m.
Item 30

**I want to provide testimony because I disagree with the
Design Commission's recommendation to approve the proposal.**

No.	First	Last	Zip
1	Rita	Silen	97209
2	Joseph	McGee	97209
3	Patricia	Cliff	97209
4	Carolyn	Wheatley	
5	Rosemond	Graham	97209
6	Ezra	Rabie	97209
7	Kathleen	ODonnell	97209