

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

| | |
|---------------------------|---|
| Applicant/Owner: | Li Alligood Otak, Inc. 808 SW 3rd Ave #300 Portland, OR 97204 James Wong Parq on 12th LLC 606 Maynard Ave S #251 Seattle, WA 98104 |
| Developer | Ray Harrigill The Sunray Companies, LLC 1012 Madison Ave Ste A Madison, MS 39110A |
| Appellant | Pearl Neighbors for Integrity in Design Represented by Carrie Richter Bateman Seidel 1000 SW Broadway, Suite 1910 Portland, OR 97205 |
| Site Address: | 350 NW 12th Avenue |
| Legal Description: | BLOCK 78 LOT 6&7, COUCHS ADD |
| Zoning: | EXd: Central Employment (EX) base zone, and Design (d) overlay zone |
| Case Type: | DZ: Design Review |
| Procedure: | Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council |

Proposal:

The applicant requested **Design Review** approval for a 23-story mixed use building, which includes hotel and residential uses, in the Pearl Sub-District of the Central City Plan District (the "Project"). The height of the approved quarter-block building is 250 feet with 197,118 square feet of floor area. The Project will provide 160 hotel rooms and 111 dwelling units. The Project does not include on-site parking, but includes a loading bay with two on-site loading spaces. Exterior materials include ribbed and flat metal paneling, aluminum windows, glass guardrails, steel canopies, formed concrete piers and aluminum storefronts. The Project complies with all applicable development standards and therefore, there were no adjustments or modifications requested by the applicant.

As addressed in detail in the procedural history section below, the Design Commission approved the Project following a series of hearings as part of their initial review and decision. The Design Commission's decision was appealed to the City Council and the City Council elected (at the suggestion of the applicant) to remand the matter back to the Design Commission to consider input from the City Council for revisions to building design. In response to City Council comments during the appeal hearings, the applicant proposed several changes to building design for consideration by the Design Commission during the remand proceedings. The Design Commission agreed that the following changes responded to City Council and Design Commission comments regarding context, the pedestrian realm, and setbacks and sculpting, and that with these changes the Project continued to comply with applicable design guidelines: setbacks to the middle section of the building were increased an additional 12" on the north and west elevations; the middle volume of the building was also lowered by one level; the top of the building was further setback 2' on the north and west elevations; the projection of the ground floor canopies was increased from 4'-6" to 6'-0"; canopy projections for the corner entrance canopy were increased from 5'-6" to 6'-0"; and setback for the hotel entrance at the northwest corner was increased from 5' to 7'.¹ Therefore, the Design Commission recommend approval of the Project with those changes to the Project originally approved by the Design Commission. The Design Commission rejected other changes proposed or offered by the applicant during the remand process, including an increased setback along Flanders Street from 3' to 5', changes to the storefront window details, and the potential relocation of the main entry of the hotel from the northwest corner to the Flanders Street frontage.

¹ The Design Commission did not identify the increased hotel entrance setback in the introduction to their recommendation to City Council following the remand hearings. However, that change was documented in the applicant's plan sets approved through this decision and in the presentations to both the Design Commission during the remand hearings and to the City Council during the final hearing.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the applicable approval criteria of Portland City Code ("PCC") Title 33. The relevant approval criteria are:

- 33.825, Design Review
- *The Central City Fundamental Design Guidelines*
- *The River District Design Guidelines*

City Council Appeal Hearing #1: August 20, 2020. The City Council held a de novo public hearing. The hearing was in the form of a virtual meeting due to COVID 19, consistent with the governor's Executive Order 20-16. The Council hearing concluded with the applicant requesting that the record be held open. Council held the record open as follows:

- 7 days for New Evidence: Deadline: Thursday, August 27, 2020.
- 7 days for a Response to New Evidence: Deadline: Thursday, September 03, 2020.
- 7 days for the deadline for the applicant's Final Statement: Deadline: Thursday, September 10, 2020.

City Council Appeal Hearing #2: September 16, 2020. The City Council held a closed-record, virtual public hearing to deliberate on the appeal. The Council had been provided the comments and evidence submitted during the 7-day period for new evidence, the 7-day period for response evidence, and the applicant's final statement. At the conclusion of the hearing, the City Council remanded the appeal back to the Design Commission, per the request of the applicant should additional design changes be necessary. Some City Council members expressed concerns that the Approval Criterion was not yet met.

City Council Appeal Hearing #3: December 10, 2020. The City Council continued the hearing to January 14, 2021. The Council did not take testimony but left the record open.

City Council Appeal Hearing #4: January 14, 2021. The City Council held a de novo, virtual hearing to review Design Commission's Recommendation, consider additional testimony and make a tentative vote on the proposal. After accepting public testimony, the Council deliberated on the appeal. Commissioner Hardesty moved, and Commissioner Ryan seconded the motion, to deny the appeal and uphold the Design Commissions findings and conditions of approval. The motion was adopted by a tentative vote of 5 to 0. The item was continued to February 10, 2021 for the final vote and adoption of final findings.

City Council: February 10, 2021. Final vote and adoption of final findings. Commissioner Hardesty moved and Commissioner Ryan seconded the motion, and Council voted 5-0 to deny the appeal and uphold the decision of the Design Commission to approve the project as modified and adopt the findings.

Decision

The proposed building will provide 160 hotel rooms and 111 residential units within a 250' high, quarter-block building that is 197,118 square feet in area. The site is in a close-in area of the Central City Plan District that is well served by transit. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. With the added conditions and revisions to the upper floor setbacks, the cornice and the ground level canopies, the proposal meets the applicable design guidelines, and therefore warrants approval.

Based on evidence in the record and adoption of the Council's Findings and Decision in Case File LU 19-145295 DZ and by this reference made a part of this Order, it is the decision of City Council to deny the appeal of the Design Commission decision (LU 19-145295 DZ) and approve the Design Review for a new 23-story mixed use building consisting of hotel/hospitality and residential uses in the Pearl District Sub-District of the Central City Plan District. Included are café/lounge and lobby space at the ground level, 160 hotel rooms on levels 2-11, 111 one-bedroom and studio units on levels 12- 23, shared amenity and event/lounge spaces are located on the mezzanine and the 22nd floor. Two loading spaces are located off of NW 12th Avenue. Exterior materials include concrete panel at the base and metal panel at the middle and top of the tower.

Approval per Exhibits H-279 - H-341, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-145295 DZ". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. The ACM panel color palette be as is shown in Exhibit H-315: "Preferred Color Choices" (Pewter - #989da0 and Apparition - #cdc9bf).
- D. NO FIELD CHANGES ALLOWED.

IT IS SO ORDERED:

2/12/2021

Date

Ted Wheeler Digitally signed by Ted
Wheeler
Date: 2021.02.12
16:10:15 -08'00'

Mayor Ted Wheeler

Presiding Officer at Hearing of

February 10, 2021

9:30 a.m. Session



February 16, 2021

Li Alligood
Otak, Inc.
808 SW 3rd Ave #300
Portland, OR 97204

James Wong
Parq on 12th LLC
606 Maynard Ave S #251
Seattle, WA 98104

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

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 19-145295 DZ. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter.

1. Please send a check for \$101.00 made payable to the Multnomah County Recorder, indicating the file number on your check.
2. SEND TO: The City of Portland, Office of the City Auditor, 1221 SW 4th Ave. Room 130, Portland, OR 97204-1900

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City’s proceedings on this land review. LUBA’s address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA’s website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland
By: *Keelan McClymont*
Keelan McClymont, Council Clerk

Encl.





NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: February 16, 2021

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

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 19-145295 DZ, denying the appeal and upholding the decision of the Design Commission to approve the project as modified and adopt the findings. If you wish to obtain a copy of the City Council’s findings and decision, please contact the Council Clerk by email at councilclerk@portlandoregon.gov or at (503) 823-4085.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City’s proceedings on this land review. LUBA’s address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA’s website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland
By: *Keelan McClymont*
Keelan McClymont, Council Clerk

Encl.



Li Alligood
Otak, Inc.
808 SW 3rd Ave #300
Portland, OR 97204

Bureau of Development Services
Case File Art Graves
1900 SW 4th Ave #5000
Portland, OR 97201

Patricia Cliff
311 NW 12th Ave #1502
Portland, OR 97209-2997

Jon Isaacs
Portland Business Alliance
121 SW Salmon St #1440
Portland, OR 97204

Doug Klotz
1908 SE 35th Pl
Portland, OR 97214

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

Ethel C. Katz
311 NW 12th Ave
Portland, OR 97209

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

Jeanni Chrisman
Pearl Pilates Studio
1211 NW Glisan St #207
Portland, OR 97209

Roger Sanders
311 NW 12th Ave #203
Portland, OR 97209

James Wong
Parq on 12th LLC
606 Maynard Ave S #251
Seattle, WA 98104

Bureau of Development Services
Hearings Clerk
1900 SW 4th Ave #5000
Portland, OR 97201

Emailed: Art Graves, Linly Rees, Michael
Jeter, BDS Hearings Clerks, Hearings Office
Clerks, Doug Morgan, Kurt Krueger, Dawn
Krantz, Robert Haley, Dawn Uchiyama,
Stephen Himes

Michael Morgan
333 NW 9th Ave #1014
Portland, OR 97209

Gwenn A. Baldwin
Oregon Smart Growth
707 SW Washington St
Portland, OR 97205

Ezra Rabie
333 NW 9th Ave
Portland, OR 97209

Chris Gilmore
311 NW 12th Ave #1303
Portland, OR 97209

Jerome Marger
311 NW 12th Ave
Portland, OR 97209

Derry and Paul Tseng
311 NW 12th Ave #303
Portland, OR 97209

Mark M. Sexton
311 NW 12th Ave #802
Portland, OR 97209

Ray Harrigill
The Sunray Companies, LLC
1012 Madison Ave Ste A
Madison, MS 39110

Carrie Richter
Bateman Seidel
1000 SW Broadway #1910
Portland, OR 97205

LU 19-145295 DZ
Order of council mailed: 2/16/21

Neilson Abeel
1325 NW Flanders St
Portland, OR 97209

Denise Green
311 NW 12th Ave
Portland, OR 97209

Karl von Frieling
311 NW 12th Ave
Portland, OR 97209

Ashley Carson & George McNiel
311 NW 12th Ave #1204
Portland, OR 97209

John McCalla
311 NW 12th Ave #1001
Portland, OR 97209

Ross P. Laguzza
311 NW 12th Ave
Portland, OR 97209

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

Carolyn Wheatley
408 NW 12th Ave #413
Portland, OR 97209

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

Tobi Travis
408 NW 12th Ave
Portland, OR 97209

Sarah Mace
408 NW 12th Ave
Portland, OR 97209

Renee M. France
Radler White Parks & Alexander LLP
111 SW Columbia St #700
Portland, OR 97201

Jared Hayes
408 NW 12th Ave
Portland, OR 97209

Stephen Aiguier
Green Hammer
721 NW 9th Ave #195
Portland, OR 97209

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

Kirk Wallace
311 NW 12th Ave #803
Portland, OR 97209

Carol Adelson
311 NW 12th Ave #1602
Portland, OR 97209

Chris Brehmer
851 SW 6th Ave #600
Portland, OR 97204

Julia Kuhn
851 SW 6th Ave #600
Portland, OR 97204

Rick Nys
13554 Rogers Road
Lake Oswego, OR 97035

Rita Silen
416 NW 13th Avenue
Portland, OR 97209

Email list for non-fee letter, ooc and findings - sent to testimony that didn't provide a mailing address

David Chen

dc88888888@gmail.com

David Dysert

david.dysert@gmail.com

Brian Fleener

brian.fleener@otak.com

Alvin Solomon

ars9712@gmail.com

Iain MacKenzie

i.f.mackenzie@gmail.com

Faun Tiedge

faun@tiedge.com

Jane

starbirdjane@gmail.com

Emily Brew

emilybrew@gmail.com

Joe Miller

info@domainworld.com

Rosemond Graham

rosemondg@aol.com

Kathleen ODonnell

[Kathleen@odonnellgrouprealty.co
m](mailto:Kathleen@odonnellgrouprealty.com)