



NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: June 30, 2016
RE: LU 15-276553 DZM

Appeal of Kegan Flanderka, Works Partnership Architecture against the Design Commission's interpretation and enforcement of Section C2, Promote Quality and Permanence in Development, specifically in regard to the proposed exterior cladding material for Jupiter Hotel expansion, located at 910 E Burnside (Hearing; LU 15-276553 DZM)

Enclosed is a copy of the Order of Council on LU 15-276553 DZM granting the appeal and amending Design Commission's decision approving a Design Review for a new 6-story hotel with 67 hotel rooms, retail, restaurant and event space and the Modification to loading in the Central Eastside sub district of Central City. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: Karla.Moore-Love@portlandoregon.gov or at (503) 823-4086.

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: 

Karla Moore-Love, Council Clerk

Encl.





June 30, 2016

Kegan Flanderka
Works Partnership Architecture
524 E Burnside Street Suite 320
Portland, OR 97214

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

RE: LU 15-276553 DZM

Appeal of Kegan Flanderka, Works Partnership Architecture against the Design Commission's interpretation and enforcement of Section C2, Promote Quality and Permanence in Development, specifically in regard to the proposed exterior cladding material for Jupiter Hotel expansion, located at 910 E Burnside (Hearing; LU 15-276553 DZM)

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 15-276553 DZM. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$61.00 made payable to the Multnomah County Recorder, indicating the file number on your check and SEND TO: The City of Portland, Office of the City Auditor, 1221 SW 4th Ave. Room 130, Portland, OR 97204-1900**

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Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.



APPEAL OF KEGAN FLANDERKA, WORKS PARTNERSHIP ARCHITECTURE AGAINST THE DESIGN COMMISSION'S INTERPRETATION AND ENFORCEMENT OF SECTION C2, PROMOTE QUALITY AND PERMANENCE IN DEVELOPMENT, SPECIFICALLY IN REGARD TO THE PROPOSED EXTERIOR CLADDING MATERIAL FOR JUPITER HOTEL EXPANSION, LOCATED AT 910 E BURNSIDE (HEARING; LU 15-276553 DZM)

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

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

Site Address: 910 E BURNSIDE STREET

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

Zoning: EXd – Central Employment zone with a Design overlay

Procedure: Type III, with a public hearing before the Design Commission.

Original Proposal:

The applicant seeks Design Review approval for a new 6-story hotel in the Central Eastside sub district of Central City. The project provides 67 hotel rooms on the upper four floors, large event space and outdoor deck on the 2nd floor, and retail, restaurant and hotel lobby on the ground floor along with loading and back-of-house areas. Bike parking for both visitors and employees are provided on site along both street frontages and on the interior. The exterior finishes include options for metal shingle or layered asphalt composition shingle for the primary cladding, and aluminum storefront system, vinyl windows, mirror glass soffit and metal panel.

Along Burnside, floors 2 through 6 extend into the right-of-way above the sidewalk up to 8'-0" in depth, which is considered a Major Encroachment by Transportation. A request to eliminate the Major Encroachment review process for properties along E Burnside, specifically, went before City Council on March 16, 2016. Council supported the ordinance and the Major Encroachment process will therefore be waived for such projections along E. Burnside. A recommendation from the Design Commission to City Council is no longer necessary.

Along 9th, a 2'-6" deep oriel window at floor 5 extends into the right-of-way above the sidewalk. An exception to the Oriel Window standard E is requested to exceed the 12' maximum bay length (27.2' length proposed).

The following Modification is requested:

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

Nonconforming Upgrades - The site and ownership includes the block to the west where the current Jupiter Hotel and Doug Fir Lounge exist. Per Section 33.258.070.D, when improvements to a site are made that exceed \$155,900, up to 10% of the total project value must be spent towards bringing the site up to conformance with the current zoning code regulations. The potential upgrades identified include screening

of trash and recycling, 6' wide pedestrian connections through the site and to the abutting streets, long and short term bike parking and screening of vehicle areas from adjacent properties. Staff is working with the applicant to confirm which upgrades are required and if they will be addressed in this design review. If not addressed in this review, separate land use reviews (Design, Modification and/or Adjustment reviews) may be required before building permit issuance.

The City Council appeal hearing was opened in the Council Chambers, 1221 SW 4th Avenue on June 8, 2016 at approximately 2:00 p.m. After hearing public testimony and considering the evidence in the record, the Council continued the hearing to June 15, 2016 at 9:45 a.m. On June 15, 2016 Council voted 5-0 to tentatively grant the appeal with modification and amend Condition B of the Design Commission's decision and ordered staff to prepare Council final findings for consideration and adoption on June 29, 2016 at 10:35 a.m. On June 29, 2016 at 10:35 a.m. Council voted 5-0 to adopt findings and a final decision to grant the appeal and amend Design Commission's decision approving a Design Review for a new 6-story hotel with 67 hotel rooms, retail, restaurant and event space and the Modification to loading in the Central Eastside sub district of Central City.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 15-276553 DZM** and by this reference made a part of this Order, **it is the decision of Council to Grant the appeal of Kegan Flanderka, Works Partnership Architecture and amend Design Commission's decision.**

It is the decision of the Council to grant the appeal of the applicant and amend Condition of Approval B of the Design Commission's Design Review approval as noted below (modified condition is in *italics*)

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

Approval of the following Modification:

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

Approvals per Exhibits C.1-C-66, signed, stamped, and dated June 29, 2016, subject to the following conditions:

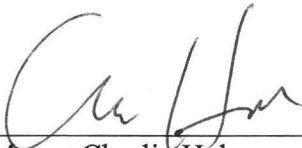
- A. As part of the building permit application submittal, the following development-related conditions (A – D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 15-276553 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B.** *The alternate exterior cladding option of metal shingle in a dark grey in 26-gauge is allowed or Malarkey Legacy asphalt composition shingle in a dark grey or black.*
- C.** If the transformer cannot be pole-mounted and/or subterranean pursuant to PBOT and/or PGE standards, its location shall be subject to a future Type II Land Use Review. That Type II Land Use Review, if required, must be approved prior to issuance of any building permit.
- D.** No field changes allowed.

IT IS SO ORDERED:

JUNE 30 2016

Date



Mayor Charlie Hales
Presiding Officer at Hearing of
June 29, 2016
9:30 a.m. Session

MAUREEN MCCARTIN
BENSON TOWER
1500 SW 11TH AVE A
PORTLAND OR 97201

KEGAN FLANDERKA
WORKS PARTNERSHIP ARCH
524 E BURNSIDE STE 320
PORTLAND OR 97214

TOD BRESLAU & KELSEY BUNKER
JUPITER CITY MOTEL LLC
800 E BURNSIDE ST
PORTLAND OR 97214

SEUL
PRESIDENT/LAND USE CONTACT
3534 SE MAIN ST
PORTLAND OR 97214

AIA URBAN DESIGN COMMITTEE
ROBERT HOFFMAN
403 NW 11TH
PORTLAND OR 97209

CEIC
PRESIDENT/LAND USE CONTACT
PO BOX 14251
PORTLAND OR 97293

CITY HALL
AUDITORS OFFICE
1221 SW 4TH AVE #130
PORTLAND OR 97204

EAST BURNSIDE BA
RICK LEIPZIG
2705 E BURNSIDE #110
PORTLAND OR 97214

KARLA MOORE-LOVE
CITY HALL
1221 SW 4TH AVE #130
PORTLAND OR 97204

KERNS
STEVE RUSSELL
623 NE 23RD AVE
PORTLAND OR 97232

METRO
SUSTAINABILITY CENTER
600 NE GRAND AVE
PORTLAND OR 97232

OREGON WALKS
C/O DOUG KLOTZ
1908 SE 35TH PLACE
PORTLAND OR 97214

OWNER AGENT
KELSEY BUNKER
2225 NE 24TH AVE
PORTLAND OR 97212

PORTLAND SCHOOL DIST #1
JUSTIN DOLLARD
501 N DIXON
PORTLAND OR 97227

SOUTHEAST UPLIFT OFFICE
PRESIDENT/CONTACT
3534 SE MAIN ST
PORTLAND OR 97214

TRIMET
GRANT O'CONNELL
1800 SW FIRST AVE #300
PORTLAND OR 97201

TEAM OREGONIAN
1500 SW 1ST AVE STE 400
PORTLAND OR 97201-5828

STACI MONROE
BDS
1900 SW 4TH AVE #5000
PORTLAND OR 97201

JOHN RABUNG
3131 N COLUMBIA BLVD
PORTLAND OR 97217

JOHN KOBAYASHI
3131 N COLUMBIA BLVD
PORTLAND OR 97217

EMAILED: STACI MONROE, KATHRYN BEAUMONT,
LINLY REES, DENIS VANNIER, BDS HEARINGS CLERKS, TIM
HERON/DESIGN COMMISSION, DOUGLAS
MORGAN, KURT KRUEGER, DAWN KRANTZ, ROBERT
HALEY, DAWN UCHIYAMA, ELISABETH REESE
CADIGAN, MARI MOORE, TONI ANDERSON, MAYA
RINTA, PDC B129, SARAH DRAKE

LU 15-276553 DZM
ORDER MAILED: 06-30-16