

Item 665
Motion 6/15/2016

Motion to amend condition B to read “the alternate exterior cladding option of metal shingle in a dark grey and 26 gauge is allowed, or Malarkey asphalt siding in a dark grey or black”:

Moved by Fritz and seconded by Hales.

Council voted as follows:

Yeas: Fish, Saltzman, Novick, Fritz, Hales.

June 15, 2016 Agenda Disposition:

665 TIME CERTAIN: 9:45 AM – 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 (Previous agenda 651; Hearing introduced by Commissioner Saltzman; LU 15-276553 DZM) 1 hour requested

Motion to tentatively grant the appeal with modification and amend Condition B of the Design Commission’s decision to read “the alternate exterior cladding option of metal shingle or in a dark grey and 26 gauge is allowed, or Malarkey asphalt siding in a dark grey or black”: Moved by Fritz and seconded by Hales. (Y-5)

**TENTATIVELY GRANT
APPEAL WITH
MODIFICATION:
PREPARE FINDINGS FOR
JUNE 29, 2016
AT 10:35 AM
TIME CERTAIN**

Item 738
6-29-2016

Motion: FINDINGS ADOPTED

Moved by Fish and seconded by Novick.

Council voted as follows:

Yeas: Fish, Saltzman, Novick, Fritz, Hales.



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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MEMORANDUM

May 18, 2016

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

FROM: Paul L. Scarlett, Director
Bureau of Development Services

PLS

RE: City Council hearing on LU 15-276553 DZM - Type 3 Appeal (Jupiter Hotel Expansion)

The purpose of this memorandum is to provide a summary and brief description of the land use review that will be presented to you in public hearing on June 8, 2016 at 2:00 PM, time certain.

Site Address: 910 E Burnside Street

BDS Representative: Staci Monroe, Senior Planner

1. **Land Use Reviews Requested:** Type III Design Review (DZ) with Modification Requests (M)
2. **Key Elements of Proposal:**

Applicant: Kegan Flanderka, Works Partnership Architecture
Owner: Tod Breslau & Kelsey Bunker, Jupiter Hotel
Site Size: 8,800 SF
Development: New 6-story hotel in the Central Eastside sub district providing 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.

3. **Final Decision:**

The decision of the Design Commission is to approve the Design Review (DZ) and Modification (M) with conditions. The conditions of approval are as follows and include a specific condition regarding the exterior material on the building:

- A. As part of the building permit application submittal, the following development-related conditions (A – D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be

labeled "ZONING COMPLIANCE PAGE- Case File LU 15-276553 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

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

4. **Alternatives Facing Council:**

- Deny the appeal, and uphold the Design Commission's decision to approve with conditions the requested Jupiter Hotel Expansion Design Review (DZ) and Modification (M), Case File #LU 15-276553 DZM that requires the use of metal shingle as the primary exterior building material.
- Grant the appeal to modify Condition B of the Design Commission's decision to approve with conditions the requested Jupiter Hotel Expansion Design Review (DZ) and Modification (M), Case File #LU 15-276553 DZM to allow the use of asphalt composition shingle as the primary exterior building material.
- Grant the appeal to modify Condition B of the Design Commission's decision to approve with conditions the requested Jupiter Hotel Expansion Design Review (DZ) and Modification (M), Case File #LU 15-276553 DZM to allow a choice of either the asphalt composition shingle or metal shingle as the primary exterior building material.

IMPACT STATEMENT

Legislation title:

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 (Hearing; LU 15-276553 DZM)

Contact name: Staci Monroe, BDS

Contact phone: 503-823-0624

Presenter name: Staci Monroe, BDS

Purpose of proposed legislation and background information:

This is an appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.790.030.F provides Type III Land Use Review decisions may be appealed to City Council.

Financial and budgetary impacts:

This is not a legislative action. This quasi-judicial action applies to one site. The decision will not solely or substantially impact City revenues.

Community impacts and community involvement:

Any impacts associated with the current application and appeal procedure are related to the exterior materials on the building. Two options for the exterior cladding of the building were proposed by the applicant – asphalt composition shingles and metal panel shingles. The Design Commission approved the metal panel shingles, due to quality and permanence concerns with asphalt composition shingle option thereby not meeting Central City Fundamental Design Guideline C2 (Promote Quality and Permanence in Development).

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Buckman Neighborhood Association, Southeast Uplift (district coalition), and Central Eastside Industrial Council (business district) all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, AIA Urban Design Committee and the Oregon Department of Transportation are also mailed notice.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. No comments from the public were received by city staff or the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision.

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount