



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 31, 2012  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
503-823-5892 / [Kara.Fioravanti@portlandoregon.gov](mailto:Kara.Fioravanti@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 12-119910 DZM**

#### **NEW TENANT STOREFRONT IMPROVEMENTS YARDHOUSE RESTAURANT**

#### **GENERAL INFORMATION**

**Applicants:** Pioneer Place Limited Partners (owner)  
PO Box 617905 / Chicago, IL 60661  
  
Association of Unit Owners (owner)  
700 SW 5<sup>th</sup> Avenue / Portland, OR 97204

**Representative:** Michelle Lanker, DLR Group  
901 Fifth Avenue, Suite 700 / Seattle, WA 98164

**Site Address:** Full Block bound by SW Yamhill, Taylor, 4<sup>th</sup> and 5<sup>th</sup>  
**Legal Description:** Pioneer Place Condominium  
**Tax Account No.:** R659800040  
**State ID No.:** 1S1E03BB 90002  
**Quarter Section:** 3129  
**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - Downtown  
**Zoning:** CXd, Central Commercial with design overlay  
**Case Type:** Design Review, DZ  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:** The applicant seeks design review approval to install new exterior exhaust louvers, storefront, canopies and signs. The new work is proposed for the West elevation between the exit doors and the recessed entry to the food court.

#### **Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the Central City Fundamental Design Guidelines.

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. This application was submitted on March 26, 2012 and determined to be complete on March 27, 2012.

## ANALYSIS

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay [d] zone 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.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 29, 2012**. The following Bureaus have responded with no issues or concerns: Site Development, Bureau of Environmental Services, Bureau of Transportation Engineering, and Urban Forestry.

The Water Bureau responded with the following comment (Exhibit E-1)

*The Water Bureau has no concerns regarding the requested Design Review with modifications for the installation of new exhaust louvers, exterior modifications and signage on the existing building exterior located at 888 SW 5th Ave, State tax account #R659800060.*

*There are four services which provide water to this location and are as follows:*

- 1. 2" metered service – Serial #31611070, Account #2961683300*
- 2. 3" metered service – Serial #6598822, Account #2995585700*
- 3. 4" metered service – Serial #5422445, Account #2995585600*
- 4. 6" metered fire service – Serial #X122503, Account #2996343000*

*The above listed services are provided water from the existing 24" CI water main in SW 4th Ave.*

*The estimated static water pressure range for this location is 62 psi to 77 psi at the existing service elevation of 50 ft. Conditions of Approval: None. Please call me if you have any questions or comments. My phone number is 503-823-7171.*

The Bureau of Development Services, Life Safety responded with the following comment (Exhibit E-2)

*A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.*

The Fire Bureau responded with the following comment (Exhibit E-3)

*The applicant is required to meet any applicable Fire Code requirements through the permit process for this proposal. Please contact the Fire Marshal's Office with any specific questions.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 29, 2012 and on April 27, 2012**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 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.

#### Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. 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.

#### Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

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.*

**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.

**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.

**Findings:** The project provides a new tenant storefront at the street level, opening the existing building (which is, today, very inward focused) to the public realm. Though an entry door is not provided on the street (which would additionally improve the building's relationship to the street) because of existing grades, the proposal offers vitality to the street with new openings, awnings, and signage. 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.

**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:** The project includes a significant effort to relocate mechanical systems, as the northern third of the building will be demolished (approved under separate land use review) and the basement level of the building will continue to house a large food court. Significant attention was paid to finding the right location and the right amount, including quality design and detailing, for the louver area (Exhibit A.9). The louvers are less than originally proposed, much better integrated architecturally than originally proposed, and of a high quality with regard to detail (Exhibit C.3). Exhibit A.9 describes the efforts taken to ensure low impacts on the pedestrian with regard to noise and smell.

Regarding the canopies proposed above the 2 new storefront areas, at the height they are proposed they minimally project from the building face – approximately 2'-6" to 3'. They are in place of the consistent secondary cornice that runs most of the rest of the building. To justify this significant design departure, the canopies should be functional to meet the relevant design guidelines. A Condition of Approval will require the canopies have a minimum of a 4' projection to provide meaningful weather protection; this required minimum projection is proportional to how high above grade the canopies are located. The drawings note that if the canopies are removed in the future, the secondary cornice of the building will continue unless otherwise deemed inappropriate through another design review.

Two exterior signs are proposed. The projecting sign is exempt from Design Review because of its size (less than 30 SF). The wall sign in previous submittals was also exempt from Design Review because of its size (less than 32 SF). The final submittal shows the sign just above head height level, and as such should be more scaled to the pedestrian realm. Right now it is over 10' long and it up to 10"-thick. This would be a large element not too much higher than an average person. A Condition of Approval will require the wall sign to be no more than 32 SF in area.

These guidelines are met with the stated Conditions of Approval.

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.

**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 Design Review process considered many iterations of the storefront design. It was important to maintain the fabric of the existing building around the new storefront insertions to support the building's architectural integrity, which was not the situation with the previous design schemes. This final and approved option maintains the grey building base, the precast banding (color, material and patterning) of the building wall, a column rhythm, the main cornice between floors 2 and 3, and a relationship between the building's patterning and the large louver areas. The materials proposed will largely match existing building materials; the new are of a high quality, particularly the louver profile (Exhibit C.3). These guidelines are met.

## 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.

## CONCLUSIONS

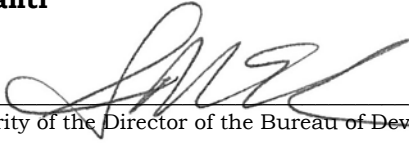
The approval criteria are met.

## ADMINISTRATIVE DECISION

Approval of design review to install new exterior exhaust louvers, storefront, canopies and signs. The new work is proposed for the West elevation between the exit doors and the recessed entry to the food court. Approval per the approved plans, Exhibits C-1 through C-6, signed and dated August 27, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 12-119910 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The 2 canopies must have a minimum 4' projection from the building wall.
- C. If the 2 canopies are removed in the future, the secondary cornice of the building will continue (unless otherwise deemed inappropriate through another design review).
- D. The wall sign will not be more than 32 SF in area.
- E. No field changes allowed.

**Staff Planner: Kara Fioravanti**

**Decision rendered by:**  **on August 27, 2012**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 31, 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 March 26, 2012, and was determined to be complete on **March 27, 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 March 26, 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 (Exhibits G.4-G.8). Unless further extended by the applicant, **the 120 days will expire on: October 19, 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. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project 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.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 14, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** 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 the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21

days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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 the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**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 **September 17, 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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

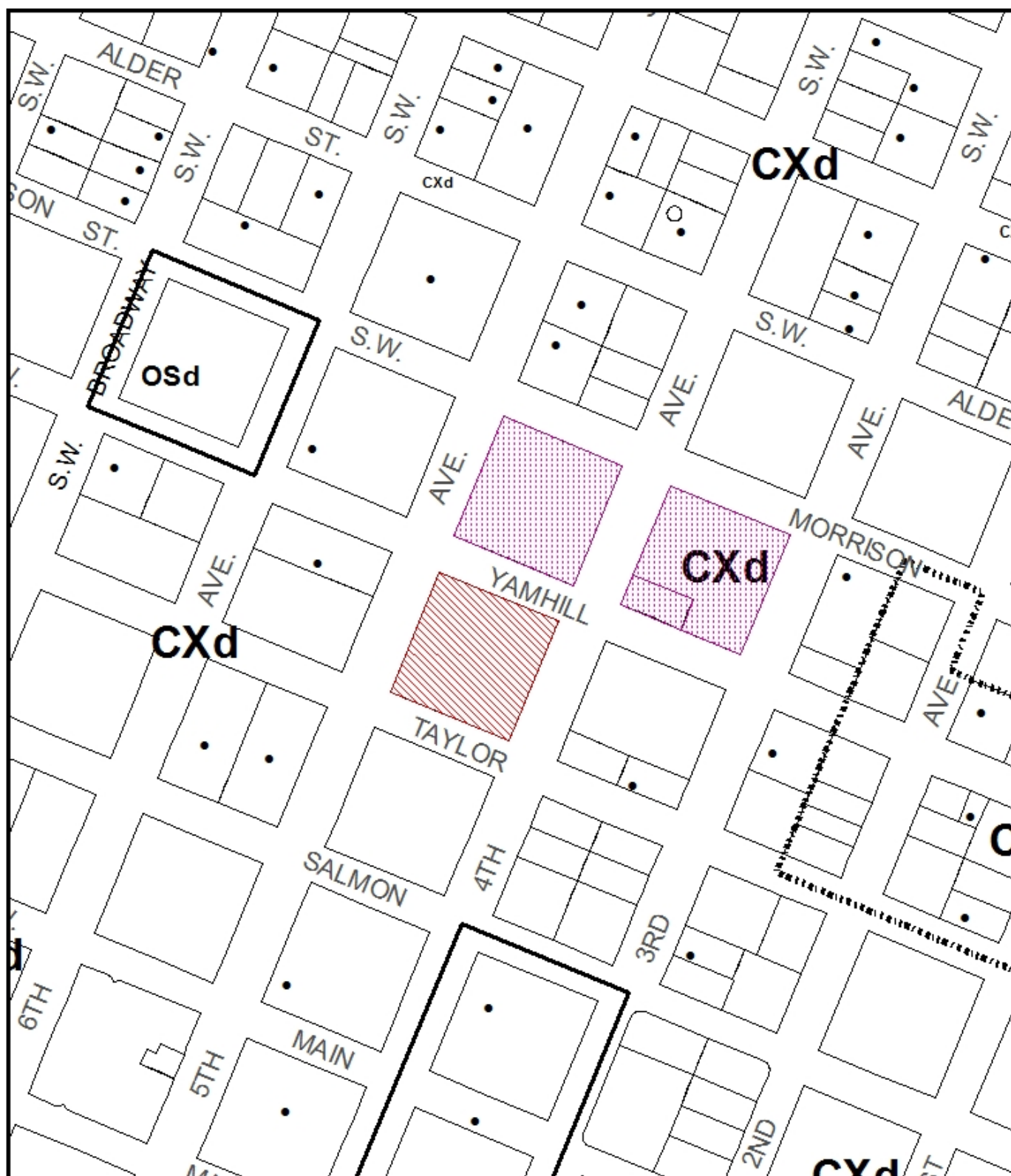
**A. Applicant's Submittals**

1. Original narrative for louvers only
2. Original drawings for louvers only
3. Additional narrative for Yardhouse
4. Original Yardhouse drawings, Option A
5. Original Yardhouse drawings, Option B
6. Revised Yardhouse drawings




7. Revised Yardhouse drawings
  8. Revised Yardhouse drawings
  9. Letter, May 3, 2012 outlining louver re-location analysis
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Partial West Elevation (attached)
  2. Wall Sections (attached)
  3. Louver specifications
  4. Wall sign specifications
  5. Wall sign elevation
  6. For reference only – Projecting sign elevation and details (sign not subject to Design Review)
- D. Notification information:
1. Mailing list, 3-29-12
  2. Mailed notice, 3-29-12
  3. Revised Mailing list, 4-27-12
  4. Revised Mailed notice, 4-27-12
- E. Agency Responses:
1. Water Bureau
  2. Bureau of Development Services, Life Safety
  3. Fire Bureau
- F. Correspondence:  
*None received*
- G. Other:
1. Original LU Application (louvers)
  2. Revised LU Application (Yardhouse)
  3. Site History Research
  4. Email exchange with applicant
  5. Email exchange with applicant
  6. Email exchange with applicant
  7. Email exchange with applicant
  8. Email exchange with applicant

**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).**





## ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 12-119910 DZM</u>
1/4 Section	<u>3129</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E03BB 90000</u>
Exhibit	<u>B (Apr 26,2012)</u>



2018 Revised Signage Code  
 Approved by the Board  
 10/1/2018  
 Page 103 of 101

NOT FOR  
 CONSTRUCTION



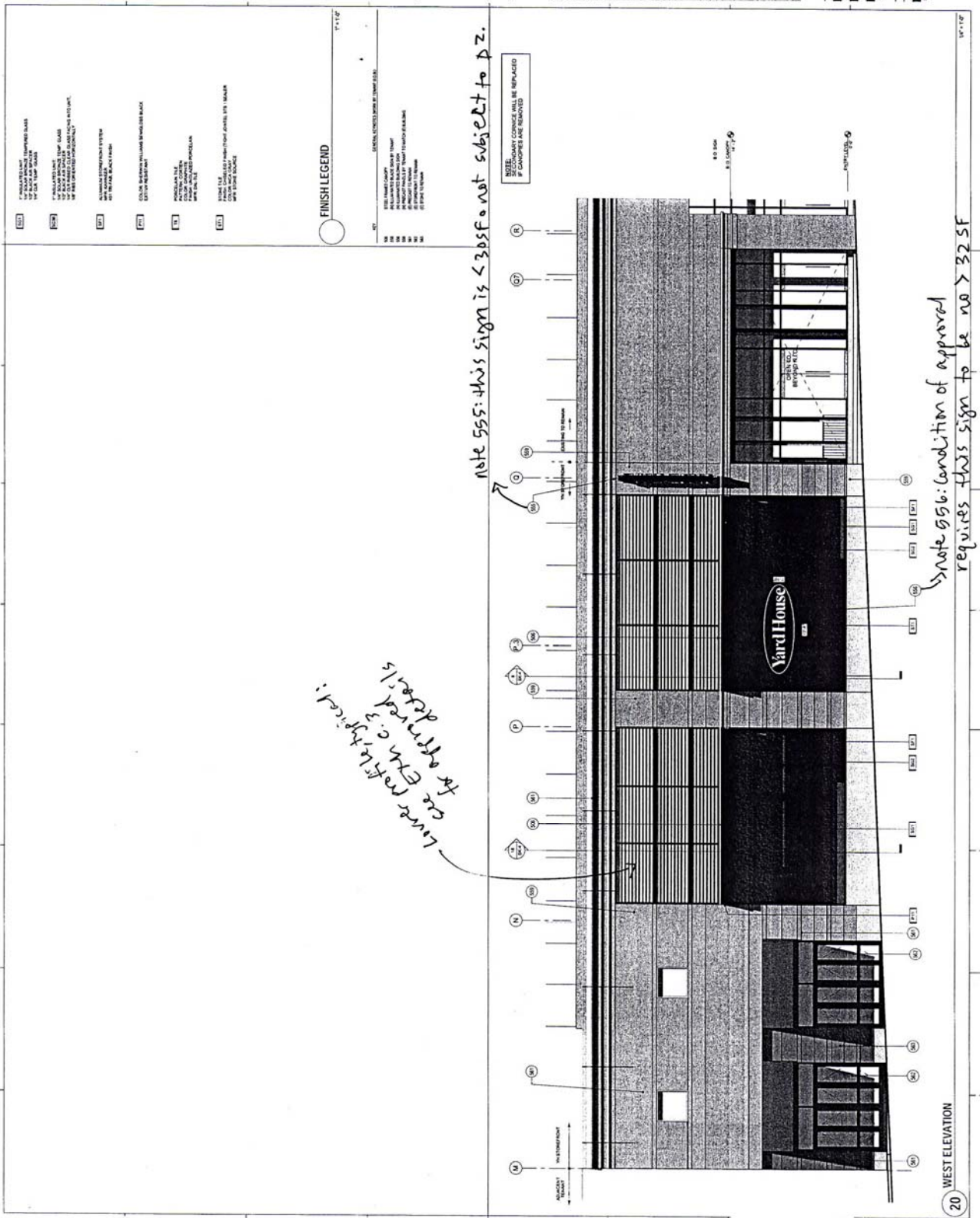
YARD HOUSE RESTAURANTS  
 PIONEER PLACE  
 3000 N. 10TH AVENUE  
 PORTLAND, OR 97228

These are the final design drawings for the project. All other drawings are for informational purposes only. The final design drawings shall be used for construction. The final design drawings shall be used for construction. The final design drawings shall be used for construction.

REVISION	DATE	DESCRIPTION
1	10/1/2018	Initial Design
2	10/1/2018	Revised Design
3	10/1/2018	Final Design

PERMIT SET - PROGRESS	DATE	DESCRIPTION
1	10/1/2018	Initial Design
2	10/1/2018	Revised Design
3	10/1/2018	Final Design

SK-3



Lower portion of sign  
 are not applicable  
 for approved  
 sign

note 555: this sign is < 30sf and not subject to p.z.

note 556: condition of approval  
 requires this sign to be no > 32 sf

EXHC-1  
 12/19910

