



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

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Date: March 7, 2022
To: Interested Person
From: Grace Jeffreys, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 22-100980 HR GALLERIA, NEW ROOFTOP MECHANICAL

GENERAL INFORMATION

Applicant: Patrick Sullivan, Sera Design
338 NW 5th Ave, Portland OR 97209
patrick@seradesign.com, 503.847.2174

Chris Meigel, Sera Architects
338 NW 5th Ave, Portland OR 97209
chrism@seradesign.com, 503.464.6402

Representative: Ty Barker, Unico Properties LLC
601 SW 2nd Ave Suite 1610, Portland OR 97204
TyB@unicoprop.com, 503.860.7068

Owner: UPG Galleria Property Owner LLC
1215 4th Ave #600, Seattle, Wa 98161

Site Address: 600 SW 10TH AVE

Legal Description: BLOCK 217 LOT 1-8 HISTORIC PROPERTY, POTENTIAL ADDITIONAL TAX, PORTLAND

Tax Account No.: R667723220
State ID No.: 1N1E34CC 09400
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com
Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - West End

Other Designations: Historic Landmark, individually listed on the National Register of Historic Places on February 20, 1991

Zoning: CXd – Central Commercial with Design and Historic Resource Protection overlays

Case Type: HR – Historic Resource Review

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to install mechanical equipment and ventilation pipes on the roof of the Galleria Building, a Historic Landmark in the Central City Plan District. The proposal includes replacing existing rooftop unit with a smaller new rooftop unit, adding a new condenser unit, exhaust fans, an intake penthouse and new ductwork.

Historic Resource Review is required because there are already 8 existing units on the roof of the Galleria building, so the proposal is for non-exempt exterior alterations to a Historic Landmark.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- Central City Fundamental Design Guidelines
- 33.846.060.G Other approval criteria

ANALYSIS

Site and Vicinity: The Olds, Wortman and King Department Store was designed by Seattle architect Charles Aldrich in the Late 19th and early 20th Century American Commercial Style. It was constructed in 1910. The building is five stories with a basement and constructed of a steel frame structure encased in fireproof concrete with terra cotta exterior cladding. The building has undergone several interior alterations as well as some exterior alterations yet remains in relatively good condition. The building is a good representation of department store architecture of the time in its use of the Chicago School vocabulary of horizontal expression through a rational base-shaft-capital scheme and its white terra cotta cladding. A full-block 6-level parking garage is connected to the subject property via a skybridge to the South. In addition to its architectural significance, the building is recognized for its association with the rise of the comprehensive department store as a dominant downtown retailing type in the early years of the Twentieth Century.

The building occupies a full block bound by SW 10th Avenue on the west, SW Alder Street on the north, SW 9th Avenue on the east, and SW Morrison Street on the south. Both SW Morrison and SW 10th are Major Transit Priority Streets with the Portland Streetcar running north on SW 10th and the MAX running west on SW Morrison, which is also a Regional Transitway. Both SW Alder and SW 9th are Major City Bikeways, and all four streets are Major City Walkways. The site is also located within the Downtown Pedestrian District.

The surrounding area is zoned Central Commercial with buildings of various sizes, vintages, and uses including office, hotel, residential, and retail, etc. Several other landmark buildings are located nearby including the 1909 Seward Hotel to the west, the Pittock Block two blocks north, the 1913 Stevens, 1912 Woodlark and 1908 Cornelius Hotel buildings to the northeast, and the 1912 Multnomah County Library two blocks south.

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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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 Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland’s Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region’s citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

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 which address special circumstances existing in the Central City area. The site is within the Downtown Subdistrict of this plan district.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 75-004483 (Ref. # DZ 19-75) – Design review approval for underground parking.
- LU 75-004755 (Ref. # DZ 42-75) – Design review approval for underground parking.
- LU 77-004927 (Ref. # DZ 6-77) – Design review approval for a new skybridge.
- LU 00-007050 HDZ (Ref. # LUR 00-00495 HDZ) – Historic design review approval for a new satellite dish receiver on the rooftop.
- LU 02-125320 HDZM – Historic design review approval for restored SW 10th Avenue marquee and two new entrances for the Olds and King Building and a modification to allow the new marquee on SW 10th Avenue to project 11’-0” into the right-of-way.
- LU 03-125820 HDZ – Historic design review approval for removal of non-historic barrel canopies along the SW 10th Avenue and SW Morrison Street façades, and new non-illuminated sign area at the new canopy sides.
- LU 04-034104 HDZ – Historic design review approval for a double sided, non-illuminated, projecting sign at the northeast corner of the building.
- LU 05-125628 HDZ – Historic design review approval for forty building lighting fixtures.
- LU 06-130958 HDZ – Historic design review approval for a rooftop smoking enclosure.
- LU 07-127493 HDZ – Historic design review approval for a new service door, awnings and signage.
- LU 10-125932 HDZ – Historic design review approval for two small signs under canopy.
- EA 11-121586 PC – Pre-application conference for proposed exterior alterations.
- EA 11-140349 DA – Design advice request for proposed alterations to display windows.
- LU 11-163878 HDZ – Historic design review approval for exterior alterations, including the removal of existing signage, installation of new windows and storefront display windows, installation of new wooden replica entry doors, installation of new metal replica marquee, repair to existing terra cotta, and other various exterior alterations.
- LU 12-146375 HDZ – Historic design review approval for two new blade signs, one each to be installed at the northwest and southwest corners of the building and approval for a new horizontal blade sign along SW Morrison.
- LU 15-200431 HR - Historic Resource Review approval of new red canvas awnings and the replacement storefront entry doors at the third story skybridge connection.
- LU 17-126437 HR - Historic Resource Review approval of an RFP transparent faux water tower in the place of a historic water tower feature, subject to the following condition: Any future RF antennas shall be located within the herein approved FRP concealment element, the design of which is based on a previously existing water tower.

If new antennas cannot be accommodated within the RF concealment element a new land use review will be required. Any other new or replacement RF equipment shall be placed on the roof in a manner that does not defeat concealment.

- LU 20-130143 HR – Historic Resource Review approval of storefront alterations and rooftop alterations including louvers to elevator overruns, twenty-two new rooftop condensing units, a new fluid cooler and new louvered mechanical penthouses.
- LU 20-155591 HR – Historic Resource Review approval for fabric awnings, corner blade sign, two under canopy signs, printed privacy film and the denial of a wall-mounted LTE antenna.
- LU 21-057366 HR – Replacement of the glazing and steel frame of the central skylight on the roof. The replacement skylight will be constructed of an aluminum frame with dual pane glazing. The existing gable shape and mullion pattern will be maintained in the new skylight.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **January 26, 2022**. The following Bureaus have responded with no issues or concerns about the proposal:

- Fire Bureau (Exhibit E.1)
- Life Safety Section of BDS (Exhibit E.2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 26, 2022**. 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 33.846, Historic Reviews

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic/Conservation Landmark. Therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

G. Other Approval Criteria:

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

- 5. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings for 1, 2, 3, 4, 5, and 9: The applicant proposes to install mechanical equipment and ventilation pipes on the roof of the Galleria Building, a Historic Landmark in the Central City Plan District. The proposal includes replacing existing rooftop unit with a smaller new rooftop unit, adding a new condenser unit, exhaust fans, an intake penthouse and new ductwork.

Proposed equipment and venting are small, keep in character with existing equipment, and are well hidden from general view by the substantial parapet. Because this equipment is designed to set back from the parapet and will not be visible, the historic character of the property will be retained and preserved. No historic materials or alteration of features and spaces that contribute to the property's historic significance will be removed. No chemical or physical treatments will be used. If this mechanical were to be removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

These criteria are met

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 7, 8, and 10: The proposed new mechanical equipment is designed to make the new equipment blend with the existing equipment on the rooftop. The proposed design keeps a small footprint and reduces the size of some existing rooftop equipment. The new smaller RTU is now lower than the surrounding parapet levels, and it is set back 60 feet from the parapet. The other associated new mechanical elements are minimal, and are much lower than the surrounding parapets.

The proposed design does not impact the historic character of the Galleria building in form and materiality, and the Galleria building's status as a historic resource and its significant architectural features remain unaffected by this proposed design. As such, the proposal is compatible with the existing resource and nearby properties, many of which provide views down to the roof of the subject property. *These criteria are met.*

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.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

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.

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.

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 for A6, C2, C3, C5, and C11: The proposed mechanical equipment improves the viability and performance of the Galleria building. It replaces aging, non-historically significant equipment with modern, smaller, more efficient equipment.

- The design utilizes existing openings, preserving the existing structural system of the Galleria building.
- The proposed design reduces the impact of existing mechanical equipment on views both towards and through the adjacent historic skylight.
- None of the new equipment will be visible from the street level due to substantial parapet height, and neighboring buildings looking down upon the Galleria rooftop will appreciate the smaller and quieter equipment.

The proposed design will be an improvement on the visual character of the rooftop by replacing larger, outdated equipment. This work also improves the performance of the building ventilation during events such as wildfires, making this historic Galleria building more viable without compromising its historic relevance. *These criteria 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 requirements of Title 11 can be met, and 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 purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed new mechanical equipment will improve the viability and performance of the Galleria building, providing needed upgrades that will not be visible from the public street view. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval for new rooftop mechanical to the rooftop of a Historic Landmarks in the Central City Plan District. The proposal includes replacing existing rooftop unit with a smaller new rooftop unit, adding a new condenser unit, exhaust fans, an intake penthouse and new ductwork.

This approval is per the approved site plans, Exhibits C-1 through C-9, signed and dated March 3, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four 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 22-100980 HR." 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. No field changes allowed.

Staff Planner: Grace Jeffreys

Decision rendered by:  on March 3, 2022
By authority of the Director of the Bureau of Development Services

Decision mailed March 7, 2022

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 January 5, 2022 and was determined to be complete on January 20, 2022.

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 January 5, 2022.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 20, 2022.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **March 7, 2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Original Drawing Submittal
 - 3. Revised Drawings with cutsheets 1-20-22
- B. Zoning Map **(attached)**
- C. Plans/Drawings:
 - 1. Site Plan **(attached)**
 - 2. Roof Plan – Existing and Proposed
 - 3. Roof Sections N/S and E/W **(attached)**
 - 4. Photo of existing conditions
 - 5. Photo of existing conditions
 - 6. RTU cutsheet
 - 7. RTU cutsheet
 - 8. RTU cutsheet
 - 9. RTU with curbs
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Life Safety Section of BDS
- F. Correspondence: none received.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter, dated January 19, 2022

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).