



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

Dan Ryan, Commissioner
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www.portland.gov/bds

Date: December 29, 2021
To: Interested Person
From: Benjamin Nielsen, Land Use Services
503-865-6519/Benjamin.Nielsen@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on January 19, 2022. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 21-102860 HDZM, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 21-102860 HRM ***EXTERIOR ALTERATIONS TO HISTORIC WAX BUILDING***

**Applicant/
Representative:** Nici Stauffer, Holst Architecture
123 NE 3rd Ave #310, Portland, OR 97232
(503) 233-9856, nstauffer@holstarc.com

Building Tenant: Kaia Sand, Street Roots
211 NW Davis St, Portland, OR 97209

Owner/Agent: Siamak Shirazi, 2 B Well Inc
5935 Willow Ln, Lake Oswego, OR 97035

Site Address: 219-223 W BURNSIDE ST

Legal Description: BLOCK 19 LOT 2 EXC PT IN STS LAND & IMPS SEE R140374
(R180201251) FOR BILLBOARD, COUCHS ADD

Tax Account No.: R180201250

State ID No.: 1N1E34CA 10100

Quarter Section: 3029

Neighborhood: Old Town Community Association, contact Jonathan Cohen at treasure@pdxoldtown.org or Mary-Rain O'Meara at secretary@pdxoldtown.org

Business District: Downtown Retail Council, contact at info@portlandalliance.com & Old Town Community Association, contact at chair@PDXoldtown.org

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Old Town/Chinatown

Other Designations: Eligible/Contributing Resource in the Skidmore/Old Town Historic District

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

Case Type: HRM – Historic Resource Review with Modifications

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant requests Historic Resource Review for proposed exterior alterations to the eligible/contributing historic Wax Building in the Skidmore/Old Town Historic District and Central City Plan District. Proposed exterior alterations include a partial third story addition and roof deck with surrounding planters and a metal trellis system on the existing roof of the historic structure.

Additional exterior alterations, which include repainting the existing stucco and replacement of broken storefront glazing with new clear storefront glazing, are exempt per PZC 33.445.320.2 & 6.

The applicant also requests one Modification to zoning code development standards:

- 1) 33.510.225, Ground Floor Active Uses. The standard requires areas that meet this standard to be 25 feet deep, measured from the street facing façade. The existing building has areas only approximately 23'-8", due to the building's existing walls and depth of the property.

Historic Resource Review is required for non-exempt exterior alterations to existing structures in the Skidmore/Old Town Historic District.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Skidmore/Old Town Historic District Design Guidelines
- PZC 33.846.070 – Modifications Considered During Historic Resource Review

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 November 3, 2021 and determined to be complete on December 20, 2021.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal.

After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to

the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Landmarks Commission. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map
Site Plan
Third Floor Plan
Building Elevation South
Enlarged Roof Deck Elevation