



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

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**Date:** February 14, 2022  
**To:** Interested Person  
**From:** Benjamin Nielsen, Land Use Services  
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**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 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 21-102860 HRM**  
***EXTERIOR ALTERATIONS TO HISTORIC WAX BUILDING***

**GENERAL INFORMATION**

**Applicant/ Representative:** Nici Stauffer, Holst Architecture  
123 NE 3rd Ave #310, Portland, OR 97232  
(503) 233-9856, [nstauffer@holstarc.com](mailto: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](mailto:treasure@pdxoldtown.org) or Mary-Rain O'Meara at [secretary@pdxoldtown.org](mailto:secretary@pdxoldtown.org)

**Business District:** Downtown Retail Council, contact at [info@portlandalliance.com](mailto:info@portlandalliance.com) & Old Town Community Association, contact at [chair@PDXoldtown.org](mailto: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.C.2, 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

**ANALYSIS**

**Site and Vicinity:** The subject property is a two story concrete masonry structure surfaced with stucco and constructed in 1926. Designed for the Wax family by local architect Harold Marsh, the facade composition is a simple expression of the Commercial Style; this resource is largely intact and is located on a prominent corner in the District.

The Skidmore/Old Town Historic District is nationally significant for its association with the initial phase of commercial development of Portland. In addition to listing in the National Register of Historic Places, the district is recognized as a National Historic Landmark (one of only sixteen in Oregon and two in Portland) because of the importance of Portland in the development of commerce and transportation in the western United States from the mid-nineteenth century through the early twentieth. The area is especially rich in Italianate commercial buildings with elaborate cast iron facades, set against a background of less spectacular brick buildings like the Globe Hotel.

**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 zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Old Town/Chinatown Subdistrict of this plan district.

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

- HL 33-82: Approval of a storefront remodel.
- HL 33-83: Approval of a storefront remodel. (Duplicate record?)
- HL 58-85: Approval to paint the historic building.
- LUR 93-00378 DZ: Design Review approval to re-cover five existing awnings with a navy striped fabric.
- LU 12-170705 HR: Historic Resource Review approval for a proposal to install one internally illuminated sign with 54 square feet of face area, and seven small building lights.
- LU 16-280093 HR: Historic Resource Review approval for alterations to the south façade of the building, including reglazing the easternmost storefront bay on the south façade, replacement of a recessed door condition with an in-swinging wooden-framed, glazed door at the property line, and installation of a 29 square foot projecting sign near the east edge of the building on the south façade.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 29, 2021**. The following Bureaus have responded with no issues or concerns:

- Site Development

The Fire Bureau responded with a comment noting that all applicable Fire Code requirements shall apply at the time of permit. Please see Exhibit E.1 for additional details.

The Life Safety Review Section of BDS responded with general life safety comments and with a recommendation that the applicant request a Preliminary Life Safety Meeting to verify building code requirements. Please see Exhibit E.2 for additional details.

*Staff forwarded these comments to the applicant and recommended that the Preliminary Life Safety Meeting be held before the Administrative Decision is issued in case revisions are needed.*

*The applicants determined that they believe they are meeting applicable life safety requirements and requested that staff proceed with issuing the Administrative Decision. See Exhibit G.6.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 29, 2021. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dasha Peterman, ASG, 3301 Matrix Dr, Richardson, TX 75082, 12/30/2021. Letter noting that Verizon Business does have facilities in the area. See Exhibit F.1 for details.

## **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 located within the Skidmore/Old Town Historic District. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are the Skidmore/Old Town Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

### **Central City Fundamental Design Guidelines and Skidmore/Old Town Historic District Design Guidelines**

The Skidmore/Old Town Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. In addition, the Skidmore/Old Town Historic District has been identified as a National Landmark, of which there is only one other in Portland, Pioneer Courthouse. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Skidmore/Old Town Historic District.

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.*

### **Skidmore/Old Town Historic District Design Guidelines**

#### **General Guidelines**

##### **A1.a.** Reinforce the Predominant Scale and Massing of the Historic District.

**Findings:** The proposed penthouse addition to the existing historic structure is limited to a single story, is relatively low in height, and is set back from the existing building's parapets, which help to reinforce the predominant scale of two- to four-story buildings in this portion of the historic district.

*Therefore, this guideline is met.*

##### **A4.** Select Historically Compatible, High Quality Materials with Finishes and Colors that are Appropriate to the District.

**Findings:** Proposed cladding materials are chosen to differentiate the new penthouse addition from the existing historical structure. Tongue and groove wood is proposed as the primary cladding of the penthouse, which is a relatively flat and simple material that will not detract from the slightly more ornamented stucco cladding on the historic structure. The mechanical screen, which is very small in scale relative to the penthouse and the building as a whole, is clad with metal panels in a similar style and coloring. Dark coloring is proposed, as opposed to the light coloring of the historic structure, to further differentiate the new addition from the historic structure and to help it recede visually. In these ways, the proposed materials, finishes, and colors help the penthouse to be compatible with the historic structure and respectful of the greater historic district.

*Therefore, this guideline is met.*

##### **A5.** Install Lighting that Strengthens the Historic Character and Vitality of the District.

**Findings:** Simple, discreet sconce lights are proposed to be located on the walls of the proposed penthouse. These are relatively small in scale and finished to match the proposed colors of the penthouse paint and windows, helping to integrate them into the overall design of the penthouse.

*Therefore, this guideline is met.*

#### **Guidelines for Additions**

##### **C1.** Minimize the Visual Impact of Vertical Additions to Historic Structures.

##### **C3.** Subtly Differentiate Additions from the Historic Building while Maintaining Compatibility and Deference.

**Findings for C1 & C3:** The proposed penthouse addition is only one story tall and is set back from the building's existing parapets and will be minimally visible from sidewalks across both W Burnside St and NW 3<sup>rd</sup> Ave. Proposed cladding materials are different from the stucco used on the existing historic structure, and their coloration is dark, both of which help to differentiate the addition and the latter of which helps to make it more deferential to the existing historic structure.

The proposed trellis structure around the roof deck functions similarly. Supporting structural elements are relatively small in size and number, providing only the minimum necessary structural support. Metal structural elements and trellis cables are all finished in similar dark colors to help them visually recede on the roof and leaving the existing historic structure as the prominent expression of the building. Proposed vines that will

grow on these trellises will also help to hide and dematerialize these proposed rooftop additions.

*Therefore, these guidelines are met.*

### **Central City Fundamental Design Guidelines**

**A1. Integrate the River.** Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and Greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

**C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

**Findings for A1 & C1:** The proposed new roof deck affords additional opportunities for views along W Burnside St and into downtown. While the proposed rooftop penthouse and deck addition does not provide a direct view towards the river, due to the presence of other development, it serves to elevate building tenants and guests above the surrounding treetops, creating opportunities for additional views to the east along W Burnside St towards the river.

No protected view corridors are impacted by the proposed additions, and facades on the existing building will remain as is with large storefront windows affording visual connections from the sidewalks to the building's interior.

*Therefore, these guidelines are met.*

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

**Findings:** The proposed penthouse addition provides additional meeting space atop the existing historic structure while maintaining its essential character and form, allowing for its continued use.

*Therefore, this guideline is met.*

**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 proposal does not change the exterior of the existing portion of the building, but it locates new active program space on the interior along the street frontages of both W Burnside St and NW 3<sup>rd</sup> Ave. These active spaces will be visible from the adjacent sidewalks and will help to create additional vibrancy on both streetscapes.

*Therefore, this guideline is met.*

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building's overall design concept.

**Findings:** The building has at-grade access via the main entry doors and includes a new elevator to the upper floors, which will allow for access systems for people of all abilities.

*Therefore, this guideline is met.*

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

**Findings:** The proposed penthouse is clad primarily with tongue-and-groove cedar siding, which is a quality material in the wet Portland climate when painted as proposed. The small mechanical enclosure atop the penthouse is clad with 22-gauge metal panels with double V-grooves, and both of these characteristics help to ensure that the panels will not pillow, warp, or oil-can. Metal coping the parapet of the new penthouse addition is similarly resilient at 18-gauge in thickness. Both types of metal are prefinished, which helps to ensure they will be enduring materials.

The proposed roof deck is composed of ipe wood decking, which is a high quality decking material. The proposed steel structure over the deck is composed painted steel beams which provide suitable structure for the trellis element surrounding the deck. The trellis itself is composed of thin stainless steel cables with a black oxide finish, which is a material that is resistant to rust and degradation.

Details for both the penthouse and roof deck area further support that these will be high quality additions to the existing building.

*Therefore, this guideline is met.*

**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.

**Findings for C3 & C5:** The proposed penthouse addition is relatively simple and small in size compared to the rest of the existing historic building and smaller in scale than the existing billboard sign at the western edge of the roof, which is visually dominate relative to the penthouse addition. The penthouse is set back from the parapet, helping to reduce its appearance from the street or surrounding properties, and its dark, neutral coloring further helps it to recede from view. Trellis elements are similarly dark and recessed from the edge of the roof. All these characteristics help to make the proposed additions well integrated with and complementary to the existing historic structure.

*Therefore, this guideline is met.*

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

**Findings:** The proposal complements the context of existing buildings the historic district by reducing the apparent scale and visibility of the penthouse addition, creating a deferential relationship between it and the existing historic structure and other buildings in the district. The proposed penthouse addition is only one story tall and is set back from the building's existing parapets and will be minimally visible from sidewalks across both W Burnside St and NW 3<sup>rd</sup> Ave. Proposed cladding materials are different from the stucco used on the existing historic structure, and their coloration is dark, both of which help to differentiate the addition and the latter of which helps to make it more deferential to the existing historic structure.

The proposed trellis structure around the roof deck functions similarly. Supporting structural elements are relatively small in size and number, providing only the minimum necessary structural support. Metal structural elements and trellis cables are all finished

in similar dark colors to help them visually recede on the roof and leaving the existing historic structure as the prominent expression of the building. Proposed vines that will grow on these trellises will also help to hide and dematerialize these proposed rooftop additions.

*Therefore, this guideline is met.*

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**Findings:** The proposed alterations largely keep the existing corner of the building as is; however, interior renovations place a new stair and elevator in the northeast corner of the building, as far away from the intersection of NW 3<sup>rd</sup> Ave & Burnside as possible. Large storefront windows remain along both street frontages, and the main entrance to the building remains at the intersection.

*Therefore, this guideline is met.*

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**Findings:** The proposed penthouse addition is clearly differentiated from the sidewalk level of the building by its simple form and wood and metal materials.

*Therefore, this guideline is met.*

**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:** Proposed exterior alterations subject to review are completely located on the building's rooftop. The proposed new penthouse addition will add meeting and classroom space to the existing building, and the associated roof deck will provide space for outdoor work and relaxation for the building's tenants. Both elements are well integrated and deferential to the existing historic structure.

*Therefore, this guideline is met.*

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

**Findings:** Simple, narrow sconce lights are proposed to be located on the walls of the proposed penthouse. These are relatively small in scale and finished to match the proposed colors of the penthouse paint and windows, helping to integrate them into the overall design of the penthouse. The proposed sconces cast light downward, which will limit impacts to the skyline at night.

*Therefore, this guideline is met.*

**C13. Integrate Signs.** Integrate signs and their associated structural components with the



building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

**Findings:** No new signage is proposed.

*Therefore, this guideline does not apply.*

### **33.846.070 Modifications Considered During Historic Resource Review**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
  1. The resulting development will meet the purpose of the standard being modified; or
  2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

**Modification #1: 33.510.225.C.2, 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.**

*Purpose Statement:* The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.

*Standard:* 33.510.225.C.2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- b. The area must be at least 25 feet deep, measured from the street-facing facade;
- c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
- d. The street-facing facade must include windows and doors.

- A. Better meets historic resource review approval criteria.** *The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and*
- B. Purpose of the standard.** *The resulting development will meet the purpose of the standard being modified or the preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.*

**Findings for A & B:** As measured from the W Burnside St frontage, the existing historic building is less than 25'-0" deep and the lot the building sits upon is only 25'-0" deep. Meeting this standard would require demolishing the existing structure and building a new building (one which would need to extend onto the adjacent property, no less) to provide a space that is at least 25 feet deep. Preserving the existing building as is and granting the Modification will retain this contributing resource in the Skidmore / Old Town Historic District and allow it to be further rehabilitated and reused, which will both help to preserve the character of the historic district and will better meet *Guideline A6 – Reuse/Rehabilitate/Restore Buildings*.

*Therefore this Modification merits approval.*

## 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 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of proposed exterior alterations to the eligible/contributing historic Wax Building in the Skidmore/Old Town Historic District and Central City Plan District, including a partial third story penthouse addition and roof deck with surrounding planters and a metal trellis system on the existing roof of the historic structure.

Approval of one Modification to zoning code development standards:

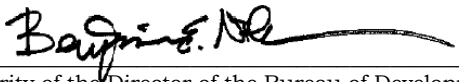
- 1) 33.510.225.C.2, Ground Floor Active Uses. The standard requires areas that meet this standard to be 25 feet deep, measured from the street facing façade. The existing building has areas only approximately 23'-8", due to the building's existing walls and depth of the property.

Approvals per the approved site plans, Exhibits C.1 through C.19, signed and dated February 8, 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 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 21-102860 HRM." 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: Benjamin Nielsen**

**Decision rendered by:**  **on February 8, 2022.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: February 11, 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 November 3, 2021, and was determined to be complete on December 20, 2021.

*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 November 3, 2021.

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: April 19, 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.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at

<https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on February 28, 2022**. **The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision**. If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged**. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

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>.

**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 Landmarks 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 Landmarks 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **March 1, 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 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 Drawing Set
  - 2. Original Narrative
  - 3. Letter from the Old Town Community Association expressing support for the proposal
  - 4. Trellis design revisions, 12/06/2021
  - 5. Trellis design revisions, 12/10/2021
  - 6. Revised Narrative and Drawing Set, dated and received 12/16/2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Context: Site Plan and Zoning Code Analysis
  - 2. Basement Floor Plan
  - 3. First Floor Plan (attached)
  - 4. Second Floor Plan
  - 5. Third Floor Plan
  - 6. Roof Plan
  - 7. Building Sections
  - 8. Building Elevation – Southwest (attached)
  - 9. Building Elevation – South (attached)
  - 10. Enlarged Roof Deck Elevation (attached)
  - 11. Enlarged Roof Deck Section
  - 12. Roof Deck Planter Detail
  - 13. Parapet Details
  - 14. Roof Deck Images and Maintenance
  - 15. Roof Deck Images and Material Palette
  - 16. Bike Rack Cut Sheets
  - 17. Lighting Cut Sheets
  - 18. Material Specifications
  - 19. Shade Cloth Details and Installation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Life Safety Review Section of BDS
- F. Correspondence:
  - 1. Dasha Peterman, 12/30/2021, letter noting Verizon Business facilities
- G. Other:
  - 1. Original LU Application
  - 2. Email from staff re: information from customer appointment, 11/23/2021
  - 3. Incomplete Application Letter and associated email thread, 11/24/2021
  - 4. Email thread re: trellis design revisions (see also Exhibits A.4 and A.5), 12/6 – 12/15/2021
  - 5. Email thread re: Modification fee and request to deem application complete, 12/17 – 12/20/2021
  - 6. Email thread re: decision timeline and Life Safety Review comments (see Exhibit E.3), 1/28 - 02/07/2022

**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).**