Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 1, 2012

To: Interested Person

From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-120851 HDZ

EXTERIOR ALTERATIONS AT KENNEDY SCHOOL

GENERAL INFORMATION

Applicant: Kennedy School Inc. 5736 NE 33rd Ave Portland, OR 97211	Blaine Burris Ankrom Moisan Associated Architects 6720 SW Macadam, Suite 100 Portland, OR 97219

Site Address: 5736 NE 33RD AVE

Legal Description: BLOCK 11&14 TL 9600 HISTORIC PROPERTY 15 YR 1996 POTENTIAL ADDITIONAL TAX, KENNEDYS ADD
Tax Account No.: R444102080
State ID No.: 1N1E13DC 09600
Quarter Section: 2530
Neighborhood: Concordia, contact George Bruender at 503-287-4787.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.
Zoning: CSh – Commercial Storefront with 'h' Aircraft Landing Zone overlay
Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant seeks Historic Design Review approval for exterior alterations on the east façade of the McMenamins Kennedy School Complex. The Cypress Room will be remodeled into new space and the adjacent exterior wall will be altered. That is, a new direct connection will be provided from the building interior to the adjacent patio space.

The new exterior door will conform to the proportions of the existing exit nearby, except that it will be a single door and the glass will be glazed. Also, the patio will include a new freestanding heated canopy, of simple 'black iron" and canvas.

Exterior alterations to a Nationally Registered Historic Place and a locally designated Historic Landmark require Historic Design Review.

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

- 33.846 Historic Reviews
- 33.846.060.G Historic Approval Criteria

Site and Vicinity: The John D. Kennedy Elementary School is oriented west on NE 33rd Street and bounded by NE Simpson on the North, NE Jessup on the South and NE 35th Street on the East. The school was designated a National Landmark on 11/22/1995. Constructed of tile and brick and finished with stucco and terra cotta relief, the building is in the Italian Renaissance style.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Aircraft Landing zone is shown on the Official Zoning Maps with a letter "h" map symbol (for height). The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

The Historic Resource Protection Overlay Zone 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 John D. Kennedy Elementary School is a designated Historic Landmark**.** This type of resource may be an individual structure, site, tree, landscape, or other object that is of historic or cultural significance. A Historic Landmark generally derives its significance from at least two of the following:

- The importance of its designer, previous owners, or builder in local, state, or national history;
- The quality of its architecture or landscaping;
- The fact that it is one of a few remaining examples of a building type that is of significance in local, state, or national history;
- Association with a significant cultural or ethnic group; or
- The role it has played in shaping local, state, or national history.
-

Information supporting a specific resource's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the resource's designation.

Land Use History: City records indicate the following:.

- **HL 47-87** Designation of the John D. Kennedy School as a local landmark.
- **LU 06-129011:** Approval of exterior alterations for required egress to a sub-grade interior improvement at the Historic Kennedy School

- **LU 06-179783:** Removal and replacement of an outdated freestanding storage structure with two new permanent buildings.
- **LU 08-153554** Approval of two new rooftop mechanical units,

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 3, 2012**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety Plans Examiner, BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 3, 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 33.846, Historic Reviews
Purpose of Historic Design Review
Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria
33.846.606.F.3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. Historic Landmarks and Conservation Landmarks located outside of Historic Districts or Conservation Districts. When historic design review of a Historic Landmark or Conservation Landmark located outside of a Historic District or Conservation District is required, the criteria in 33.846.060.G are the approval criteria.

Findings: The site is a designated Historic Landmark not in a subdistrict of the Central City plan district that has subdistrict design guidelines. The proposal requires historic design review approval, with approval criteria as listed above.

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

Section 33.846.060.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.

   Findings for 1 and 2: The existing building has been classified as Historic Landmark. The project is a proposal for a remodel of the existing Cypress room, located with the McMenamins Kenney School complex. The Cypress room will be transformed into Caribbean themed rum tasting room, or the Rum Room. The project will also include a new exit door through the façade of the Rum Room to the patio. The news exterior door will conform to the proportions of the existing entry/exit nearby, but one leaf instead of two with a glazed light distinguishable from the light of the other doors. The patio will include a

new freestanding heated canopy. The canopy will not alter the original building features and will clearly read as additive to the historic resource. *These criteria are therefore met.*

3. **Historic changes**. Most properties change over time. Those changes that have acquired historic significance will be preserved.

   Findings: Prior historically significant changes to the Kennedy School building will be preserved during and after construction. *This criterion is therefore met.*

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.

   Findings: The applicant proposes to preserve the existing stucco exterior wall finish or apply a similar stucco finish consistent with the historic material associated with the resource. No sandblasting or other detrimental treatments are proposed. *This criterion is therefore met.*

5. **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.

6. **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.

7. **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 5, 6, and 7, 8: The proposal will not destroy historic materials that characterize the resource. The new door will be clearly differentiated from the existing historic fabric. The new canopy is entirely separate from the existing façade. The alterations can be removed without damage to the integrity of the resource. *These criteria are therefore met.*

8. **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: The Rum Room's façade is part of the greater context of the eastern portion of the Kennedy School's exterior. The design will read as an incidental intervention in the overall building fabric. The project faces the parking and is well screened from surrounding properties by parking lot landscaping and the community garden. *This criterion is therefore 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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed exterior alterations to the historic Kennedy School are additive in nature and of minor impact. These alterations do not negatively impact the original building design. The design proposed meets the applicable guidelines, and therefore warrants an approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the Kenney School complex, including a new canopy and new exterior door per the approved site plans, Exhibits C-1 and C-2, signed and dated April 26, 2012, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-120851 HDZ . No field changes allowed."

Staff Planner: Mark Bello

Decision rendered by: _____ on April 26, 2012
By authority of the Director of the Bureau of Development Services

Decision mailed: May 1, 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 15, 2012, and was determined to be complete on **March 30, 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 15, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 28, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 15, 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.

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 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 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 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 **May 16, 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

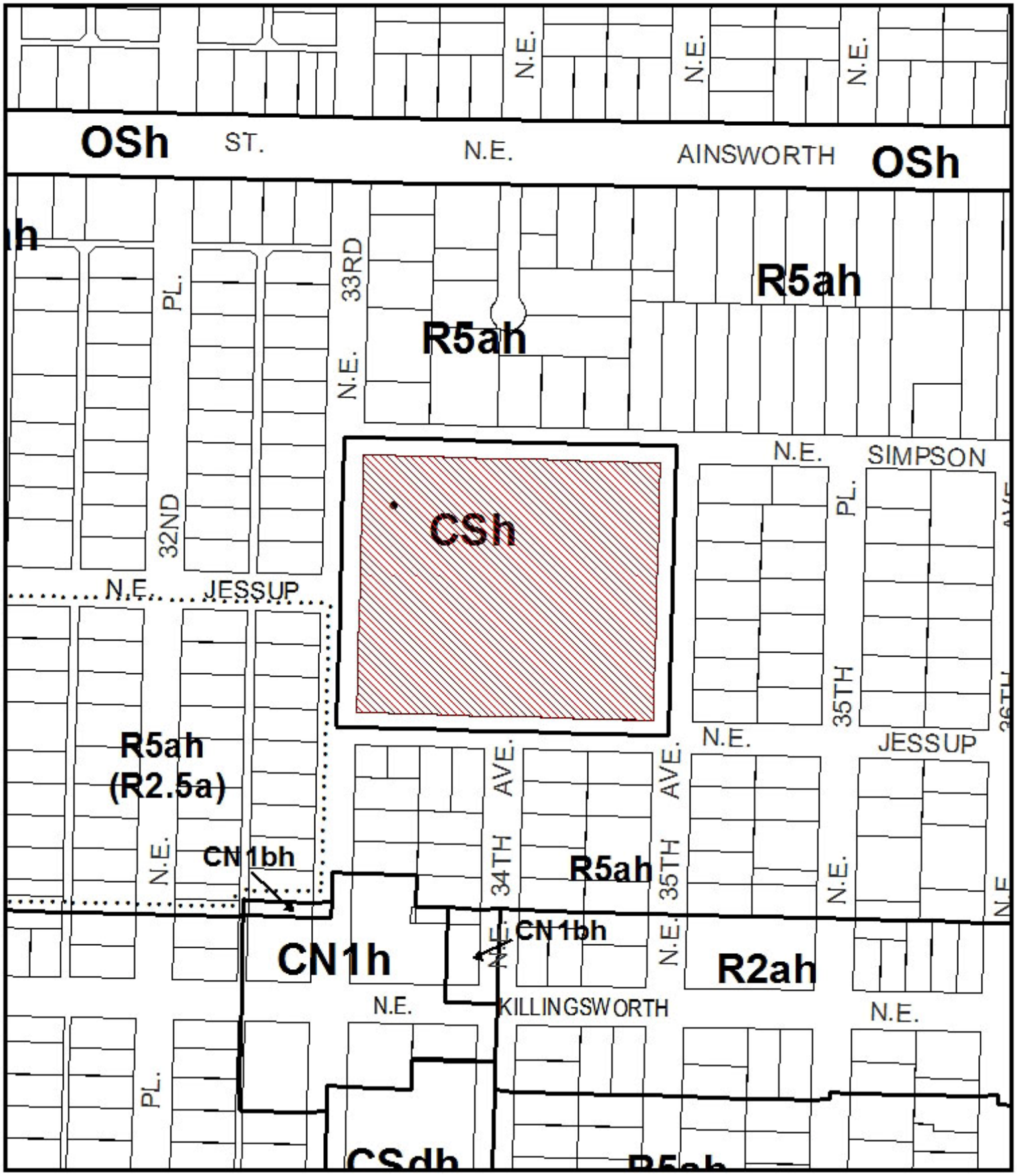
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statement
B. Zoning Map (attached)
C. Plans/Drawings: (attached)
   1. Site Plan
   2. Elevation, Section, Plan
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Bureau of Environmental Services
   2. Bureau of Transportation Engineering and Development Review
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Bureau of Parks, Forestry Division
   7. Life Safety Plans Examiner, BDS
F. Correspondence: (none)
G. Other:
   1. Original LU Application
   2. Site History Research

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

Historic Landmark

NORTH

File No.	LU 12-120851 HDZ
1/4 Section	2434
Scale	1 inch = 200 feet
State_Id	1N1E13DC 9600
Exhibit	B (Mar 22,2012)

Planner MB 4/26/12

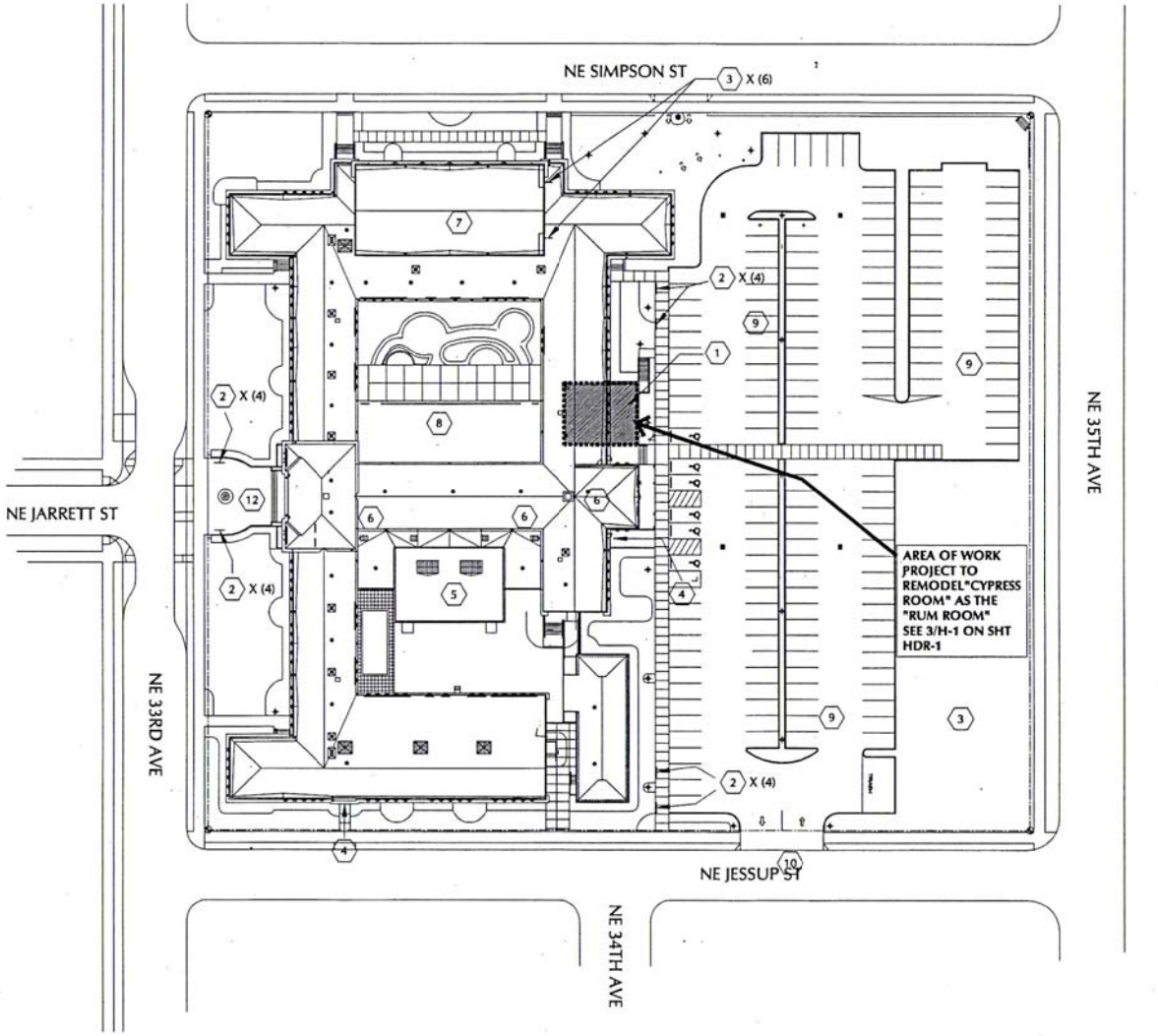
* This
condi

1. NEW CANOPY AT EXISTING EXTERIOR PORCH
2. BICYCLE RACKS
3. LONG TERM BICYCLE RACKS
4. EXISTING ACCESSIBLE ENTRY
5. EXISTING VENUE/MEETING
6. EXISTING PUB
7. EXISTING THEATER
8. EXISTING RESTAURANT
9. EXISTING PARKING
10. EXISTING PARKING ENTRY
11. EXISTING NEIGHBORHOOD GARDENS
12. MAIN ENTRY
13. OUTDOOR DINING

ZONING DATA

X-IBC-BldgData.dwg

PROJECT	McMenamin's Kennedy School Lodging		
ADDRESS	5736 NE 33rd Ave., Portland, Oregon 97211		
	EXISTING BLDG PROJECT SIZE =		FULL EXISTING COMPLEX = 58,500 SF
	NO INCREASE PROPOSED		
	REQUIREMENTS		PROJECT PARAMETERS
LAND USE ZONING	CSh (Storefront Commercial, Aircraft Landing Zone)		per 33.130 per 33.400
USE	Commercial		Hotel (Transient) Assembly/Bar
OCCUPANCY	A2, R1		Existing, No Change
USE	Lodging Unit(s)		35 plus 22 under const.
MAX. LOT COVERAGE	50% MINIMUM ALLOWABLE BUILDING COVERAGE		NA
SETBACKS	FRONT (NE 33RD)	0-10 FEET MAX.	N/A, Existing
	FRONT (NE JESSUP)	0-10 FEET MAX.	N/A, Existing
	FRONT (NE SIMPSON)	0-10 FEET MAX.	N/A, Existing
	FRONT (NE 35TH)	0-10 FEET MAX.	N/A, Existing
PARKING 13.06A.060, note 6,7	RES	N/A VEHICLE SPACES	
	NON-RES	39 VEHICLE SPACES (1 per room)	No New Spaces Proposed 164 Existing Shared Spces
LANDSCAPE	MIN 0 % (P3 MIN. 5 FT BUFFER ABUTTING R ZONE)		32%+ Existing
FLOOR AREA RATIO	MAX	3:1 FAR	1:1 EXISTING, NO CHANGE
	per 33.120.205		
SITE SIZE	existing building and lot entire complex		184,000 SF
BICYCLE PARKING Table 266-6	Long Term, 3, or 1. per 20 rentable rooms		3 Existing
	Short Term, 3, or 1 per 20 rentable rooms		3 Existing



1 H-0 KENNEDY SCHOOL SITE PLAN
NTS

CASE NO. 12-120851 HDZ
EXHIBIT C1

ANKROM MOISAN

Kennedy School Rum Room
5736 NE 33rd Ave.

MARK DAT

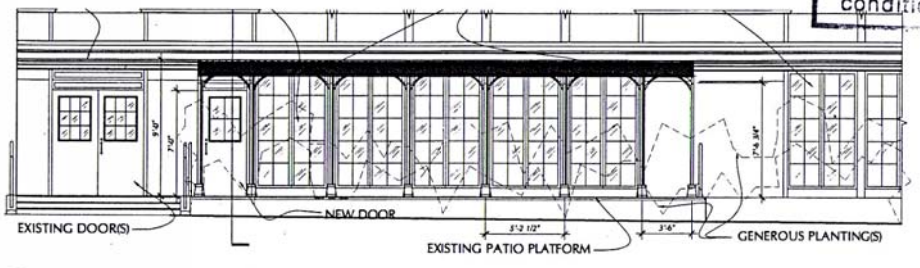
DATE:
JOB:
FILE: HD
DRAWN:
CHECKED:

COPYRIGHT AN
ASSOCIATED AR

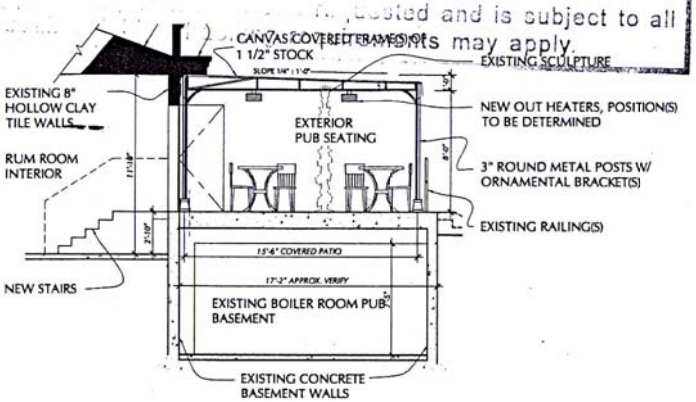
KEYED
PLAN, C
INFO

HD

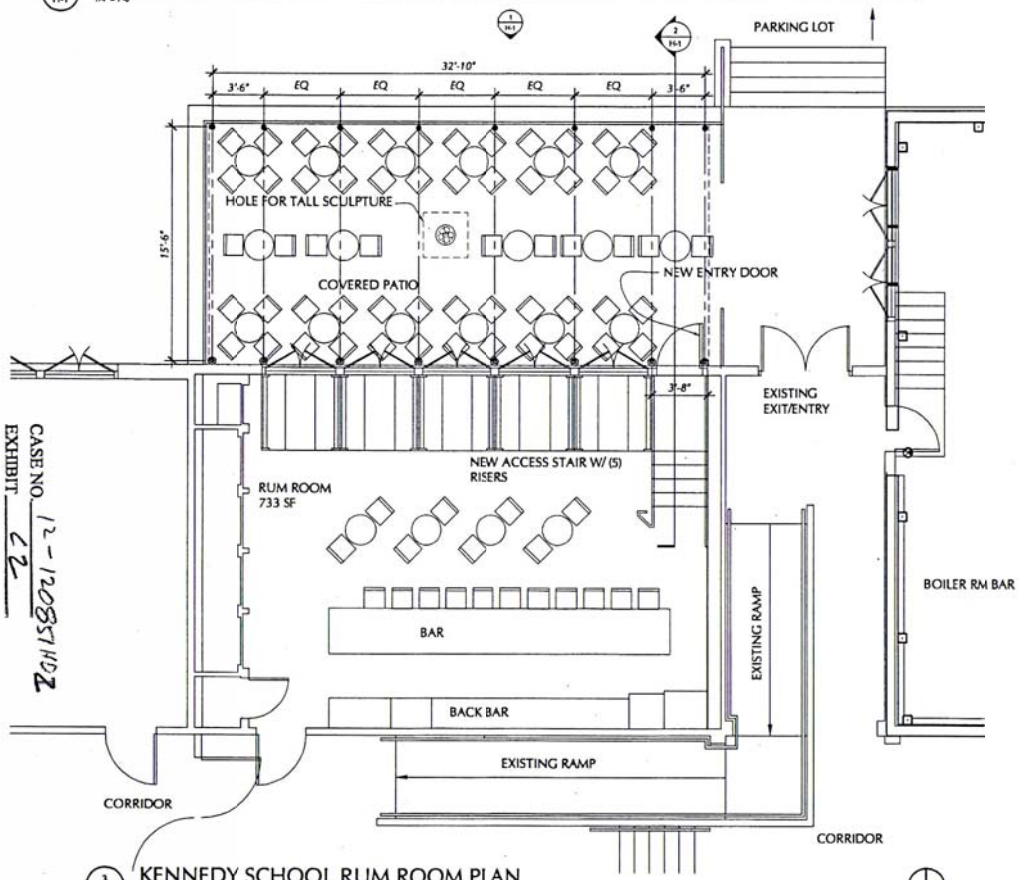
Planning
* This
conditions
WB 4/26/12
Services
requested and is subject to all
conditions may apply.



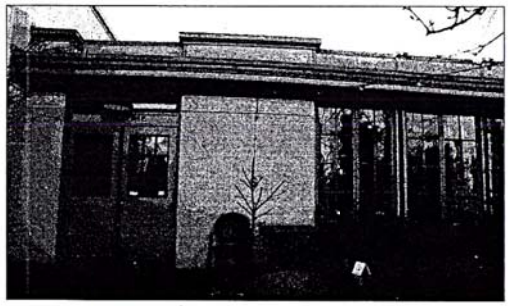
1 H-1 RUM ROOM (A PORTION OF) THE EAST ELEVATION
1/4"=1'-0"



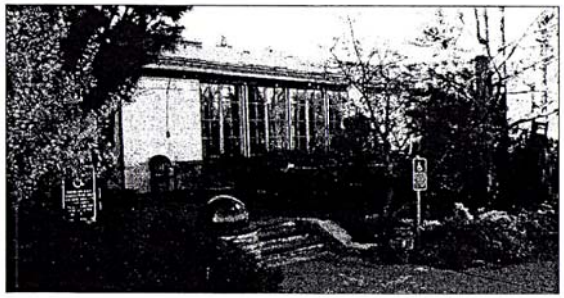
2 H-1 SECTION THROUGH PATIO ENTRY
1/4"=1'-0"



3 H-1 KENNEDY SCHOOL RUM ROOM PLAN
1/4"=1'-0"



4 H-1 VIEW OF EXISTING ENTRY FACADE
1/4"=1'-0"



5 H-1 VIEW OF EXISTING PATIO APPROACH
1/4"=1'-0"

CASE NO. 12-120871HDZ
EXHIBIT C2

ANKROM MOISAN

Kennedy School Rum Room
5736 NE 33rd Ave

MARK DAT

DATE: 0
JOB: 0
FILE: HD
DRAWN:
CHECKED:

COPYRIGHT AN
ASSOCIATED AR

ELEVAT
PLAN
SECTIO
VIEWS (

HD