



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 2, 2019
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@portlandoregon.gov

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 19-166240 HR – NEW VENTILATION FAN

GENERAL INFORMATION

Applicant: Paul Falsetto, Applicant 503-750-5750
Paul M Falsetto Architect
1605 NE Buffalo St
Portland, OR 97211

Owner: Virginia Durost, Owner's Representative
Film Action Oregon
4035 NE Sandy Blvd #212
Portland, OR 97212

Site Address: 4144 NE SANDY BLVD

Legal Description: BLOCK 3 LOT 1&2&8 EXC PT IN ST LOT 3-7, RALSTONS ADD
Tax Account No.: R685800730
State ID No.: 1N1E25DD 10300
Quarter Section: 2834

Neighborhood: Hollywood, contact Jo Schaefer jaschaef@comcast.net.
Business District: Hollywood Boosters, contact hollywoodboosters@gmail.com.
District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780.

Plan District: Hollywood - Subdistrict A
Other Designations: Historic Landmark, individually listed in the National Register of Historic Places on September 1, 1983

Zoning: CM2(MU-U) d,m – Commercial/Mixed Use 2 (Mixed Use- Urban) with Design and Centers Main Street 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 a new ventilation fan to be located on the west side of the building behind a fenced area. Historic Resource Review is required because the proposal is for non-exempt exterior alterations on 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:

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject property is the Hollywood Theatre, a Historic Landmark, listed in the National Register of Historic Places on September 1, 1983 under criterion “C” due to it being one of the last remaining theaters in Portland from the golden age of grand movie palaces and for its ornate entrance façade. The theatre was designed by Bennes and Herzog in the Spanish Colonial style and constructed in 1925. The building is concrete with stucco and features the following architectural features: a highly decorative polychrome glazed terra cotta entrance façade, red clay tile roofs, a large vertical neon sign, and a relatively new marquee crafted after the historic design. Original features removed from the building include terra cotta below the marquee, lanterns and wall sconces, a drinking fountain with tile surround, and a free-standing marble-skirted bronze-topped octagonal ticket booth. The theater portion of the building extends southward with a relatively blank west wall at the exterior, except for a small one-story projection with tile room and metal exit stair beyond. The area south of this stair is inaccessible due to a gated courtyard serving the adjacent property. Along NE Sandy, the building continues as a two-story volume capped by a red clay tile roof and divided by pilasters into five bays with storefronts at the ground level and three paired windows in each bay. Globe lighting highlights each pilaster. The two-story expression continues around the corner along NE 41st, however some bays appear to have been infilled. Further south, an exit stair features descending hipped and shed clay tile roofs which lead to three arched and gated historic exits which is no longer used. The south façade is largely blank along NE Broadway.

The Hollywood Theatre is located at the intersection of NE Sandy and NE 41st Avenue which was a commercial center and transfer point for bus lines. The commercial area that was built up around the theater became known as the Hollywood neighborhood because of the theater’s presence at the heart of the neighborhood. While the building to its immediate west was constructed in 2013, the diminutive two-story 1927 commercial building at the west end of the triangular block provides some indication of the former cohesion of this area. This area remains the heart of the Hollywood neighborhood with many of the smaller one- and two-story structures remaining while larger mixed-use buildings have begun to be constructed further east.

Zoning: CM2dm (MU-U) – Commercial/Mixed Use 2 (Mixed-Use -Urban) with Design Overlay Zone, Centers Main Street Overlay Zone, and Historic Resource Protection Overlay Zone

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

- LUR 99-00866 HDZ – Historic design review approval for new light fixtures and a projecting sign at each retail tenant bay.
- LU 03-108104 HDZ – Historic design review approval for new gates and fencing across three arched openings at the east side of the building; a new fixed railing on the west side of the building; and three new light fixtures on the east wall of the structure.
- LU 05-172887 HDZ – Historic design review approval for two new mechanical units on the rooftop.

- LU 09-107095 HDZ – Historic design review approval for exterior alterations at the two westernmost storefront bays.
- LU 13-111053 HDZM – Historic Design Review and Modification approval for a new marquee. Modification approval to increase the maximum signage allowed and the maximum sign area projecting into the right-of-way.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 29, 2019**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety Division of BDS
- Site Development Section of BDS
- Portland Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 29, 2019**. 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 33.846.060 - Historic Resource Review

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 Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore, the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all of the approval criteria and addressed only those applicable to this proposal.

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.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. 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.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 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.

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.

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 1, 2, 3, 4, 5, 7, 8, 9, and 10: The proposed ventilation fan is a necessary addition to the building in order to ensure safe working conditions within the projection room, and thus enable the continued operation of the movie theater. It is proposed to be located on the south-facing wall of the small one-story bumpout on the west side of the building, which is located partially beneath a stair and behind a gated and screened enclosure. This area is inaccessible to all pedestrians and visually inaccessible to most pedestrians. No historic materials or significant features will be removed, and the resource will remain a record of its time, with its historic and architectural character and integrity intact. The ventilation fan is clearly modern but is well hidden and therefore has minimal impact on the compatibility of the alteration on the resource. *These criteria are met.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No excavation is proposed. *This criterion is not applicable.*

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 proposed ventilation fan will ensure that this treasured theater will be able to continue its historic function by providing necessary air circulation for the projection room. The proposed ventilation fan is hidden from view and will not adversely impact the historic character of the resource. 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 a new ventilation fan to be located on the west side of the building behind a fenced area, per the approved site plans, Exhibits C-1 through C-2, signed and dated June 28, 2019, 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 19-166240 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: Hillary Adam

Decision rendered by:  **on June 28, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 2, 2019

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 May 17, 2019 and was determined to be complete on May 23, 2019.

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 May 17, 2019.

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: September 20, 2019.**

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 **July 3, 2019** 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:

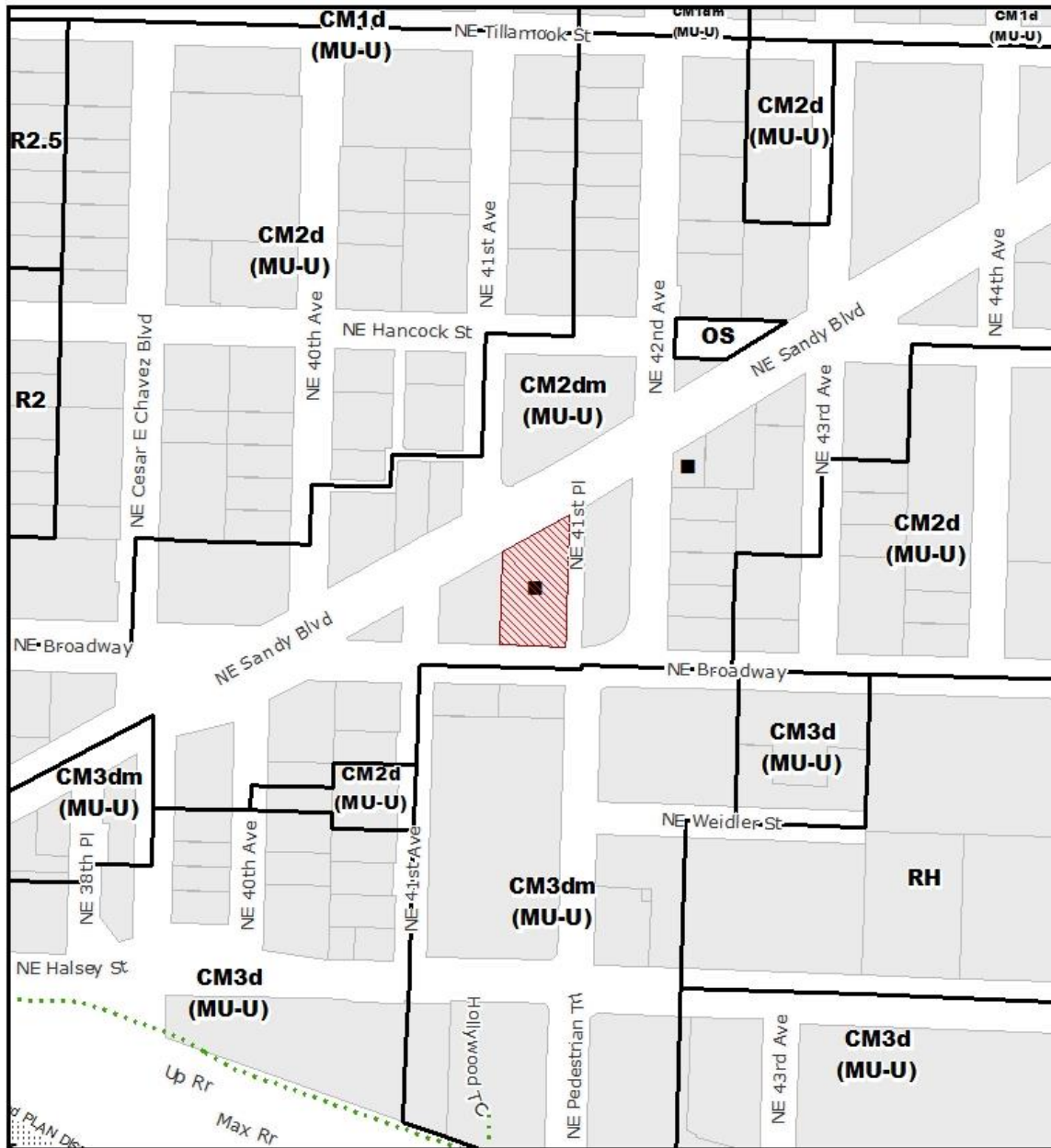
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Drawings
 - 3. Revised Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application

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  NORTH

THIS SITE LIES WITHIN THE:
HOLLYWOOD PLAN DISTRICT
SUBDISTRICT A SUBDISTRICT

-  Site
-  Historic Landmark
-  Recreational Trails

File No.	LU 19-166240 HR
1/4 Section	2834
Scale	1 inch = 200 feet
State ID	1N1E25DD 10300
Exhibit	B May 22, 2019



PMFA
PAUL M. RALSTON ARCHITECT
1405 NE Halfway Street
Portland, Oregon 97211
503.281.1111
pma@pmfaarch.com

PROFESSIONAL ARCHITECT
NO. 6340
STATE OF OREGON

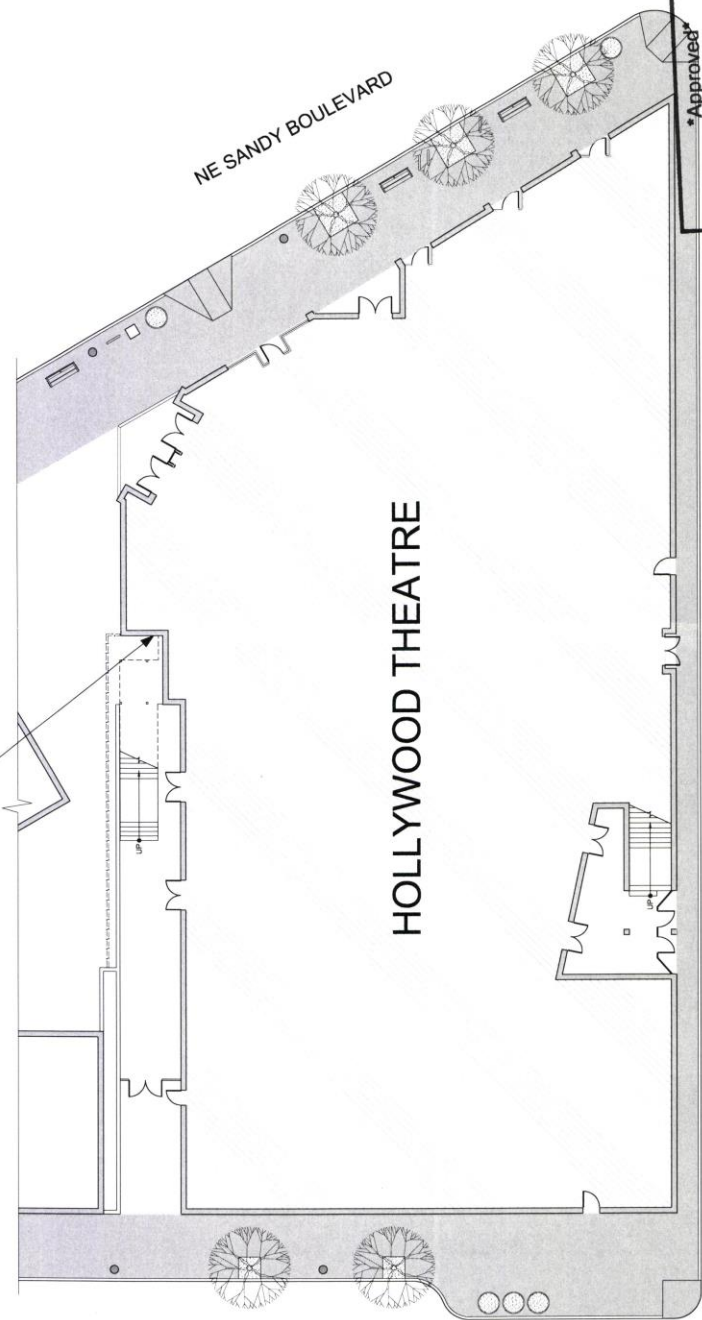
**HOLLYWOOD THEATRE
ENTRY IMPROVEMENTS**
Hollywood Theatre
4122 NE Sandy Blvd., Portland, Oregon

**HISTORIC DESIGN
REVIEW**
Project Number: 19001
Date: 5/17/19

SITE PLAN

A1.0
C-1

Project Area



NE 41st PLACE

NE SANDY BOULEVARD

NE BROADWAY

HOLLYWOOD THEATRE

1 SITE PLAN
SCALE 1" = 20'-0"

Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
6/28/19
* This approval is subject to all reviews requested and approval conditions. Additional zoning requirements may apply.

LU 19 - 1 6 6 2 4 0 HR

C-1



PMFA
 PAUL M. FALSETTO ARCHITECT
 1605 NE Belknap Street
 Portland, Oregon 97211
 503.281.1100
 paul@pmfa.com

CONTRACT NO. 19-166240-01
 DATE: 5/7/2019

HOLLYWOOD THEATRE
 ENTRY IMPROVEMENTS
 Hollywood Theatre
 4122 NE Sandy Blvd. | Portland, Oregon

HISTORIC DESIGN REVIEW
 PROJECT NO. 19001
 DATE: 5/17/19

DETAILS

A2.0

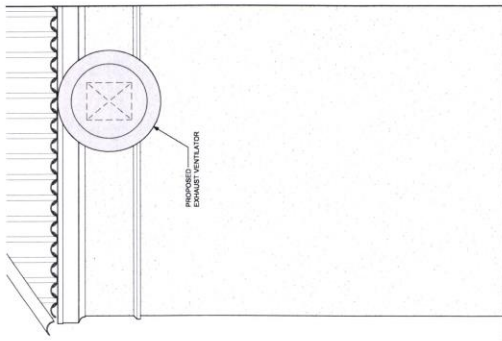
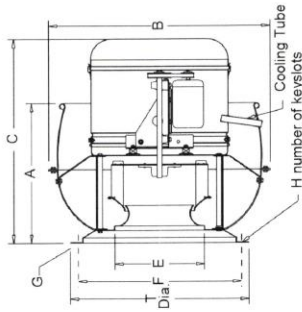
C-2

MARK: EF
 PROJECT: HOLLYWOOD THEATER
 DATE: 5/7/2019

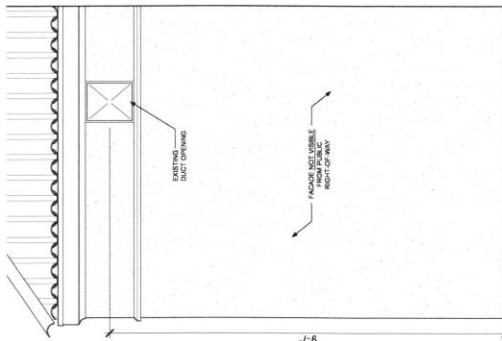
COOK
ACW-B
 Centrifugal
 Exhaust Ventilator
 Wall Mounted/Belt Drive

Dimensions (Inches)	
A	18-7/16
B	30-3/16
C	28-3/4
E Square	12
E Round	12
F	23-1/2
G Dia.	3/8
H Num.	4
J Dia.	16
K Dia.	7/8

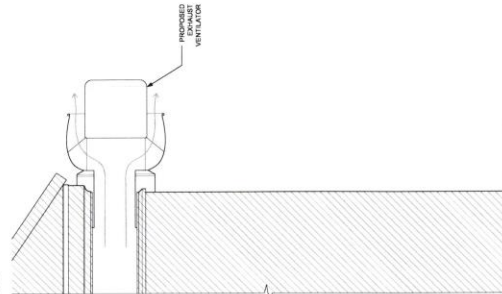
NOTE: Accessories may affect dimensions shown.
 **Includes fan, motor & accessories.
Weight(lbs) Shipping 187 Unit 71**



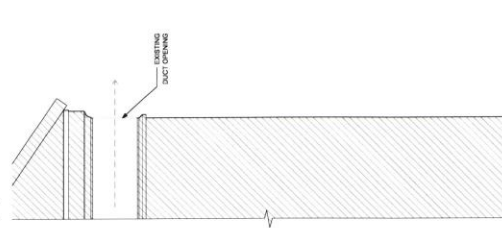
2 ELEVATION - PROPOSED
 SCALE: 3/8" = 1'-0"



1 ELEVATION - EXISTING
 SCALE: 3/8" = 1'-0"



4 SECTION - PROPOSED
 SCALE: 3/8" = 1'-0"



3 SECTION - EXISTING
 SCALE: 3/8" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 6/28/19
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 19-166240 HR

C-2