



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

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**Date:** March 12, 2013  
**To:** Interested Person  
**From:** Kate Marcello, 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 reasons for the decision are included in the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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 13-111053 HDZM**

#### **New Marquee at Hollywood Theatre**

#### **GENERAL INFORMATION**

**Applicant:** Melissa Hayden, Security Signs Inc. | 503-546-7114  
2424 SE Holgate Blvd | Portland OR 97202

**Owner:** Film Action Oregon  
1827 NE 44th Ave, #130 | Portland, OR 97213-1443

**Site Address:** 4128-4144 NE Sandy Boulevard

**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 Neighborhood Association; Doug Hamilton at 503-490-9563  
**Business District:** Hollywood Boosters; contact Christine Azar at 971-570-8011  
**District Coalition:** Central Northeast Neighbors; contact Alison Stoll at 503-823-3156  
**Plan District:** Hollywood Plan District; Subdistrict "A"  
**Other Designations:** Portland Historic Landmark, pursuant to listing on National Register of Historic Places on September 1, 1983

**Zoning:** Storefront Commercial (CS) base zone; Design (d) overlay zone  
**Case Type:** Historic Design Review with Modifications (HDZM)  
**Procedure:** Type II (an administrative decision with appeal to the Portland Historic Landmarks Commission)

**Proposal:** The application requests Historic Design Review approval for a new marquee at the Hollywood Theatre, which is a Portland Historic Landmark. The steel structure and tie rods from the existing marquee will be re-used for the new marquee. The new marquee will project 11'-0" from the building wall. The soffit will feature parallel lines of chasing incandescent light bulbs.

The front of the marquee includes the following decorative elements:

- Horizontal and vertical linear accents comprised of incandescent light bulbs bordered with blue and red neon;
- Curvilinear accents comprised of chasing incandescent bulbs bordered with blue neon; and

- Two globe-shaped lanterns with incandescent or light-emitting diode (LED) illumination.

The front of the marquee will have four distinct areas of signage. Total signage area is about 165 square feet.

- The two 28.5-square-foot signage areas and the 81.7-square-foot signage area are comprised of reader-board, internally illuminated with white LEDs. These reader-board signage areas will announce movie titles, showtimes, and other such information.
- The 26.5-square-foot signage area is comprised of static incandescent light bulbs within open-pan channel letters, which are outlined in static red neon.

Historic Design review is required because the property is a Portland Historic Landmark pursuant to listing in the National Register of Historic Places on September 1, 1983.

Two **Modifications** are requested as part of this Historic Design Review:

1. Per **32.32.020.A** of Portland's Sign Code, the subject building is allowed a maximum of about 198 square feet of signage. Existing signage on the building that will be retained totals about 163 square feet. The signage areas on the proposed marquee total about 165 square feet, which will bring the total amount of signage on the building to about 328 square feet, which is 130 square feet over the maximum amount allowed. Therefore a **Modification** is requested.

[Note: The *Notice of Proposal* stated that the Modification to 32.32.020.A was needed because the size limit for an individual sign in the Storefront Commercial zone is 100 square feet. This was a Staff error. None of the individual sign areas on the proposed marquee exceeds 100 square feet.]

2. Per **32.32.030.C.1.b** of Portland's Sign Code, no more than 30 square feet of a projecting sign may extend into the right-of-way. The proposed signage areas on the marquee total about 165 square feet extending into the right-of-way. Therefore a **Modification** is requested.

#### **Relevant Approval Criteria:**

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

- 33.846.060.G *Other Approval Criteria*;
- 33.846.070 *Modifications Considered During Historic Design Review*; and
- *Community Design Guidelines*.

The proposal must also comply with the provisions of Title 32 (Portland Sign Code).

## **ANALYSIS**

- I. **Site and Vicinity:** The site is a 16,880-square-foot irregularly shaped lot located on the block bounded by NE Sandy Boulevard, NE 41<sup>st</sup> Avenue, NE Broadway, and NE 41<sup>st</sup> Place in the Hollywood neighborhood. The Hollywood Theatre occupies almost the entire site. The two-story Spanish Colonial-style building was designed by Bennes & Herzog. It was constructed in 1926. The building is a concrete structure with a stucco exterior. The grand theater comprises the southern two-thirds of the building. A series of five retail storefronts occupies the northern portion. The neighborhood was named after the theater.

The building was placed on the National Register of Historic Places on September 1, 1983. The National Register nomination form states that the entry "is the most visually compelling theatre entrance remaining in Portland. From the marquee level up, the original tinted terracotta façade is intact." This incredibly ornate portion of the building façade "recalls the Churrigueresque," which is a Spanish Baroque style from 17<sup>th</sup>-century Spain characterized by florid, highly expressive decoration.

The original marquee was located above the entry doors and ticket booth. The original marquee was divided into three sections that followed the shape of the building façade. The central portion was the largest. It featured a scalloped upper profile with an interlace and star pattern formed by exposed, individually mounted light bulbs. “HOLLYWOOD” was spelled out in white letters inset with exposed, individually mounted light bulbs. The two smaller portions of the marquee, one on each side of the central portion, contained reader-board that indicated movie titles and showtimes. Each of the four corners of the marquee was topped by a decorative lantern. The soffit of the marquee featured parallel lines of exposed, individually mounted light bulbs. The lines of light bulbs followed the shape of the marquee.

Historical photos appear to indicate that after the original marquee was removed sometime between 1926 and 1934 – within the first eight years of the theater’s existence – three different marquees have graced the entry façade in the intervening years. Sometime between 1926 and 1934, a vertically oriented neon sign spelling “HOLLYWOOD” was installed above the marquee level, adjacent to the highly ornate, decorative portion of the façade.

The site is bounded by NE Sandy Boulevard, NE Broadway, and NE 41<sup>st</sup> Place. According to Portland’s Transportation System Plan (TSP), NE Sandy Boulevard is classified as a Major Transit Priority Street, Major City Traffic Street, and City Bikeway. The TSP also indicates that the site is located in the Hollywood Pedestrian District.

The Hollywood Plan District chapter of the Portland Zoning Code (33.536) indicates that Sandy Boulevard is an “enhanced pedestrian street.” The site is located in subdistrict “A” of the Hollywood Plan District.

## **II. Zoning:**

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region’s heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

## **III. Land Use History:** City records indicate the following prior land use reviews.

- 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.

**IV. Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed on January 11, 2013. No City bureaus responded with comments or objections to the proposal.

**V. Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on January 11, 2013. No written comments in response to the proposal have been received from the neighborhood association (Hollywood Neighborhood Association) or notified property owners.

## ZONING CODE APPROVAL CRITERIA

*Three sets of approval criteria apply: 33.846.040.G: Other Approval Criteria; Community Design Guidelines; and 33.846.070: Modification Considered During Historic Design Review. Each set of approval criteria is addressed separately.*

### 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

Requests for historic design 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; therefore, historic design review is required. The relevant approval criteria associated with the site's historic landmark status are found in Section 33.846.060 G. 1.-10 of the Zoning Code. Additionally, the site is in the design overlay zone in the Hollywood Plan District. Because of this location, the relevant approval criteria also include the Community Design Guidelines.

## I. 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.

**Findings for 1:** The proposal does not include removal of historic materials or alteration of features or spaces that contribute to the property's historic significance. The existing marquee with signage that is being replaced is not the original marquee. The existing marquee with signage does not contribute to the property's historic significance. The proposal preserves the materials, features, and spaces that contribute to the property's historic significance, such as the large façade area of decorative terra cotta detailing located directly above the marquee. *Therefore this criterion is met.*

### 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.

### 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.

**Findings for 2 and 7:** The proposed marquee is intended as a close approximation of the original marquee, which was removed sometime between 1926 and 1934. However, characteristics of the proposed marquee sufficiently differentiate it from the original, thus

preventing the creation of a false sense of historic development. For example, a portion of the lighting on the new marquee will be comprised of LEDs, which did not exist at the time of the original marquee. Additionally, some features of the new marquee are simpler in form, such as the two lamppost-like vertical elements flanking the large central portion of the marquee. Whereas the original lamppost-like vertical elements had substantial decorative detailing, the new vertical elements are more streamlined, each with a series of small bulbs running vertically and centered between vertical red neon, with a simple globe-shaped lantern at the top. Thus the subject building will remain a physical record of its time, place, and use.

Additionally, installation of the proposed marquee will not destroy historic materials that characterize the property. The steel structure and tie rods from the existing marquee will be re-used for the new marquee. The existing building façade will remain intact.

*Therefore these criteria are met.*

**3. Historic changes.**

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

**Findings for 3:** The existing marquee to be removed has not acquired historic significance. *Therefore this criterion is met.*

**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.

**Findings for 4:** The proposal does not affect any deteriorated historic features. *Therefore this criterion is met.*

**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.

**Findings for 5:** The proposal does not involve any chemical or physical treatments that could damage historic materials. Historic materials on the building will not be adversely affected by installation of the new marquee. The steel structure and tie rods from the existing marquee will be re-used for the new marquee. This ensures that historic façade materials adjacent to the marquee area will not be affected; for example, no new penetrations in the façade are necessary to affix the marquee on the building. *Therefore this criterion is 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 for 6:** The proposal does not affect any archaeological resources. *Therefore this criterion is met.*

**8. Architectural compatibility.**

New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**10. Hierarchy of compatibility.**

Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic

or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 8 and 10:** The new marquee is compatible with the historic resource. The new marquee is intended as a close approximation of the original marquee. The marquee is appropriate with regard to the building's massing, size, scale, and architectural features. The marquee's grand size, location highlighting the theater entrance, and alignment with the form of the entry façade are architecturally appropriate for a movie theater constructed during the heyday of grand, elaborately adorned neighborhood theaters. The marquee is consistent with the distinct architectural vocabulary of early 20<sup>th</sup>-century theaters in the United States.

The new marquee is also compatible with adjacent properties. The neighborhood was named after the theater. The theater is in a prominent location on NE Sandy Boulevard. Although not located directly on the neighborhood's southern boundary, the theater acts as a welcoming gateway element, fostering a sense of arrival. Thus it is entirely fitting that such a grand marquee adorn the building façade.

*Therefore these criteria are met.*

**9. Preserve the form and integrity of historic resources.**

New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings for 9:** The steel structure and tie rods from the existing marquee will be re-used for the new marquee. This ensures that historic façade materials adjacent to the marquee area will not be affected; for example, no new penetrations in the façade are necessary to affix the marquee on the building. If the new marquee is removed in the future, the essential form and integrity of the historic resource and its environment will remain unimpaired. *Therefore this criterion is met.*

## **II. COMMUNITY DESIGN GUIDELINES**

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### Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories:

- (P)** *Portland Personality*, which establishes Portland's urban design framework;
- (E)** *Pedestrian Emphasis*, which states that Portland is a city for people as well as cars and other movement systems; and
- (D)** *Project Design*, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

**P1. Community Plan Area Character.**

Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions.

**Findings for P1:** The *Community Design Guidelines* document indicates that this guideline can be met in the Hollywood Plan District by "promoting the Hollywood and Sandy Plan's vision for a bright lights area long Sandy from 39<sup>th</sup> to 43<sup>rd</sup>." The document also states that this guideline can be met by "respecting the character of the Hollywood Theatre and emphasizing it as a neighborhood focal point." The proposed marquee achieves these ends.

The marquee will contain hundreds of chasing lights, in the form of individually mounted clear light bulbs, as well as decorative neon. Internally illuminated reader-board signage areas will announce movie titles and showtimes. The central portion of the marquee will feature signage spelling out “HOLLYWOOD” in open-pan channel letters, each inset with individually mounted clear light bulbs. A globe-shaped decorative lantern will flank each side of the central portion of the marquee. The signage portions of the marquee are grand in size, totaling about 165 square feet in area. This size, which encompasses the name of the theater and the reader-board portions, is entirely fitting for the building which inspired the neighborhood’s name. These features contribute to the “bright lights” area desired for Sandy Boulevard, and they emphasize the theatre as a culturally and historically important focal point in the neighborhood. *Therefore this guideline is met.*

**E3. The Sidewalk Level of Buildings.**

Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

**E4. Corners that Build Active Intersections.**

Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

**D2. Main Entrances.**

Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

**Findings for E3, E4, D2:** The highly detailed marquee – with its large overall size, reader-board portions, light bulbs individually mounted within open-pan channel letters, neon accents, globe-shaped lanterns, and chasing lights – is in keeping with the existing highly detailed terra-cotta ornamentation located directly above the marquee level. Together, the new marquee and the existing terra-cotta detailing render a visually interesting, dynamic sidewalk-level corner entrance for the building. The new marquee promotes the intersection of NE Sandy Boulevard and 41<sup>st</sup> Avenue as a significant corner in the Hollywood neighborhood. *Therefore these guidelines are met.*

**E5. Light, Wind, and Rain.**

Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

**Findings for E5:** The new marquee will extend about 11'-0" from the building façade. The marquee will wrap the entire entry façade, providing a large weather-protected area for patrons and passersby. This covered area will be well-lit. The soffit will feature chasing lights, using hundreds of individually mounted clear incandescent bulbs. *Therefore this guideline is met.*

**D6. Architectural Integrity.**

Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**Findings for D6:** The new marquee is compatible with the historic resource. The new marquee is intended as a close approximation of the original marquee. The marquee is appropriate with regard to the building’s massing, size, scale, and architectural features. The marquee’s grand size, location highlighting the theater entrance, and alignment with the form of the entry façade are architecturally appropriate for a movie theater constructed during the heyday of grand, elaborately adorned neighborhood theaters. *Therefore this guideline is met.*

**D8. Interest, Quality, and Composition.**

All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

**Findings for D8:** The marquee will contain hundreds of chasing lights, in the form of individually mounted clear light bulbs, as well as decorative blue and red neon. Internally illuminated reader-board signage areas will announce movie titles and showtimes. The central portion of the marquee will feature signage spelling out “HOLLYWOOD” in open-pan channel letters, each inset with individually mounted clear light bulbs. A globe-shaped decorative lantern will flank each side of the central portion of the marquee. The marquee’s variety of textures and colors make it interesting to view.

The marquee forms a cohesive composition on the building. Its shape follows the shape of the entry façade, and it is appropriately located directly above the theater’s entry doors and directly below the area of highly detailed terra-cotta ornamentation. The marquee is intended as a close approximation of the theater’s original marquee, helping to restore the entry area of the façade to its original appearance.

The marquee employs materials of long-lasting quality. The marquee is made of 100% aluminum construction. The lighting is comprised of special incandescent bulbs intended for outdoor signage, neon tubing, and light-emitting diodes. All paint is polyurethane. The reader-board portions of the sign have polycarbonate resin thermoplastic white letters to announce movie titles, showtimes, and other such information. The steel structure and tie rods from the existing marquee will be re-used for the new marquee.

*Therefore this guideline is met.*

### III. MODIFICATIONS

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#### **33.846.070: Modification Considered During Historic Design Review**

The approval criteria for modifications considered during historic design review are:

##### **A. Better meets historic design review approval criteria.**

The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified.

##### **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**

Per **32.32.020.A** of Portland’s Sign Code, the subject building is allowed a maximum of about 198 square feet of signage. Existing signage on the building that will be retained totals about 163 square feet. The signage areas on the proposed marquee total about 165 square feet, which will bring the total amount of signage on the building to about 328 square feet, which is 130 square feet over the maximum amount allowed. Therefore a **Modification** is requested.

[Note: The *Notice of Proposal* stated that the Modification to 32.32.020.A was needed because the size limit for an individual sign in the Storefront Commercial zone is 100 square feet. This was a Staff error. None of the individual sign areas on the proposed marquee exceeds 100 square feet.]

The purposes of **32.32.020.A** are stated in the Sign Code as follows:

- A. *To ensure that signs and awnings are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare;*
- B. *To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;*
- C. *To reflect and support the desired character and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;*



- D. To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of an area; and
- E. To ensure that the constitutionally guaranteed right of free speech is protected.

#### **Findings for Criterion A:**

The new marquee is intended as a close approximation of the theater's original marquee. Allowing the marquee to contain the amount of signage necessary to achieve this close approximation helps the proposal to better meet Guideline P1: *Community Plan Area Character*. The *Community Design Guidelines* document indicates that Guideline P1 can be met in the Hollywood Plan District by "emphasizing" the Hollywood Theatre as a "neighborhood focal point." The four areas of signage on the new marquee – one area of letters spelling "HOLLYWOOD" at the central portion of the marquee, 26.5 square feet in size; one reader-board area announcing movie titles and showtimes, located at the central portion of the marquee, 81.7 square feet in size; and two reader-board areas that announce movie titles and showtimes, flanking the central portion of the marquee, each 28.5 square feet – help to achieve this end. A large marquee with this amount of signage is in keeping with the distinct architectural vocabulary of early 20<sup>th</sup>-century theaters in the United States. The marquee and its signage help to restore the building to its original appearance, contributing to its role as a cultural and historical focal point of the neighborhood. *Therefore this criterion is met.*

#### **Findings for Criterion B:**

With the Modification, the purposes of 32.32.020.A are still met.

- The four areas of new signage on the new marquee will be constructed and maintained according to the minimum standards to protect life, health, property, and public welfare.
- Positive conditions for sign communication will be allowed and promoted without nuisance to nearby properties. The proposed Modification does not impede the communication abilities of existing signage on the building, which includes four small blade signs for retail tenants, one wall sign for a retail tenant, and the vertically oriented "HOLLYWOOD" neon sign for the theater. The four areas of new signage are oriented to NE Sandy Boulevard, which serves as the primary commercial corridor for the Hollywood neighborhood. The new signage areas employ scale, proportions, and materials appropriate for the grand entrance to this historic theater.
- The desired character and development patterns of the Storefront Commercial zone and the Hollywood Plan District are reflected and supported. The subject building will remain pedestrian-oriented and humanly scaled, with signage oriented to pedestrians on NE Sandy Boulevard. This street is the neighborhood's primary commercial corridor, with a mixture of retail establishments, restaurants, taverns, entertainment venues, and small offices. The subject building will continue its positive contribution to this character and pattern of development.
- The four new areas of signage will not dominate the appearance of the area. They will be located at the marquee level on the building façade, which is at the sidewalk-level of NE Sandy Boulevard. The new areas of signage will not adversely affect the appearance and efficacy of signage on adjacent buildings.
- The constitutionally guaranteed right of free speech will not be affected.

*Therefore this criterion is met.*

#### **Modification #2**

According to **32.32.030.C.1.b** of Portland's Sign Code, no more than 30 square feet of a projecting sign may extend into the right-of-way. The proposed signage areas on the marquee total approximately 165 square feet extending into the right-of-way. Therefore a Modification to 32.32.030.C.1.b is requested.

The purposes of **32.32.030.C.1.b** as stated in the Sign Code are the same as the purposes for 32.32.020.A, which are cited in the preceding section, *Modification #1*.

#### **Findings for Criterion A:**

With the Modification to 32.32.030.C.1.b, the proposal better meets Guideline *D6: Architectural Integrity*. The new marquee is intended as a close approximation of the original marquee. The original marquee's signage extending into the right-of-way greatly exceeded 30 square feet. Such a grand marquee was an inextricable architectural feature of American theaters built in the early 20<sup>th</sup> century. Thus the Modification enables the proposal to restore the architectural integrity of the theater entry façade. *Therefore this criterion is met.*

#### **Findings for Criterion B:**

With the Modification, the purposes of 32.32.030.C.1.b are still met.

- The proposed signage extending into the right-of-way will be constructed and maintained according to the minimum standards to protect life, health, property, and public welfare.
- Positive conditions for sign communication will be allowed and promoted without nuisance to nearby properties, and the signage will not dominate the appearance of the area. The signage proposed to extend into the right-of-way is not located or oriented in a way that would impede the communication abilities of existing signage on the building. The new marquee signage is appropriately located, oriented, and sized for such a grand theater entrance.
- The desired character and development patterns of the Storefront Commercial zone and the Hollywood Plan District are reflected and supported. The subject building will remain pedestrian-oriented and humanly scaled, with signage oriented to pedestrians on NE Sandy Boulevard. This street is the neighborhood's primary commercial corridor, with a mixture of retail establishments, restaurants, taverns, entertainment venues, and small offices. The subject building will continue its positive contribution to this character and pattern of development.
- The constitutionally guaranteed right of free speech will not be affected.

*Therefore this criterion is 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 marquee, which contains four distinct signage areas, helps to restore the original character of the theater entry façade. The Modification to 32.32.020.A and the Modification to 32.32.030.C.1.b aid greatly in this endeavor. The location, orientation, size, scale, textures, and materials of the marquee and its signage are architecturally appropriate. The proposal reinforces the Hollywood Theatre as a cultural and historical focal point of the Hollywood neighborhood. Therefore, approval is warranted for the Historic Design Review and the two Modifications.

### **ADMINISTRATIVE DECISION**

Approval of **Historic Design Review** for removal of the existing marquee and installation of a new marquee with four distinct signage areas, totaling about 165 square feet of signage, at the historic Hollywood Theatre located in the Hollywood Plan District. Details as follows:

- Signage area sizes: one 26.5-square-foot signage area containing open-pan channel letters with static illumination; one 81.7-square-foot reader-board signage area; and two reader-board signage areas, each 28.5 square feet. Reader-board signage areas are internally illuminated with LEDs, with letters made of polycarbonate resin thermoplastic.
- Chasing light bulbs in non-signage areas only (soffit of marquee, and decorative features outlined in blue neon on front of marquee).


Approval of **Modification to 32.32.020.A of the Sign Code**, to allow about 165 square feet of new signage, resulting in the site exceeding its amount of allowed signage by about 130 square feet.

Approval of **Modification to 32.32.030.C.1.b of the Sign Code**, to allow the new marquee to have up to 165 square feet of signage extending into the right-of-way.

Approval per the approved plans and drawings, Exhibits C-1 through C-12, signed and dated March 8, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the four 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 through C-12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-111053 HDZM. No field changes allowed."

**Staff Planner: Kate Marcello**

**Decision rendered by:**  **on March 8, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 12, 2013**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on January 31, 2013, and was determined to be complete on **January 7, 2013**.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 31, 2013.

*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 extended by the applicant, **the 120 days will expire on June 7, 2013**.

**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 March 26, 2013** 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](http://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 **March 27, 2013 (the day following the last day to appeal)**.
- 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.

**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:

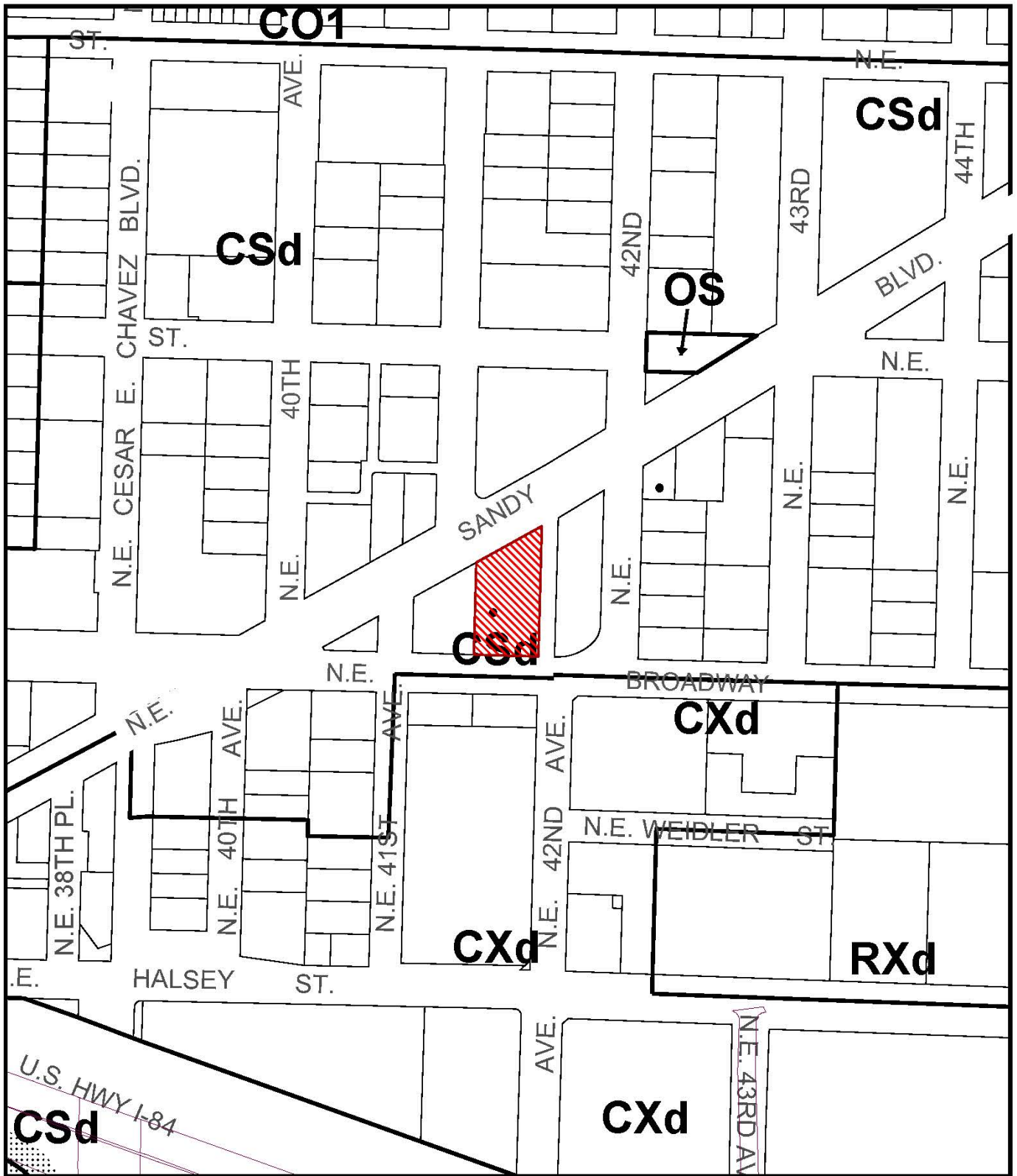
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
  - 1. Site Plan (attached)
  - 2. Photographic Site Plan
  - 3. Enlarged Site Plan
  - 4. Building Elevation Drawings (partially attached)
  - 5. Signage and Marquee Elevation Drawing
  - 6. Marquee Plan View and Reflected Ceiling Plan
  - 7. Marquee Section Drawing
  - 8. Signage and Marquee Details
  - 9. Signage and Marquee Colors
  - 10. Marquee Lighting Information
  - 11. Photographs and Axonometric Drawing of Existing Marquee Structure
  - 12. Three-Dimensional Rendering of Signage and Marquee
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Response: None received.
- F. Correspondence: None received.
- G. Other
  - 1. Original Land Use Review Application
  - 2. Site Visit Photographs
  - 3. Photographs of Signage and Marquee, 1926 to Present Day

**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:  
HOLLYWOOD THEATER



NORTH

This site lies within the:  
HOLLYWOOD PLAN DISTRICT

File No. LU 13-111053 HDZM  
 1/4 Section 2834,2835  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E25DD 10300  
 Exhibit B (Jan 31,2013)

# SITE PLAN

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner Kortell Date March 8, 2013  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Location of new marquee

SANDY BLVD.

NE 41ST PLACE

PBW

150'-0"

ENTRANCE

N

NE BROADWAY

Case number: LU 12-111053 HDZM  
 Exhibit C-1

Scale:  $\frac{1}{32}'' = 1'-0''$

**FERNANDO DUARTE**  
 8565 23rd Avenue, Sacramento, CA 95828 P 916.379.0225 F 916.379.0211  
 www.wix.com/duarteid/duarteid

PROJECT: HOLLYWOOD THEATRE  
 ADDRESS: 4122 NESandy Blvd  
 SCALE: 1/32" = 1'-0"  
 DATE: Sept. 15 2011



# Building Elevation

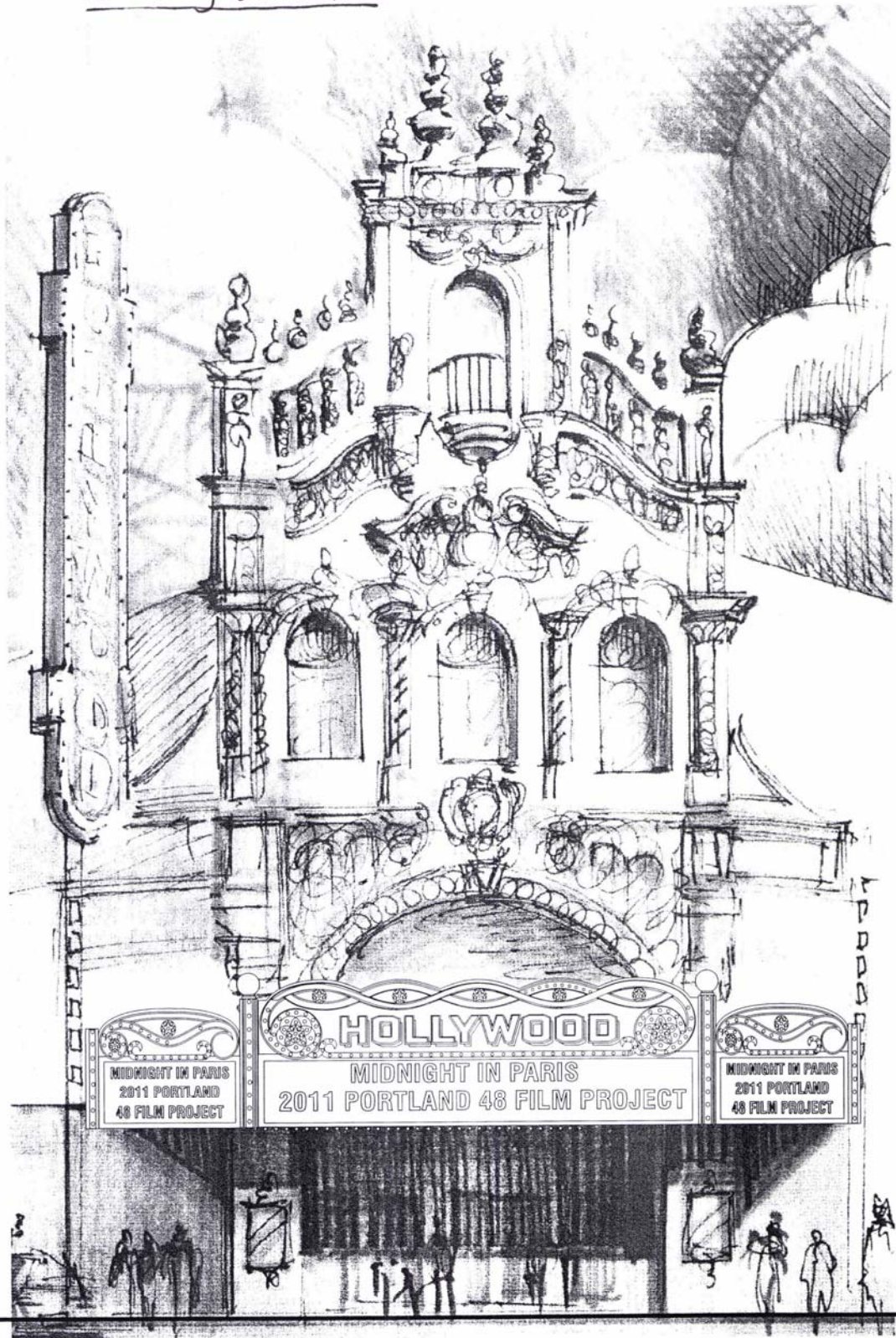
"Approved"

City of Portland - Bureau of Development Services

Planner K. Zell

Date March 8, 2013

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Case number: LU 13-111053 HDZM

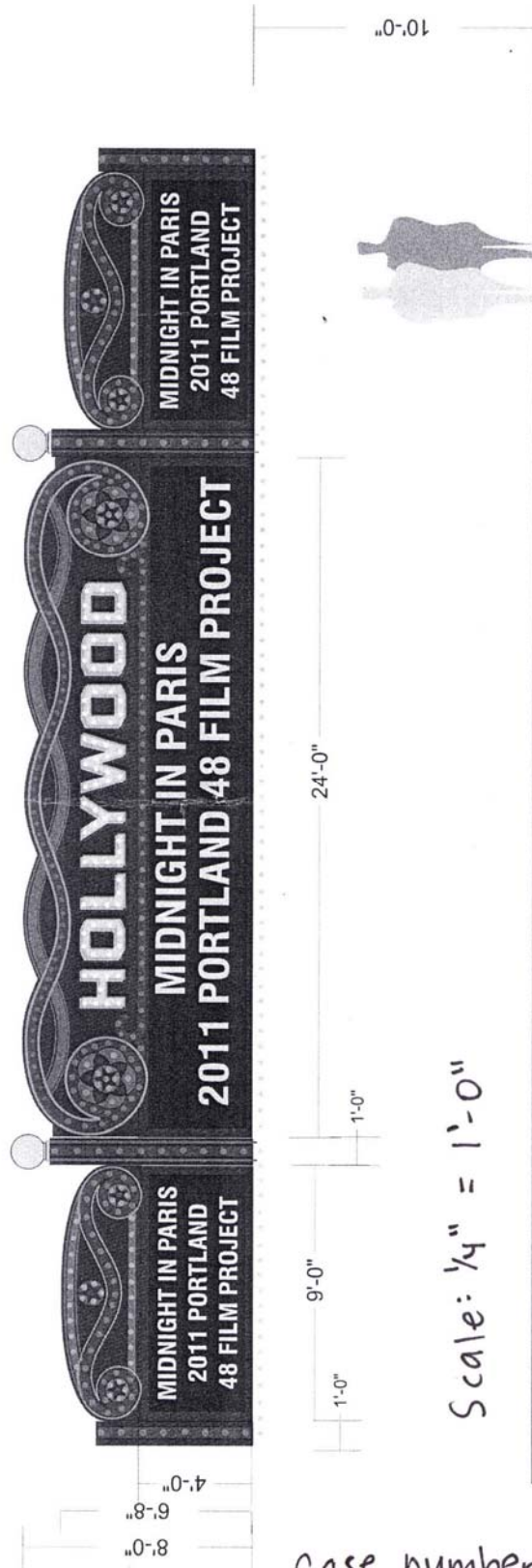
Scale:  $\frac{1}{4}'' = 1'-0''$

Exhibit C-4



# MARQUEE ELEVATION

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner Kathleen Date March 8, 2013  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



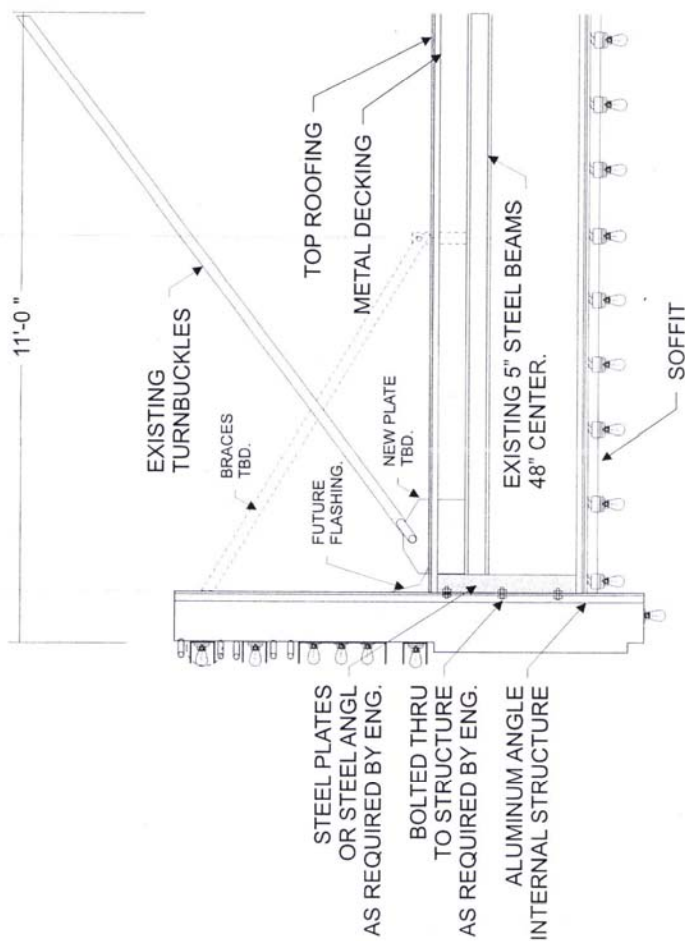
**FERNANDO DUARTE DESIGN**  
 8565 23rd Avenue, Sacramento, CA 95828 • 916.379.0225 • 916.379.0217  
 WWW.WIX.COM/DUARTEDESIGN

**PROJECT** HOLLYWOOD THEATRE  
**ADDRESS** 4122 NE Sandy Blvd  
 Portland, OR  
**SCALE** 1/4" = 1'-0"  
**DATE** Sept. 15 2011

Case number: LU 13-111053 HD2M  
 Exhibit C-5

# Section Drawing

## MARQUEE STRUCTURE



Scale: 1/2" = 1'-0"

Case number: LU 13-111053 HDZM

Exhibit C-7



PROJECT: HOLLYWOOD THEATRE  
ADDRESS: 4122 NE Sandy Blvd, Portland, OR  
SCALE: 1/2" = 1'-0"  
DATE: Sept. 15 2011

\*Approved\*

City of Portland - Bureau of Development Services

Planner: Kayell Date: March 8, 2013

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.