

3	Demolition Review Approval Criteria	Rubio	This amendment eliminates an existing demolition review approval criterion related to “reasonable economic use” and amends the remaining demolition review approval criteria to ensure underrepresented histories and economic consequences to owners are considered by the decision-maker.
4	Refine 120-Day Delay	Ryan	This amendment allows permits for interior alterations to be issued during 120-day delay, consistent with the applicability of historic resource review.
5	Legislative Land Use Recommendations Concerning Establishment or Removal of Districts	Mapps	This amendment allows for independent recommendations from the Planning and Sustainability Commission and the Historic Landmarks Commission concerning the designation or removal of Historic and Conservation Districts.
6A	Maintain Existing Historic Landmarks Commission Membership Categories	Mapps	This amendment maintains the existing membership categories for the 7-member Historic Landmarks Commission.
6B	Refine Historic Landmarks Commission Membership Categories	Mapps	This amendment refines the Recommended Draft membership categories for the 7-member Historic Landmarks Commission.
7	Historic Resource Review Procedure Types for New Chinatown/Japantown Historic District	Mapps	This amendment allows any Type III historic resource review proposal in the New Chinatown/Japantown Historic District to be processed as a Type II review following a required design advice request meeting.
8	Minor and Technical Amendments	Rubio	This amendment is a slate of minor and technical changes intended to clarify and improve the zoning code.



How to Read this Document

~~Strikethrough~~ and underline are used to show potential changes to the current code. Chapter 33.445 is replaced in its entirety; ~~strikethrough~~ and underline are not used to show potential changes to that chapter. Text **shading** is used for informational purposes to highlight where potential code amendments depart from the Recommended Draft code language.



Amendment #1: Bonus Height in CM2 Zones

This amendment allows 10' of bonus height for certain development proposals in Historic and Conservation Districts in the CM2 zone. This change aligns Historic and Conservation Districts with the existing 10' bonus height allowance for sites in the CM2 zone that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor and are located within the Design overlay zone. This 10' bonus height allowance is already allowed in portions of the Kenton Commercial Historic District, Alphabet Historic District, Mississippi Conservation District, and Piedmont Conservation District that are also in the Design overlay zone. The amendment prohibits use of the bonus on sites where a landmark or contributing resource was demolished in the past 10 years, ensuring the added bonus height does not encourage demolition of historic resources.

Amend Table 130-3:

Table 130-3 Summary of Bonus FAR and Height						
		CM1	CM2	CM3	CE	CX
Overall Maximums Per Zone						
Maximum FAR with bonus		2.5 to 1	4 to 1	5 to 1	4 to 1	6 to 1
Maximum height with bonus		35 ft.	55 ft. [1] 75 ft. [2]	75 ft. 120 ft. [2]	45 ft.	85 ft. 120 ft. [2]
Increment of Additional FAR and Height Per Bonus						
Inclusionary Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	1 to 1 none	2 to 1 10 ft.
Affordable Commercial Space (see 33.130.212.D)	FAR Height	0.5 to 1 none	0.75 to 1 10 ft.	1 to 1 10 ft.	0.5 to 1 none	1 to 1 10 ft.
Planned Development (see 33.130.212.E)	FAR Height	none none	1.5 to 1 up to 30 ft.	2 to 1 up to 55 ft.	1.5 to 1 up to 30 ft.	2 to 1 up to 45 ft.

[1] Bonus height in the CM2 zone is only allowed on sites that are within a Historic District, Conservation District, or the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor. Bonus height on a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner or the only structure on the site that was demolished was an accessory structure.

[2] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

Motion to allow 10' of bonus height for certain development proposals in Historic and Conservation Districts in the CM2 Commercial Mixed Use zone: Moved by Hardesty and seconded by Rubio. (Y-5)



Amendment #2: Historic Resource Review Procedure Types for Affordable Housing

This amendment changes Tables 846-1, 846-2, 846-3, and 846-4 to revise the historic resource review land use procedure types for development of certain affordable housing projects affecting a Historic or Conservation Landmark or located within a Historic or Conservation District. This amendment allows certain affordable housing proposals to be processed through a Type II review, with a required design advice request meeting, in lieu of a Type III procedure. This amendment also allows a narrower subset of affordable housing proposals to be processed through a Type Ix review, with a required design advice request meeting. Note: Numerous amendments affect the footnotes to the historic resource review procedure type tables in Chapter 33.846; Footnote numbering will be adjusted as necessary following the City Council's vote on amendments.

Amend Tables 846-1 and 846-3:

Table 846-1 Procedure Types for proposals affecting Historic Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Historic Landmark	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Alterations of a landmark-designated interior public space	All	Project value > \$459,450	Type III
		Project value ≤ \$459,450	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX, CI All	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	RF-RHAll		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III [1]
		Project value ≤ \$459,450	Type II [1]



[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

**Table 846-2
Procedure Types for proposals affecting Conservation Landmarks**

Proposal	Zone	Threshold	Procedure
Relocation	All	Conservation Landmark	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	C, E, I, RX, CI All	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	RF-RHAI		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II [1]

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.



**Table 846-3
Review procedures for proposals within Historic Districts**

Proposal	Zone	Threshold	Review Type
<u>Relocation</u>	All	<u>Contributing resource</u>	Type III [1]
		<u>Contributing accessory structure</u>	Type II
New structure New accessory structure	All RF-RH	Project value > \$459,450 Floor area > 5,000 sq. ft.	Type III [1]
		Project value ≤ \$459,450 Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
<u>Window replacement</u>	RF-R2.5		Type I
<u>Mechanical equipment</u>	All		Type I
<u>Awnings</u>	All		Type I
Signs	C, E, I, RX, CI All	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade <u>or</u> roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RHM4	Affected facade <u>or</u> roof area < 150 sq. ft.	Type I
Historic restoration	RF-RHAI		Type I
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	All		Type I
<u>Paving and landscaping</u>	All	Affected site area < 800 sq. ft.	Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III [1]
		Project value ≤ \$459,450	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.



Table 846-4 Review procedures for proposals within Conservation Districts			
Proposal	Zone	Threshold	Review Type
<u>Relocation</u>	All	<u>Contributing resource</u>	<u>Type III</u>
		<u>Contributing accessory structure</u>	<u>Type Ix</u>
New structure	All	<u>Floor area > 800 sq. ft.</u>	<u>Type II</u> [1]
		<u>Floor area ≤ 800 sq. ft.</u>	<u>Type Ix</u>
<u>New accessory structure</u>	RF-RH		<u>Type I</u>
<u>Window replacement</u>	RF-R2.5		<u>Type I</u>
<u>Mechanical equipment</u>	All		<u>Type I</u>
<u>Awnings</u>	All		<u>Type I</u>
Signs	C, E, I, RX, CI All	<u>Sign area < 150 sq. ft.</u>	<u>Type Ix</u>
Alteration to the exterior of a structure Alteration to the exterior of a structure	C, E, I, RX, CI	<u>Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.</u>	<u>Type Ix</u>
		<u>Affected facade or roof area ≤ 50 sq. ft.</u>	<u>Type I</u>
	RF-RHM4	<u>Affected facade or roof area < 150 sq. ft.</u>	<u>Type I</u>
Historic restoration	RF-RHAll		<u>Type I</u>
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	All		<u>Type I</u>
<u>Paving and landscaping</u>	All	<u>Affected site area < 800 sq. ft.</u>	<u>Type I</u>
<u>Any other non-exempt exterior alteration or historic restoration proposal</u>	All		<u>Type II</u> [1]

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

Motion to allow certain affordable housing proposals subject to historic resource review to be processed through a Type II or Type Ix procedure following a required design advice request meeting: Moved by Ryan and seconded by Hardesty. (Y-5)



Amendment #3: Demolition Review Approval Criteria

This amendment revises the approval criteria for demolition review. The amendment deletes an existing demolition review approval criterion related to “reasonable economic use” and deletes supplemental application requirements related to that criterion. This amendment also adds two additional factors that must be considered under the remaining approval criteria for demolition review, except for proposals to demolish an accessory structure. The two new factors expand on the minimum factors that must be considered in demolition review under State Rule.

One new factor requires consideration of the economic consequences of demolition—or denial of demolition—for both the property owner and the community. This factor allows the decision-maker to consider such information as any economic hardships affecting a property owner, the financial feasibility of preserving the resource, and/or the economic benefits or burdens to the community of demolishing the resource.

The other new factor requires consideration of any significant association between the resource and historically marginalized people or groups. This factor allows the decision-maker to consider such information as the historical or current significance of the resource to underrepresented communities, the resource’s association with individuals or events that had an effect on historically marginalized peoples, and/or the absence of any known relationship between the resource and historically marginalized peoples.

The factors are not approval criteria, but information that must be presented before a decision-maker prior a decision being made against one of the approval criteria. If information supporting a factor is not available—as may be the case for a resource with no known association with a historically marginalized individual or community—then the information presented before the decision-maker must acknowledge the absence of available evidence related to the factor(s).

Delete 33.846.080.C; Reletter 33.846.080.D to .C; Amend 33.846.080.C:

C. Approval criteria. Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:

- ~~1.~~ Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site;
- ~~2~~1. Demolition of the resource has been evaluated against and, on balance, demolition has been found to be equally or more supportive of the relevant goals and policies of the Comprehensive Plan, and any relevant area plans, than preservation, rehabilitation, or reuse of the resource. The evaluation ~~may~~must consider ~~factors such as:~~
 - a. The resource’s age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - ~~a~~c. The merits of demolition;
 - ~~b~~d. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;



- c. ~~The effect demolition of the resources would have on the area's desired character;~~
 - d. ~~The effect that redevelopment on the site would have on the area's desired character;~~
 - e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
 - f. Any proposed mitigation for the demolition.
2. The proposal is to demolish a contributing resource in a Conservation District or National Register District, and demolition of the resource will be mitigated to enhance, preserve, or restore the archaeological, architectural, cultural, or historic significance or integrity of the district. The mitigation must be responsive to the significance and integrity of the resource proposed for demolition. The evaluation must consider:
- a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
3. The proposal is to demolish a contributing resource in a single-dwelling zone in a National Register District, and demolition of the resource will facilitate the creation of more deeply affordable dwelling units than could practicably result from preservation, rehabilitation, or reuse of the resource. In this case, deeply affordable means permanently affordable to those earning no more than 60 percent of the area median family income. The evaluation must consider:
- a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
4. The proposal is to demolish an accessory structure, and demolition of the resource will not significantly diminish the architectural, cultural, or historic significance or integrity of the associated landmark or district.

Motion to eliminate an existing demolition review approval criterion related to "reasonable economic use" and amend the remaining demolition review approval criteria to ensure underrepresented histories and economic consequences to owners are considered by the decision-maker: Moved by Hardesty and seconded by Rubio. (Y-5)



Amendment #4: Refine 120-Day Delay

This amendment specifies that only issuance of permits for demolition or exterior alteration are suspended during 120-day delay (AKA demolition delay). This change narrows existing code language that was adopted in 2017 for consistency with other historic resource protections, including historic resource review, that generally regulate physical changes to the exterior of historic resources and do not regulate changes to the interior of historic resources.

*Note: Chapter 33.445 is replaced in its entirety, so ~~striketrough~~ and underline are not used to show potential changes to this chapter. Text **shading** is used for informational purposes to highlight where this potential code amendments depart from the Recommended Draft code language.*

Amend 33.445.340.B:

- B. Suspension of permit issuance.** During the 120-day delay period, no permit for the demolition or exterior alteration of a Significant Resource may be issued. This suspension of permit issuance does not apply to relocation of a Significant Resource during the 120-day delay period.

Amend 33.445.340.C.2.a(2):

- (2) Content of the posted notice. The notice must include the following information:
- The date of the posted notice.
 - The address of the resource proposed for demolition.
 - A statement specifying what action triggered the 120-day delay procedure and this notice.
 - A statement that during the 120-day delay period, no building permit for the demolition or exterior alteration of a Significant Resource requested to be demolished may be issued, other than a permit for relocation of the resource.
 - A statement that the purpose of the 120-day delay is to allow time for notice and consideration of alternatives to demolition, including restoration, relocation, or salvage of materials.
 - A statement that building permits may be issued after the date on which the 120-day delay has ended.
 - The name, address, and telephone number of the owner or the party acting as an agent for the owner.

Motion to allow permits for interior alterations to be issued during 120-day delay, consistent with the applicability of historic resource review: Moved by Ryan and seconded by Hardesty. (Y-5)



Amendment #5: Legislative Land Use Recommendations Concerning Establishment and Removal of Districts

This amendment changes the legislative procedure for the designation and removal of Historic and Conservation Districts. It assigns both the Planning and Sustainability Commission and the Historic Landmarks Commission to make recommendations to City Council. This amendment retains the Recommended Draft's requirement for a joint hearing to be held between the two commissions prior to each Commission making its recommendation. This amendment allows for situations where the commissions may make different recommendations, as well as situations where neither commission recommends action.

Amend 33.710.060.D.3:

3. ~~Recommending the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning and Sustainability Commission and the City Council in legislative actions;~~

Amend 33.720.030:

33.720.030 Legislative Land Use Reviews

- A. Legislative land use reviews, unless stated otherwise in Subsections B ~~through E or C, below~~, are assigned to the Planning and Sustainability Commission, who will make a recommendation to City Council.
- B. Design ~~G~~guidelines in Historic Districts and Conservation Districts require a recommendation from the Historic Landmarks Commission before being submitted to the City Council for adoption.
- C. Design guidelines in design districts require a recommendation from the Design Commission before being submitted to the City Council for adoption.
- D. Historic Landmark and Conservation Landmark designation and removal and Significant Resource identification require a recommendation from the Historic Landmarks Commission before being submitted to the City Council for adoption.
- E. Historic District and Conservation District designation and removal require a recommendation from the Planning and Sustainability Commission and Historic Landmarks Commission before being submitted to the City Council for adoption.
- ~~DF.~~ Final action on all legislative land use reviews is by the City Council.

Amend 33.740.020.A:

A. **Hearing required.**

1. A Commission must hold at least one public hearing before recommending action on a legislative matter.
2. When a legislative matter includes the establishment or amendment of any design standards in 33.420 or the establishment or amendment of any design guidelines for design review, at least one joint public hearing with the Planning and Sustainability Commission and the Design Commission is required before each commission recommends action on the subject matter assigned to them.



3. When a legislative matter includes the designation of an entire Historic District or Conservation District or the removal of an entire Historic District or Conservation District, at least one joint public hearing with the Planning and Sustainability Commission and the Historic Landmarks Commission is required before each commission recommends action on the designation or removal.

Amend 33.740.020.E:

E. Commission recommendation and decision.

1. If only one Commission is assigned to make a recommendation on the legislative land use review and the assigned Commission decides that no action is appropriate, the matter is terminated. There is no appeal of the Commission's decision. If the City Council initiated the legislative action, the Commission must submit a report to the City Council on its recommendation not to act.
2. If more than one commission is assigned to make a recommendation on the legislative land use review:
 - a. If both Commissions decide that no action is appropriate, the matter is terminated. There is no appeal of the Commissions' decisions. If the City Council initiated the legislative action, the Commissions must submit a report to the City Council on their recommendation not to act.
 - b. If one Commission decides that no action is appropriate, and the other Commission decides action is appropriate, the Commissions must submit a report to the City Council on their respective recommendations.
23. If the last Commission reviewing a legislative action recommends approval, a report and recommendation will be forwarded to City Council.

Motion to allow for independent recommendations from the Planning and Sustainability Commission and the Historic Landmarks Commission concerning the designation or removal of Historic and Conservation Districts: Moved by Mapps and seconded by Ryan. (Y-1 Mapps; N-4 Rubio, Ryan, Hardesty, Wheeler). Motion failed to pass.



Amendment #6A: Maintain Existing Historic Landmarks Commission Membership Categories

This amendment eliminates the Recommended Draft changes to Historic Landmarks Commission membership in Chapter 33.710. This amendment retains the existing membership categories for the Historic Landmarks Commission, including required membership categories for a historian with knowledge of local history, an architectural historian, and an architect.

Amend 33.710.060.B:

- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. The Commission must include a historian with knowledge of local history; an architectural historian; an architect; two members from the following: landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines; and two members at-large. All members must have demonstrated interest, competence, or knowledge of historic preservation. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.

No motion.



Amendment #6B: Refine Historic Landmarks Commission Membership Categories

This amendment revises the Recommended Draft changes to Historic Landmarks Commission membership in Chapter 33.710. This amendment requires two of the seven members on the Historic Landmarks Commission to have professional background in historic preservation, local history, architectural history, or architecture.

Amend 33.710.060.B:

- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. ~~The Commission must include a historian with knowledge of local history; an architectural historian; an architect; two members from the following: landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines; and two members at-large.~~ All members must have demonstrated interest, competence, or knowledge of historic preservation. At least two members must have professional experience in historic preservation, local history, architectural history, or architecture. At least three of the additional members must have professional experience or working knowledge of historic preservation, local history, architectural history, architecture, landscape architecture, real estate, economics, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, cultural resources management, or related disciplines. The Commission may have up to two members at-large. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.

Motion to adjust the Recommended Draft membership categories for the 7-member Historic Landmarks Commission: Moved by Mapps and seconded by Rubio. (Y-5)



Amendment #7: Historic Resource Review Procedure Types for New Chinatown/Japantown Historic District

This amendment changes Table 846-3 to revise the historic resource review land use procedure types for development proposals in the New Chinatown/Japantown Historic District. This amendment allows proposals to be processed through a Type II procedure, with a required design advice request meeting, in lieu of a Type III procedure. Note: Numerous amendments affect the footnotes to the historic resource review procedure type tables in Chapter 33.846; Footnote numbering will be adjusted as necessary following the City Council's vote on amendments.

Table 846-3 Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
<u>Relocation</u>	All	<u>Contributing resource</u>	<u>Type III</u>
		<u>Contributing accessory structure</u>	<u>Type II</u>
New structure New accessory structure	All RF-RH	Project value > \$459,450 Floor area > 5,000 sq. ft. [1]	Type III
		Project value ≤ \$459,450 Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II
		Floor area ≤ 800 sq. ft.	Type Ix
<u>Window replacement</u>	RF-R2.5		<u>Type I</u>
<u>Mechanical equipment</u>	All		<u>Type I</u>
<u>Awnings</u>	All		<u>Type I</u>
Signs	C, E, I, RX, CI All	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	<u>Type I</u>
	RF-RHM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	RF-RHAll		Type I
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	All		<u>Type I</u>
<u>Paving and landscaping</u>	All	Affected site area < 800 sq. ft.	<u>Type I</u>
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450 [1]	Type III
		Project value ≤ \$459,450	Type II

[1] Proposals in the New Chinatown/Japantown Historic District may choose a Type II review procedure. In this case, a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.



Motion to allow any Type III historic resource review proposal in the New Chinatown/Japantown Historic District to be processed as a Type II review following a required design advice request meeting: Moved by Mapps and not seconded. Vote not called.



Amendment #8: Minor and Technical Amendments

The following are minor and technical amendments identified by BPS staff to improve the clarity of the zoning code and to resolve minor errors and omissions present in the Recommended Draft.

Amendment #8A

This amendment restores an inadvertent deletion that occurred with the Shelter to Housing Continuum Project. Reference to Daycare in the use notation number [9] in Table 140-1 was inadvertently deleted and should be restored.

Amend footnote [9] in Table 140-1:

9. Daycare and Community Service in the I zones. This regulation applies to all parts of Table 140-1 that have a [9].
 - a. Short term and mass shelters are prohibited. Outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 - b. Daycare and aAll other Community Service uses up to 3,000 square feet of net building area are allowed. Uses larger than 3,000 square feet of net building area are a conditional use.

Amendment #8B

This amendment incorporates the new historic resource types National Register Landmark and National Register district into the Design Overlay Zone chapter and provides clarity as to where the Historic Resource Overlay Zone applies and where the Design Overlay Zone applies in situation where both are present.

Amend 33.420.025:

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Meeting the regulations of this chapter may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision. This chapter does not apply to sites located within the Historic Resources overlay zone, the boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District.



Amendment #8C

This amendment narrows the Recommended Draft's new exemption to demolition review for certain detached accessory structures to just commercial and residential zones. The Recommended Draft defaulted the new exemption to all zones, but this change will ensure that detached accessory structures significant to atypical Historic and Conservation Districts—such as reservoir houses and comfort stations in open space zones—remain subject to historic resource demolition protections.

Note: Chapter 33.445 is replaced in its entirety, so ~~strikethrough~~ and underline are not used to show potential changes to this chapter. Text shading is used for informational purposes to highlight where this potential code amendments depart from the Recommended Draft code language.

Amend 33.445.200.E.2.c:

2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures **in C and R zones** that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.

Amend Section 33.445.210.E.2.c:

2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures **in C and R zones** that are identified as a contributing resource and are 800 square feet or less in total floor area; and



- d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.

Amend Section 33.445.220.E.2.c:

- 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.

Amend Section 33.445.330.B:

- B. Exempt from 120-day delay.** The following are exempt from 120-day delay:
 - 1. Demolition of noncontributing resources;
 - 2. Significant Resources that are required to be demolished because:
 - a. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - 3. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - 4. Significant Resources that are located in the public right-of-way and are less than 2 feet in height.



Amendment #8D

This amendment ensures that alterations to Conservation Landmarks and contributing resources in Conservation Districts that are not buildings are subject to historic resource review and not the Community Design Standards. The Community Design Standards are a set of clear-and-objective standards that were written primarily for buildings and would not adequately protect the unique attributes of non-building historic resources, such as freestanding neon signs. This change would allow for better resource-specific design protection for non-building resources than could be achieved through the Community Design Standards.

Note: Chapter 33.445 is replaced in its entirety, so ~~strikethrough~~ and underline are not used to show potential changes to this chapter. Text shading is used for informational purposes to highlight where this potential code amendments depart from the Recommended Draft code language.

Amend Section 33.445.510:**33.445.510 When Community Design Standards May Be Used**

The Community Design Standards may be used as an alternative to historic resource review for proposals within the boundary of a Conservation Landmark or Conservation District except as follows:

- A. Proposals affecting a Conservation Landmark or Conservation District in the Central City plan district are not eligible to use the Community Design Standards as an alternative to historic resource review;
- B. Alterations affecting more than 50 percent of the area of any street-facing façade of a Conservation Landmark or contributing resource within a Conservation District are not eligible to use the Community Design Standards as an alternative to historic resource review;
- C. Alterations that increase the height of a Conservation Landmark or contributing resource within a Conservation District by 15 feet or more are not eligible to use the Community Design Standards as an alternative to historic resource review;
- D. Proposals that meet the definition of demolition in this chapter are not eligible to use the Community Design Standards as an alternative to historic resource review;
- E. Proposals to relocate a Conservation Landmark or relocate a contributing resource in a Conservation district that is not a detached accessory structure are not eligible to use the Community Design Standards as an alternative to historic resource review;
- F. Alterations to a Conservation Landmark when the Conservation Landmark is not a building or alterations to a contributing resource within a Conservation District when the contributing resource is not a building are not eligible to use the Community Design Standards as an alternative to historic resource review.



Amendment #8E

This amendment clarifies that the Historic Landmarks Commission, as part of Portland's obligations as a Certified Government, makes recommendations on National Register nominations to the State Advisory Committee on Historic Preservation and National Park Service's Keeper of the National Register.

Amend 33.710.060.D.8:

8. Initiating and coordinating historic preservation and public outreach programs in the City, including reviewingmaking recommendations onfor aNational Register statusof Historic Places nominations and making recommendations to other governmental agencies regarding historic preservation programs and issues.

Amendment #8F

This amendment assigns the Historic Landmarks Commission as the review body for an appeal of an adjustment associated with a designated historic resource.

Amend 33.720.020.D

- D. Historic Landmarks Commission.** Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.
1. Landmark designations, and the removal of landmark designations; and
 2. Historic resource review of Historic and Conservation, and National Register Landmarks and structuresresources in Historic of Conservation, and National Register Districts;
 3. Demolition review of Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts; and
 4. Adjustments associated with Historic, Conservation, and National Register Landmarks and Historic, Conservation, and National Register Districts.

Amendment #8G

This amendment clarifies the language regarding legislative procedures for design guidelines in Historic and Conservation Districts, in addition to the design overlay zone.

Amend Section 33.720.030.B:

- B. Design Guidelines infor Historic Districts and Conservation Districts are assigned to the Historic Landmarks Commission, who will make a recommendation to City Councilrequire a recommendation from the Historic Landmarks Commission before being submitted to the City Council for adoption.**



Amend Section 33.720.030.C:

- C. Design guidelines for the Design overlay zone are assigned to the Design Commission, who will make a recommendation to City Council ~~require a recommendation from the Design Commission before being submitted to the City Council for adoption.~~ In some cases, a joint hearing with the Design and Planning and Sustainability commissions is required. See 33.740.020.

Amend Section 33.720.030.D:

- D. Historic Landmark and Conservation Landmark designation and removal and Significant Resource identification and removal are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.

Amendment #8H

This amendment clarifies that Historic and Conservation Districts can be established, amended, or removed through a legislative procedure.

Amend Section 33.740.020.A.3 to change the words at the beginning of the subparagraph from “When a legislative matter includes the designation of an entire Historic District or Conservation District or the removal of an entire Historic District or Conservation District...” to “When a legislative matter includes the designation of a Historic District or Conservation District or the removal of a Historic District or Conservation District...”

Amendment #8I

This amendment provides consistent language within the approval criteria for historic designation review. This amendment also adds clarity to an approval criterion for historic designation review to ensure the decision-maker has adequate guidance to apply the criterion.

Amend 33.846.030.D.2:

2. Integrity. The resource has retained physical and associative features from the period of historic significance. For proposals to designate a Conservation Landmark or Conservation District, at least three of the following must be met. For proposals to designate a resource as a contributing resource in a Historic District or Conservation District, at least three of the following must be met. For proposals to designate a Historic Landmark or Historic District, at least four of the following must be met:

a.-g. [No change to Recommended Draft]

Amend 33.846.030.D.3:

- 23- Appropriate level of protection. The proposed City designation is appropriate, considering the following historical or architectural value of the resource and other conflicting values. Levels of protection for City designation are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, contributing resource in a Historic District, contributing resource in a Conservation District, and no City designation; ~~and~~

a. The significance and integrity of the resource proposed for designation;



- b. The regulatory effects of the proposed level of protection; and
- c. Other values, such as relevant goals and policies in the Comprehensive Plan.

3. ~~Owner consent.~~

- a. ~~For Historic Landmark or Conservation Landmark designation, the property owner must consent, in writing, to the Historic Landmark or Conservation Landmark designation;~~
- b. ~~For Historic District or Conservation District designation all owners of property in the district must consent, in writing, to the Historic District or Conservation District designation at the time of designation.~~

Amendment #8J

This amendment clarifies that historic designation removal review allows for both complete removal of a designation, as well as changing the level of protection applied to a specific historic resource. For example, changing a Historic Landmark to a Conservation Landmark changes the level of protection applied to the resource; such a decision does not entirely remove a designation and add an entirely new designation.

Amend 33.846.040.A:

- A. Purpose.** These provisions allow for the removal of ~~the City's City landmark historic~~ designation when it is no longer appropriate. The provisions also allow for the level of protection to be changed from Historic Landmark to Conservation Landmark, and for the boundaries of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District to be reduced. And, these provisions allow for removing the contributing status of resources within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District. This review does not affect a ~~property or district's resource's~~ listing on the National Register of Historic Places.

Amend 33.846.040.C:

- C. Approval criteria.** Proposals to ~~remove the historic designation from a historic resource~~ or change the level of protection of a historic resource will be approved if the review body finds that ~~all~~ one of the following approval criteria are met:
1. [No change to Recommended Draft]
 2. Change in level of protection. The goals and polices of the Comprehensive Plan are equally or better met by changing the level of protection of the entire landmark or district from Historic Landmark to Conservation Landmark, from Historic District to Conservation District, or, if the resource is listed in the National Register of Historic Places, by changing the level of protection to National Register Landmark or National Register District; or
 23. [No change to Recommended Draft]

Amendment #8K Changes to approved historic resource reviews

The amendment reduces the procedure type for minor changes to an approved historic resource review. This change allows for refinements to an approved land use review through a lower procedure level. For consistency between similar sections of the code, these amendments affect the procedure tables in both Chapters 33.846 and 33.825.



Note: Numerous amendments affect the footnotes to the historic resource review procedure type tables in Chapter 33.846; Footnote numbering will be adjusted as necessary following the City Council's vote on amendments.

Amend Tables 846-1, 846-2, 846-3, and 846-4:

Table 846-1 Procedure Types for proposals affecting Historic Landmarks			
Proposal	Zone	Threshold	Procedure
<u>Relocation</u>	<u>All</u>	<u>Historic Landmark</u>	<u>Type III</u>
		<u>Contributing accessory structure</u>	<u>Type II</u>
<u>New structure</u>	<u>All</u>	<u>Floor area > 5,000 sq. ft.</u>	<u>Type III</u>
		<u>Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.</u>	<u>Type II</u>
		<u>Floor area ≤ 800 sq. ft.</u>	<u>Type Ix</u>
Alterations of a landmark-designated interior public space	All	Project value > \$459,450	Type III
		Project value ≤ \$459,450	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX, CI <u>All</u>	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	RF-RH <u>All</u>		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	<u>All</u>		<u>Type I</u>
Paving and landscaping	<u>All</u>	Affected site area < 800 sq. ft.	<u>Type I</u>
<u>Changes to an approved historic resource review [1]</u>	<u>All</u>	<u>Rooftop mechanical equipment</u>	<u>Type I</u>
		<u>Alteration to ground floor façade</u>	<u>Type I</u>
		<u>All other changes [2]</u>	<u>Type II</u>
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III
		Project value ≤ \$459,450	Type II

[1] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.



[2] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

Table 846-2 Procedure Types for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Conservation Landmark	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II
		Floor area ≤ 800 sq. ft.	Type Ix
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	C, E, I, RX, CI All	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	RF-RHAll		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [1]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [2]	Type II
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

[1] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[2] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.



**Table 846-3
Review procedures for proposals within Historic Districts**

Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type II
New structure New accessory structure	All RF-RH	Project value > \$459,450 Floor area > 5,000 sq. ft.	Type III [1]
		Project value ≤ \$459,450 Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	C, E, I, RX, CI All	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RHM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	RF-RHAll		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [1]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [2]	Type II
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$459,450	Type III [1]
		Project value ≤ \$459,450	Type II

[1] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[2] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.



Table 846-4 Review procedures for proposals within Conservation Districts			
Proposal	Zone	Threshold	Review Type
<u>Relocation</u>	All	<u>Contributing resource</u>	<u>Type III</u>
		<u>Contributing accessory structure</u>	<u>Type Ix</u>
New structure	All	<u>Floor area > 800 sq. ft.</u>	<u>Type II</u>
		<u>Floor area ≤ 800 sq. ft.</u>	<u>Type Ix</u>
<u>New accessory structure</u>	RF-RH		<u>Type I</u>
<u>Window replacement</u>	RF-R2.5		<u>Type I</u>
<u>Mechanical equipment</u>	All		<u>Type I</u>
<u>Awnings</u>	All		<u>Type I</u>
Signs	C, E, I, RX, CI All	<u>Sign area < 150 sq. ft.</u>	<u>Type Ix</u>
Alteration to the exterior of a structure Alteration to the exterior of a structure	C, E, I, RX, CI	<u>Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.</u>	<u>Type Ix</u>
		<u>Affected facade or roof area ≤ 50 sq. ft.</u>	<u>Type I</u>
	RF-RHM4	<u>Affected facade or roof area < 150 sq. ft.</u>	<u>Type I</u>
Historic restoration	RF-RHAll		<u>Type I</u>
<u>Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.</u>	All		<u>Type I</u>
<u>Paving and landscaping</u>	All	<u>Affected site area < 800 sq. ft.</u>	<u>Type I</u>
<u>Changes to an approved historic resource review [1]</u>	All	<u>Rooftop mechanical equipment</u>	<u>Type I</u>
		<u>Alteration to ground floor façade</u>	<u>Type I</u>
		<u>All other changes [2]</u>	<u>Type II</u>
Any other non-exempt exterior alteration or historic restoration proposal	All		<u>Type II</u>

[1] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[2] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.



Amend 33.825.025:

33.825.025 Review Procedures

This section lists procedures for design review for proposals in Design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents. Procedures for design review vary with the type of proposal being reviewed and the geographic area in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D.

- A. [No change]
- B. ~~Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:~~
 - ~~1. The original design review has not expired;~~
 - ~~2. The building permit for the project has not received final approval;~~
 - ~~3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and~~
 - ~~4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.~~
- ~~CB.~~ [No change]
- ~~DC.~~ [No change]

Amend Table 825-1:

Table 825-1 Procedure Type for Design Review Proposals			
Geographic Area	Proposal	Threshold	Procedure
Central City Plan District	New development or new building(s) on a site with existing development	1) New floor area is > 25,000 s.f. or 2) New building height is > 45 ft.[1]	Type III[2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 45 ft height [1], and adds > 25,000 s.f. of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I
		All other exterior alterations	Type II
	<u>Changes to an approved design review [3]</u>	<u>Rooftop mechanical equipment</u>	<u>Type I</u>



		<u>Alteration to ground floor façade</u>	<u>Type I</u>
		<u>All other changes [4]</u>	<u>Type II</u>
All Other Areas Subject to Design Review	New development or new building(s) on a site with existing development	1) New floor area is > 80,000 s.f. or 2) New building height is > 65 ft. [1]	Type III [2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 65 ft height [1], and adds > 50,000 s.f of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I
		All other exterior alteration	Type II
	<u>Changes to an approved design review [3]</u>	<u>Rooftop mechanical equipment</u>	<u>Type I</u>
		<u>Alteration to ground floor façade</u>	<u>Type I</u>
		<u>All other changes [4]</u>	<u>Type II</u>
Exterior development not listed above		Type II	

[1] The height threshold does not include additional height allowed through a height exception in the bases zone.

[2] An affordable housing project may choose a Type II review procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for design review may not be submitted before the required design advice request is held.

[3] Changes to an approved design review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original design review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[4] If the original design review was processed through a Type I procedure, then review of a change is processed through the same procedure as the original review.



Amendment #8L

This amendment clarifies situations when automatic map amendments are made for historic resources that are listed in the National Register of Historic Places. The amendment provides clarity that removing, amending, or changing the level of protection for landmarks and districts that have gone through an independent local designation procedure is different than for those historic resources that have not gone through an independent local designation procedure.

Amend 33.445.100.A.1:

1. National Register listing. Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 are automatically identified as Historic Landmarks on the Official Zoning Maps. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

Amend 33.445.100.B.2:

2. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, the following is required:
 - a. Removal by the federal Keeper of the National Register of Historic Places automatically removes Historic Landmark designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 - b. Removing a resource's designation as Historic Landmark or changing the resource's designation from Historic Landmark to Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C.

Amend 33.445.200.A.1:**A. Designation of a Historic District**

1. National Register listing. Districts listed by the federal Keeper of the National Register of Historic Places or before January 27, 2017 are automatically identified as Historic Districts on the Official Zoning Maps. For Historic Districts that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is also automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

Amend 33.445.200.B.2:

2. For Historic Districts that have not been listed by the federal Keeper of the National Register of Historic Places, reclassifying a contributing resource to noncontributing or reducing the boundary requires historic designation removal review.



Amend 33.445.200.B.3:

3. For Historic Districts that have been listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, removal by the federal Keeper of the National Register of Historic Places automatically removes the Historic District designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources. Removing a resource's designation as Historic District or changing the designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.

Amend 33.855.075:**33.855.075 Automatic Map Amendments Ffor Historic Resources**

The Official Zoning Maps will be amended automatically to add or remove historic resources as follows:

A. Resources listed ~~in~~ on the National Register of Historic Places.

1. When a historic resource is listed ~~in~~ on the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as follows: as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource in the National Register; and
 - a. Historic resources listed on the National Register of Historic Places on or before January 27, 2017 are automatically identified on the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register; and
 - b. Historic resources listed on the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as a National Register Landmark or National Register District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register.
2. When a historic resource is removed from the National Register of Historic Places and it has not ~~local historic designation~~ also been independently designated by the City as the result of a legislative or quasi-judicial procedure, it is automatically removed from the Official Zoning Maps as a Historic Landmark, Historic District, National Register Landmark, or National Register District ~~Historic Landmark or Historic District~~ on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.
3. When the federal Keeper of the National Register of Historic Places approves a change to the boundary of a historic resource listed on the National Register of Historic Places that has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, the change is automatically identified on the Official Zoning Map on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the change.



Motion to approve a slate of minor and technical changes intended to clarify and improve the zoning code: Moved by Hardesty and seconded by Rubio. (Y-5)





Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

MEMO

DATE: January 11, 2022

TO: Portland City Council

FROM: Brandon Spencer-Hartle (BPS)

SUBJECT: Historic Resources Code Project (HRCP) Conforming Amendments

On January 19, 2022, City Council will hold a continued hearing on the Historic Resources Code Project. No public testimony will be taken. To reflect changes made to the Historic Resources Code Project by City Council on December 15, 2021, staff recommends amending the ordinance and exhibits as follows and as shown in the attached documents:

1. Ordinance revisions, as shown by ~~striketrough~~ and underline.
2. Exhibit A. Replace the previous version of Exhibit A with the Findings of Fact Report dated January 2022.
3. Exhibit B. Replace the previous version of Exhibit B with the Recommended Draft – As Amended Volume 1 Staff Report dated January 2022.
4. Exhibit C. Replace the previous version of Exhibit C with the Recommended Draft – As Amended Volume 2 Zoning Code Amendments dated January 2022.



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ORDINANCE No.

Amend Title 33, Planning and Zoning, and Title 32, Signs and Related Regulations, to revise and update regulations for historic resources (Ordinance; amend Titles 33 and 32).

The City of Portland Ordains:

Section 1. The Council finds:

1. On August 29, 1968, the City Council, through ordinance 127512, established the Historic Landmarks Commission and established definitions, regulations, and procedures for Historic Landmark designation.
2. On June 19, 1975, the City Council, through ordinance 140096, established the definitions, regulations, and procedures for Historic District designation.
3. On September 8, 1977, the City Council, through ordinance 144324, established definitions, regulations, and procedures for Conservation District designation.
4. On April 10, 1996, the City Council, through ordinance 169987, updated the definitions, regulations, and procedures for Historic Landmark, Conservation Landmark, Historic District, and Conservation District designation; updated the definitions, regulations, and procedures for adding and removing undesignated resources from the Historic Resources Inventory; and provided for automatic Historic Landmark and Historic District designation for resources listed in the National Register of Historic Places.
5. On January 27, 2017, the Land Conservation and Development Commission adopted a new State Administrative Rule for procedures and requirements for local government compliance with the historic resource provisions of Statewide Land Use Goal 5.
6. Adoption of the State Administrative Rule required updates to the Zoning Code for compliance with State regulations pertaining to the protection of landmarks and districts listed in the federal National Register of Historic Places after January 2017.
7. The Historic Resources Code Project (HRCPP) was initiated by the Bureau of Planning and Sustainability in late 2017, beginning with a review of local historic resource programs and best practices in Oregon, nationally, and internationally.
8. In late 2017 and early 2018, staff held public roundtable discussions and offered a public online survey to solicit concepts related to revising the City's regulations pertaining to the identification, designation, protection, and reuse of historic resources.
9. In January 2019, the Historic Resources Code Project Discussion Draft was released for public review. Staff held public open houses and offered a public online survey to solicit feedback for incorporation into the Proposed Draft.
10. On September 15, 2020, the Historic Resources Code Project Proposed Draft

was released for public review.

11. On September 21, 2020, notice of the Proposed Draft was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-0020. Notice of the Proposed Draft was also mailed to owners of historic resources on September 21, 2020 as required by Measure 56.
12. The Planning and Sustainability Commission held hearings on the Proposed Draft on October 27 and November 10, 2020.
13. The Planning and Sustainability Commission conducted seven work sessions before voting to forward the Historic Resource Code Project to City Council on May 4, 2021.
14. On June 30, 2021, staff released the Historic Resources Code Project Recommended Draft for public review.
15. On October 7, 2021, notice of the November 3, 2021 City Council public hearing was provided to those who presented oral and written testimony to the Planning and Sustainability Commission.
16. The City Council held a hearing on the Recommended Draft on November 3, 2021.
17. The City Council held an additional hearing on potential amendments to the Recommended Draft on December 15, 2021.
18. The Historic Resources Code Project amendments update City code provisions related to the identification, designation, protection, and use of historic resources. The amendments clarify and streamline exemptions, triggers, procedures, and approval criteria for the variety of historic resource reviews, bringing Portland's regulations into conformance with state administrative rules and best practices.
19. Changes in Title 33 require minor conforming amendments in Title 32, Sign and Related Regulations. The project makes no substantive changes to Title 32.
20. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.

NOW, THEREFORE, the Council directs:

- a) Adopt amended Exhibit A, dated January 2022, as additional findings.
- b) Adopt Exhibit B, Historic Resources Code Project Recommended Draft – As Amended Volume One, dated ~~June 30, 2021~~ January 2022, and the commentary in Exhibit C, Historic Resources Code Project Recommended Draft – As Amended Volume Two, dated ~~June 30, 2021~~ January 2022, as legislative intent and further findings.
- c) Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Exhibit C, Historic Resources Code Project Recommended Draft – As Amended Volume Two, dated ~~June 30, 2021~~ January 2022.

- d) Amend Title 32, Signs and Related Regulations, of the Municipal Code of the City of Portland as shown in Exhibit C, Historic Resources Code Project Recommended Draft – As Amended Volume Two, dated ~~June 30, 2021~~ January 2022.

Section 2. This ordinance shall be in full force and effect on March 1, 2022.

Section 3. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

IMPACT STATEMENT

Legislation title: Amend Title 33 Planning and Zoning and Title 32 Signs and Related Regulations to revise and update regulations for historic resources (Ordinance; amend Titles 32 and 33)

Contact name: Brandon Spencer-Hartle (he/him)

Contact phone: 503-823-4641

Presenter name: Sandra Wood; Brandon Spencer-Hartle; Shannon Buono

Purpose of proposed legislation and background information:

The Historic Resources Code Project (HRCP) amends the City of Portland's regulations that apply to the identification, designation, protection, and reuse of historic resources. These regulations are primarily codified in Title 33, Zoning Code. Local government historic resource programs are addressed by Statewide Land Use Planning Goal 5, the rules for which were amended in January 2017. These amendments prompted initiation of the HRCP project, adoption of which will bring Portland's regulations into conformance with the State rules.

The City of Portland adopted a historic preservation ordinance in 1968, establishing the Historic Landmarks Commission and codifying regulations pertaining to historic landmarks and districts. In the decades since adoption of that first ordinance, the City Council has regularly revised the Zoning Code provisions for identifying, designating, protecting, and reusing historic resources. Although the last time the City Council considered a historic resource-specific Zoning Code project was the Historic Resources Code Improvement project in 2013, other recent Zoning Code projects directly and indirectly amended historic resource provisions applicable to specific zones and plan districts. These included the Mixed-Use Zones Project, Better Housing by Design Project, Residential Infill Project, Central City 2035 Project, and the Design Overlay Zones Amendments Project.

In addition to periodically refining the historic resource provisions of the Zoning Code, in the years since adoption of that first historic resource ordinance in 1968 the City Council has amended the Official Zoning Map to designate specific Historic and Conservation Landmarks and Districts, including the designation of six Conservation Districts in North and Northeast Portland. Citywide, more than 700 individual landmarks and 25 districts have been designated by the City and/or the National Park Service for their architectural, cultural, and historic significance.

While's Portland's existing roster of recognized historic places tell diverse stories about the city's history and people, significant inequities exist in the geographic and thematic distribution of the resources, protections, and incentives. While the HRCP amendments do not change the Zoning Map (i.e. add or remove specific landmarks or districts), the amendments establish processes and criteria for such decision-making in the future.

Finally, the code amendments streamline and clarify existing historic resource protections for all Historic, Conservation, and National Register Landmarks and Districts and expand

existing historic preservation incentives to encourage adaptive reuse of historic resources to meet the changing needs of Portlanders.

Financial and budgetary impacts:

Adoption of the HRCP amendments will result in minimal short-term and minimal long-term financial impacts to the City. Specifically, those impacts will affect the Bureau of Development Services (BDS).

The code amendments streamline the development review process for many projects, especially for minor alteration, addition, and new construction proposals affecting Historic, Conservation, and National Register Landmarks and Districts. In some cases, the amendments result in the shifting of workloads among BDS staff, for example some development proposals that currently go through a discretionary demolition review process may skip that process and go straight to permitting. Similarly, some development proposals that currently go through a discretionary historic resource review process may be exempt from that process and go straight to permitting. These shifts are a minor financial impact to the City as there will be fewer anticipated land use review applications. However, land use and permit review fees are intended to provide cost recovery for those reviews.

In the short-term, BDS staff will need some training on changes to the Zoning Code regulations related to designation, protection, and reuse of historic resources.

Over the long-term, the BDS Land Use Services Fee Schedule will need to be amended to change descriptions of what work falls under different procedure types and reviews to reflect the HRCP code amendments. Because other bureaus set their fee schedules based on the descriptions of work and procedures in the Land Use Services Fee Schedule, BDS will be making Land Use Services Fee Schedule changes in coordination with other bureaus as part of the standard process for Council adoption of July 1st Fee Schedules. BDS anticipates changes to reflect scope of work allowed under Type I procedures and to better match the Zoning Code procedure types assigned to proposals as outlined in Chapter 33.846. Fee increases are anticipated to achieve cost recovery, therefore will not result in a financial or budgetary impact to the City.

Community impacts and community involvement:

The HRCP amendments affect the regulations that apply to historic resources on the broader citywide Historic Resources Inventory, both those listed today and those that may be listed or removed in the future. The current list of historic resources affected by the amendments are located in every quadrant of the city and include undesignated resources that have been determined to have historic significance, resources designated by the City as Historic and Conservation Landmarks and Districts, and resources listed by the federal Keeper of the National Register of Historic Places. The HRCP amendments do not add or remove any landmarks or districts or identify any new historic resources as significant.

Prior to the development of the HRCP amendments, the City participated in a Department of Land Conservation and Development rulemaking committee to revise the State Administrative Rules governing local historic resource regulations. The final version of those rules—adopted in January 2017 following a public hearing process—prompted this Zoning Code project.

The HRCP project was initiated with a series of concept development roundtables and info sessions in late 2017 and early 2018. About 200 participants attended these events, which provided opportunities for group discussion and direct feedback to the project team. An online survey was also made available during this concept development period. Over the course of three months, 440 respondents submitted 3,442 unique comments through survey forms.

Project staff incorporated the feedback received at events, through survey results, and in letters submitted by interest groups into an In-House Draft that was made available to City bureaus. Following incorporation of bureau feedback, notably extensive feedback from BDS, a Discussion Draft of the HRCP amendments was published in January 2019. During the Discussion Draft phase, five open houses were held in Southwest, Southeast, North, and Northeast Portland. About 125 participants attended these open houses. An online survey generated approximately 100 unique comments. Extensive written comments were also submitted by the Historic Landmarks Commission, Restore Oregon, Oregon Smart Growth, and a variety of neighborhood associations, interest groups, and individuals.

After incorporating feedback, project staff released the Proposed Draft in September 2020. Mailed notice of the Proposed Draft was provided to 16,076 property owners and a list of parties who request official notice of land use changes. Emailed notice was provided to all individuals who had previously requested updates on the project. Following the notice, project staff held 16 virtual briefings for interested individuals and fielded phone calls from approximately 450 interested Portlanders. During the open comment period, seventy individuals provided verbal testimony to the Planning and Sustainability Commission (PSC) and a total of 278 pieces of written testimony were submitted for PSC consideration. On May 4, 2021, the PSC voted unanimously to recommend City Council adopt an amended version of the HRCP—the Recommended Draft—that incorporated feedback received during the open comment period.

Testimony on the HRCP Recommended Draft is expected to largely support the overall approach to the amendments, with a handful of individuals and organizations requesting further refinements to specific sections of proposed code and/or seeking City support for future projects. Requested future projects may include, but will not be limited to, designating and/or removing specific Historic Districts, empowering underrepresented communities to survey and designate specific historic resources, and updating the Community Design Standards that apply in Conservation Districts.

100% Renewable Goal:

The HRCP amendments do not change the city's policies on its own energy use. The HRCP amendments encourage the continued use of historic resources, including

streamlining the approval process for installing solar energy systems and electric vehicle charging outlets on sites containing historic resources. In most cases, the HRCP amendments eliminate the requirement for historic resource review when new solar energy systems are proposed on sites in Historic, Conservation, and National Register Districts.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
 NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount