

# Historic Resources Code Project

Improving Portland's regulations for  
identifying, designating, protecting,  
and reusing historic places

**PROPOSED DRAFT | SEPTEMBER 2020**  
VOLUME 1: STAFF REPORT



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.  
City of Portland, Oregon



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## How testify on the code proposals:

Thank you for taking time to review proposed changes to the historic resource provisions of the City of Portland's zoning code. This *Proposed Draft* is intended for public review of staff-recommended zoning code amendments. Your testimony on these proposed changes will inform the Planning and Sustainability Commission (PSC) development of a *Recommended Draft* of zoning code amendments that will be considered by the Portland City Council in 2021.

**Testimony on the *Proposed Draft* is due by 5 p.m. on Tuesday, October 27, 2020 unless extended by the Planning and Sustainability Commission.**

**Written testimony may be submitted between now and October 27, 2020:**

- **Use the Map App:**

Testifying in the Map App is as easy as sending an email. Go to

[www.portlandmaps.com/bps/mapapp](http://www.portlandmaps.com/bps/mapapp)

Click on "Historic Resources Code Project" and then click the "Testify" button.

- **Use U.S. Mail:**

Portland Planning and Sustainability Commission Resources Code Project Testimony

1900 SW 4th Avenue, Suite 7100

Portland, OR 97201

**Verbal testimony may be provided to the PSC at their October 27, 2020 virtual hearing:**

The meeting starts at 5 p.m. Please check the calendar at [www.portland.gov/bps/psc/events](http://www.portland.gov/bps/psc/events) a week in advance to confirm the time of this agenda item. To testify during the hearing, please visit the project website to register: [www.portland.gov/bps/hrcp](http://www.portland.gov/bps/hrcp). The deadline to sign up for the October 27 PSC hearing is Monday, October 26 at 4:00 p.m.

## For more information:

**Visit the project webpage:** [www.portlandoregon.gov/bps/hrcp](http://www.portlandoregon.gov/bps/hrcp)

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## Project timeline:



# Acknowledgments

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Amanda Fritz, Commissioner  
Jo Ann Hardesty, Commissioner  
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# Table of Contents

## Volume 1: Staff Report

Section I	Summary .....	5
Section II	Orientation to Portland’s Historic Resources .....	9
Section III	Consistency with Comprehensive Plan Goals and Policies .....	16
Section IV	Public Involvement .....	20
Section V	Analysis of Proposed Amendments .....	22
Section VI	Future Work.....	43

## Volume 2: Code Amendments (under separate cover)

# Section I: Summary

The Historic Resources Code Project (HRCP) proposes changes to the City of Portland’s zoning code regulations for identifying, designating, protecting, and reusing historic places. The project was initiated to bring Portland into compliance with Oregon State Administrative Rule (OAR 660-023-0200) provisions governing local historic resource programs in cities and counties across Oregon. Following two cycles of public feedback—one during the concept development phase in 2017-2018 and one during the Discussion Draft phase in 2019—on September 14, 2020, project staff released this Proposed Draft of zoning code amendments incorporating not only State-mandated changes, but a number of related proposals intended to make Portland’s historic resource regulations more equitable, effective, and responsive to the current and future needs of Portlanders.



Historic resources in the Woodlawn Conservation District.

The code amendments proposed uphold and advance the following value statements:

- Meaningful and tangible connections to the past enhance the lived experiences of current and future community members.
- Extending the useful life of existing buildings retains embodied carbon and reduces landfill waste.
- Historic resources provide opportunities to acknowledge, address and reverse past harms.
- The broad community should be engaged in the identification and designation of historic resources, with underrepresented histories prioritized for protection.
- Historic places must continually evolve to meet the changing needs of Portlanders.

For individuals reading this document to understand how or if the proposals would affect a specific property(s), the [Historic Resource Webmap](#) identifies all historic resources recognized by the City of Portland and potentially affected by these proposals.

## Inequities in Portland’s Historic Resources Program

The protection of historic resources has been a City of Portland priority for more than 50 years—Provisions for identifying, designating, protecting, and reusing historic places have been codified in the zoning code; a field of historians, designers, and tradespeople have emerged to provide expertise in building restoration; and tenants, owners, and the broad public serve as stewards of wide range of historic buildings, landscapes, and structures. Since establishment of Portland’s first historic preservation ordinance in 1968, more than 700 individual landmarks and 25 districts across Portland have been designated and protected for their architectural, cultural, and historic significance. These include such iconic places as the Pittock Mansion, Paul Bunyan statue, Bagdad Theater and much of North Mississippi Avenue.



While 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 and protections that apply to them. For example:

- Of Portland's 725 landmarks, only four have been designated for an association with Black history (all of which were listed in just the last decade);
- East of I-205, only one landmark (the Claude Miller House) and one district (Willamette National Cemetery) have been designated for their historic significance;
- In residential areas designated as districts, the zoning code provides only limited opportunities to reverse a history of exclusion through adaptive reuse and new housing types; and
- Despite Portland's long legacy of LGBTQ leaders, events, and businesses, there are no historic resources designated for association with LGBTQ history.



The 1904 Otto and Verdel Rutherford House, the first Portland Historic Landmark designated for a direct association with African American history.

These inequities stem from a variety of institutional, systemic, and individual decisions related to the identification, designation, and protection of historic places. And while Portland's historic resource program is largely local in nature, a patchwork of related state and federal programs have long presented unique constraints in advancing more equitable historic resource regulations at the city level. These include the role of listing in the National Register of Historic Places, the criteria required to access state and federal tax incentives, National Park Service best practice guidance, the applicability of Oregon's "owner consent" law and required compliance with the provisions of statewide land use Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.

The amendments described in the pages that follow do not propose to add or remove any specific landmarks or districts from the City's roster of historic resources. Instead, the proposals would establish new resource types, procedures, and criteria under which future designation and removal decisions could be made. Additionally, proposed use incentives would provide new opportunities for historic resources to adapt to meet the needs of current and future Portlanders, reversing a century of exclusionary zoning, providing economically viable options for rehabilitation, and offering the public more opportunities to experience and learn from Portland's historic places. A section on future work at the end of this document describes potential future projects that could leverage these zoning code changes to achieve historic preservation outcomes that are more equitable, inclusive, and responsive.

*"In many ways historic preservation, like many other city planning efforts such as urban renewal, in Portland Oregon is, and has been, racist or has resulted in outcomes that continue to disadvantage non-white populations. The politics of which buildings, neighborhoods, or areas of town get saved - and more to the point, which ones don't get saved - has always benefitted the powerful."*

—2019 Portland Historic Landmarks Commission State of the City Preservation Report

## Key Themes and Proposals

The HRCP Proposed Draft is comprised of five themes. Each theme is supported by several proposals. Each proposal is backed by a series of specific amendments to the zoning code that are detailed in Volume 2: Code Amendments. No changes to the Official Zoning Map are proposed.

### 1. IDENTIFICATION – What are the different types of historic resources?

The citywide Historic Resources Inventory was established in 1984 but has not been comprehensively revised since. Code proposals would:

- a. Re-define the Historic Resource Inventory as an umbrella term.
- b. Establish a clear hierarchy of the historic resource types included in the inventory.
- c. Remove zoning code provisions pertaining to Unranked Resources.

### 2. DESIGNATION – How are historic resources determined eligible for designation? What are the criteria and processes for designating landmarks and districts? Since the mid-1990s, Portland has relied almost exclusively on owner-initiated listings in the National Register of Historic Places as the basis for Historic Landmark and Historic District designation. Code proposals would:

- a. Establish a new procedure for identifying historic resources eligible for designation.
- b. Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.

### 3. PROTECTION – What demolition and design regulations apply to designated resources? Existing regulations have been ineffective at protecting City-designated historic resources from demolition, have over-regulated residential Historic Districts, and have required review of proposals so minor that their possible effect on the integrity of historic resources is negligible. Code proposals would:

- a. Apply demolition review to all designed historic resources and expand demolition review approval criteria.
- b. Increase exemptions to historic resource review.
- c. Refine historic resource review approval criteria.
- d. Improve demolition delay to apply only at the time of demolition application.

### 4. REUSE – How can historic resources be repurposed for economic viability and community access?

The ability to adaptively reuse existing buildings is generally limited to the uses allowed by the base zone applied to the site. For historic resources – especially those built before the application of modern zoning – allowing greater use flexibility expands economic opportunities to justify complex and costly rehabilitation projects. Code proposals would:

- a. Exempt all landmarks and districts from parking requirements.
- b. Increase zoning code incentives allowing for adaptive reuse of certain designated resources.
- c. Streamline requirements and applicability for FAR transfer.

### 5. ADMINISTRATION – How can code provisions be improved for staff, applicants and the public?

City staff, project applicants, and interested Portlanders have identified opportunities to improve the implementation of historic resource regulations. Code proposals would:

- a. Refine purpose statements, procedure types, and associated language.
- b. Amend the role and makeup of the Historic Landmarks Commission.

## Staff Recommendation

The Bureau of Planning and Sustainability seeks the Planning and Sustainability Commission's recommendation of approval of these amendments. This recommendation should include the following actions:

- Recommend that City Council adopt Historic Resources Code Project Volumes I and 2;
- Recommend that City Council amend the Zoning Code as shown in Historic Resources Code Project Volume 2;
- Recommend that City Council adopt the ordinance; and
- Direct staff to continue to refine the recommended code language and commentary, as necessary.

## Organization of the HRCP Proposed Draft

The HRCP Proposed Draft includes two volumes:

1. **Volume 1: Staff Report (this document).** The Staff Report describes the proposals and explains why the proposals are being made and contains the following sections:
  - **Section I** (this section) summarizes key themes included in the Proposed Draft.
  - **Section II** provides an overview of relevant federal, state, and local context.
  - **Section III** describes how the project advances Comprehensive Plan guiding principles.
  - **Section IV** outlines the project's public engagement efforts to-date.
  - **Section V** analyzes each of the proposals and describes their benefits.
  - **Section VI** suggests potential future work.
2. **Volume 2: Code Amendments.** Volume 2 includes the zoning code amendment language with commentary to explain the proposed changes.



## Section II: Orientation to Portland's Historic Resources

Portland's historic resources are unique artifacts of the city's architectural, cultural, and historical past. Historic structures, sites, objects, and districts can provide tangible memory and meaning for Portlanders of all ages, incomes, and backgrounds, as well as provide inspiration and context for the city's future.

Since the late 1960s, the City of Portland has maintained a historic resources program to support historic preservation activities, including regulations pertaining to the identification, designation, protection and reuse of historic landmarks and districts. While the City maintains considerable authority to manage local historic preservation regulations, unique constraints at the federal and state levels establish sideboards within which the local regulations exist. The HRCF proposals recognize these sideboards, while advancing code amendments that respond to and uphold a diversity of community values and priorities.

### Federal and State Context

Since the passage of the 1966 Historic Preservation Act, the National Park Service has provided best practice guidance for documenting, designating, and protecting historic resources. In addition to advisory guidance, the Park Service maintains the National Register of Historic Places, the nation's official list of buildings, structures, sites, objects, and districts determined to be significant to different areas of American history.

For income-producing properties listed on the National Register, a federal income tax credit is available to incentivize major rehabilitation projects. Over its four-decade existence, the historic tax credit has provided a significant economic incentive for Portland's commercial historic property owners to complete system upgrades, seismic retrofits, and other rehabilitation projects. With the exception of properties enrolled in the tax credit program and projects that are funded by federal dollars, the federal government does not directly apply regulations to National Register-listed resources.

Because of the City of Portland's creation of a Historic Landmarks Commission and adoption of regulations pertaining to historic resources, Portland is formally recognized by the National



The 1928 Weatherly Building is listed on the National Register and is a contributing building in the East Portland/Grand Avenue Historic District.

Park Service as a Certified Local Government (CLG) and receives a small (approximately \$12,000) biannual grant to conduct targeted historic preservation projects.

While largely tangential to the zoning code, the presence of these federal programs was taken into consideration and, where appropriate, incorporated into the HRCF proposals. More germane to Portland's historic resource regulations than the federal programs, State requirements govern many aspects of the identification, designation, and protection of historic resources in cities and counties across Oregon. These requirements include the Oregon's unique "owner consent" law, the administrative rules that implement statewide land use Goal 5 and the Special Assessment of Historic Property Program.

### ***Oregon's "owner consent" law***

In 1995, Oregon became the first—and still only—state in the country to require property owner consent for a local government to designate a historic resource as a landmark or district. Although intended to give property owners veto power over proposed designations, the law ([ORS 197.772](#)) exempted National Register listing from the otherwise required owner consent provisions.<sup>1</sup> Since the passage of the law, the City has not proposed any updates to the 1984 City Historic Resources Inventory or established any new local Historic or Conservation Districts.<sup>2</sup> Instead, Portland—like most other cities in Oregon—has relied almost exclusively on National Register listing as an automatic basis for Historic Landmark and District status. This automatic connection between National Register listing and local historic resource status is a unique-in-the nation consequence of the 1995 owner consent law and has proved problematic in ensuring adequate public involvement, limited the City's ability to prioritize diverse histories for designation and protection, and excluded consideration of other community values in the federal listing process.

### ***Statewide Land Use Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces***

In addition to the owner consent law, Portland's historic resource regulations exist within the context of [statewide land use Goal 5](#), a mandate that since the 1970s has required cities and counties in Oregon to adopt local land use regulations protecting historic resources.

Statewide land use Goal 5 and the accompanying [State Administrative Rules \(OAR 660-023-0200\)](#)

*"Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability."*

—Statewide Land Use Goal 5

govern local land use regulations for historic resources, including providing specificity on the scope and applicability of the owner consent law and the corresponding relationship between National Register listing and local historic resource regulations. In early 2017, the City of Portland participated in a re-write of the administrative rules, the adoption of which created a mandate to bring the City's historic resource regulations into conformity with the rules. The HRCF amendments are intended to align

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<sup>1</sup> While the National Park Service also requires owner consent for properties to be listed on the National Register, the federal rules provide a unique formula for considering owner objections when districts are nominated for listing. In the case of districts, the National Register considers owner consent in the reverse, allowing a district to be listed provided more than 50% of the property owners do not *object* to the listing.

<sup>2</sup> The majority of Portland's historic resource designations since 1995 have been a result of automatic Historic District or Historic Landmark status being conveyed upon a property or district's listing in the National Register. Only approximately 10 Historic and Conservation Landmarks have been designated as such through City land use decisions since 1995.

Portland’s regulations with the State rules, while also leveraging new flexibility to advance more equitable, inclusive, and responsive regulations. Significant among the 2017 changes to the Administrative Rule:

1. Resources listed in the National Register after January 2017 no longer need to be protected with design protections (but must remain subject to demolition protections);
2. Documenting resources and evaluating their potential eligibility for future designation no longer requires owner consent;
3. A list of factors must be considered when demolition or relocation is proposed for resources listed on the National Register; and
4. Specific criteria must be applied to proposals to designate or remove the designation of a landmark or district.

The clarity, flexibility, and mandate provided by the new administrative rules is embedded in nearly all HRCP proposals described in Section V.

### ***Special Assessment of Historic Property Program***

In addition to the regulatory context of the owner consent law and Goal 5 Administrative Rule, Oregon offers a property tax incentive to owners of National Register-listed properties as a companion to the federal historic tax credit. Established in 1975, the Special Assessment of Historic Property Program provides a 10-year “freeze” on the assessed value of National Register-listed properties when an owner commits to a substantial rehabilitation project. Although a State program, cities are expected to—and Portland does—monitor property owner compliance with the rehabilitation standards that are required of enrollment.

## **Portland’s Existing Roster of Historic Resources**

A public interest in historic preservation has existed in the Portland area for more than 100 years, arguably beginning with the preservation of the McLoughlin House in Oregon City in 1909. Decades later in 1968, Portland became the second city on the West Coast to adopt a historic preservation ordinance and establish a Historic Landmarks Commission.

In the years following the establishment of statewide land use Goal 5, Portland’s historic resources program coalesced on an approach to recognize—and protect—historic resources at different levels. This approach established two tiers of designation—Historic and Conservation—and two tiers of identified-but-not-designated resources—Ranked and Unranked.

During the early 1980s, a systematic inventory effort documented resources across the city for potential historic significance, with the most significant and interesting resources included in the Historic Resource Inventory as Ranked and Unranked Resource. In the years following the inventory effort, a number of Ranked Resource owners self-nominated their houses, businesses, and buildings for Historic and Conservation Landmark status.

After a small handful of Historic Districts were established downtown, a large effort in 1993 led to the creation of a series of Conservation Districts in North and Northeast Portland. Two years later, when the legislature passed the owner consent law, a slate of properties that had been honorifically listed on the National Register of Historic Places automatically became Historic Landmarks and Districts. And, since 1995, all new listings in the National Register have automatically been identified as Historic Landmarks and Districts on the zoning map.

*“Designation of an area as a historic conservation district can be described as a zoning tool to help property owners and residents in ‘less than historic districts’ preserve the special character of several city blocks that are unique in urban design, architectural style, and historic significance.”*  
 –Historic Conservation Zoning Report to City Council

While the automatic Historic Landmark and District designation upon listing in the National Register has satisfied the requirements of State law and proved efficient for program administration, the automatic application of Historic District status has in recent years resulted in several large residential areas being nominated to the National Register. While historically significant enough to gain a spot on the National Register, neither the federal listing criteria or automatic conveyance of Historic District status has allowed the broad public or City Council to consider a menu of alternatives for protection—if any—at the time of federal listing. The 2017 change in administrative rules provides an opportunity to correct this one-size-fits-all approach.

Portland’s roster of recognized historic resources generally fall into two categories, designated and undesignated:

1. *Designated resources* have been identified as having demonstrable significance and have gone through a formal nomination and designation procedure with the City of Portland or the National Park Service. In Oregon, designated resources are subject to protections that are adopted in the zoning code in accordance with State Administrative Rule. Portland’s landmarks and districts are designated as either Historic or Conservation based on the resource’s level of significance and the appropriateness of the protections that correspond to the designation type. All National Register-listed resources are currently identified as either a Historic Landmark or Historic District. Individual structures within the boundaries of landmarks and districts are classified as either *contributing* (i.e. historic) or *noncontributing* (i.e. not historic). Regardless of their contributing status, all structures within the boundaries of landmarks and districts are considered part of the designation.
2. *Undesignated resources* have been identified by the City of Portland as having potential significance but have not gone through a formal nomination and designation procedure. These resources are often known by their significance ranking (i.e. *Ranked* or *Unranked*) and are considered by the zoning code to be on the Historic Resource Inventory.

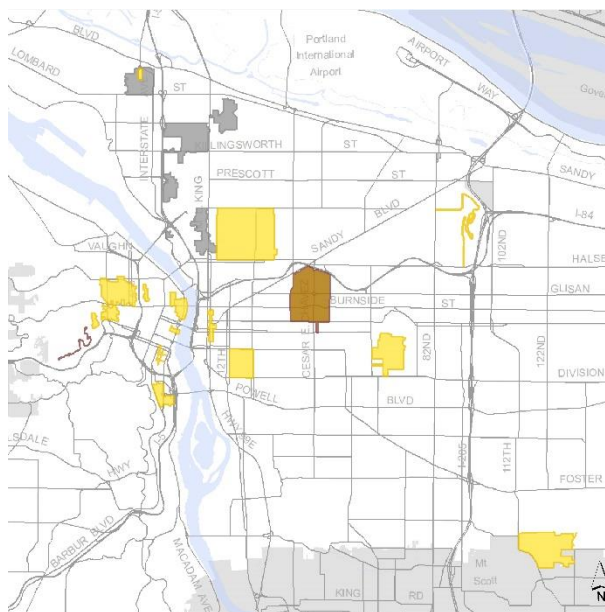
### Existing Hierarchy of Historic Resource Types



Portland’s existing historic resources hierarchy includes designated landmarks and districts, as well as undesignated Ranked and Unranked Resources.

As of September 2020, Portland's roster of historic resources includes the following:

- **725 Historic Landmarks** (not including 10 resources that were listed in the National Register after the 2017 change in State Administrative Rule and are proposed to be assigned to a new National Register Landmark resource type by the proposed code amendments)
- **12 Conservation Landmarks**
- **17 Historic Districts** comprised of 3,751 contributing resources and 1,192 noncontributing resources (not including 3 districts comprised of 1,340 contributing resources and 458 noncontributing resources that were listed in the National Register after the 2017 change in State Administrative Rule and are proposed to be assigned to a new National Register District resource type by the proposed code amendments)
- **6 Conservation Districts** comprised of 2,208 contributing resources and 986 noncontributing resources
- **898 Ranked Resources** (excluding those that have been designated as landmarks or contributing resources in districts)



A map of Portland's existing districts, with Historic Districts shown in gold, Conservation Districts shown in silver, and National Register Districts listed since 2017 shown in bronze. Note that this map does not show individual landmarks or Ranked Resources.

This existing roster of historic resources stand as a physical repository of the city's history, telling diverse stories in tangible, interesting ways that connect people to their communities and to the larger urban environment. However, significant gaps in the geographic and thematic distribution of the city's recognized historic resources have left many communities without recognition and protection of important contributions to the city's history. Largely absent from the roster of recognized historic resources are landmarks and districts in East Portland, resources associated with LGBTQ, Black, Latinx, AAPI, and Indigenous history, and architectural expressions from the recent past. While City, private, and non-profit efforts have recently begun to expand the diversity of resources being considered for designation—the nomination of Darcelle XV to the National Register and the recent adoption of an [African American Historic Resources Multiple Property Document](#) are two examples from 2020—there exists clear inequities in the city's roster of historic resources to tell the fullness of Portland's stories from the past. The proposed code changes would elevate underrepresented histories for future designation and, where appropriate, allow for the removal of designations that tell stories that have been over-represented.

*"Creatively reuse and preserve historic structures. Recognize cultural significance as a necessary component of assessing historic preservation targets. Preserving buildings and sites of Black Portland history is essential to maintaining historical memory."*

—Portland African American Leadership Form  
*People's Plan*



## **Portland's Existing Demolition and Design Protections**

In addition to providing formal recognition of important historic places, landmark and district designation conveys certain land use regulations related to demolition and/or design. In general, these protections are codified in zoning code Chapter 33.445, Historic Resource Overlay Zone, and Chapter 33.846, Historic Resource Reviews. The nature and magnitude of the protections are directly related to the different historic resource types (i.e. Historic Landmark versus Conservation Landmark). The paragraphs below provide summaries of the four primary demolition and design regulations that are used to protect historic resources in Portland.

### ***Demolition Review***

Discretionary demolition review applies to Historic Landmarks and contributing resources in Historic Districts that have been listed in the National Register. Demolition review was established in 2005 as a Type IV land use procedure to ensure the most important historic resources are given full consideration prior to issuance of a demolition permit. In the current iteration of demolition review, the Portland City Council is the decision-maker and there are two criteria that can be met to gain approval—one related to economic hardship and another that considers the goals and policies of the Comprehensive Plan. While demolition reviews are relatively rare, City Council has denied, approved, and approved with conditions a variety of demolition proposals.

### ***Demolition Delay***

120-day demolition delay applies to Historic Landmarks that have not been listed in the National Register, Conservation Landmarks, contributing resources in Conservation Districts, and Ranked Resources that have not been designated. Demolition delay is an administrative requirement that does not require a public hearing and does not offer an opportunity for the public to appeal the issuance of a permit. While demolition delay has provided needed time for a handful of community efforts to save historic places from demolition, demolition delay most often results in demolition. Because of this, the HRCF proposes to expand demolition review to all designated landmarks and contributing resources in districts and retain demolition delay only for Ranked Resources that have not been designated.

### ***Historic Resource Review***

Discretionary historic resource review applies to Historic and Conservation Landmarks and in Historic and Conservation Districts. Historic resource review protects significant historic features and patterns from being altered or obscured. In historic resource review, decision-makers apply approval criteria to review proposals for alterations, additions, and new construction within the boundaries of designated landmarks and districts. Different sets of approval criteria apply to different types of historic resources, with Historic and Conservation Landmarks generally subject to general landmark approval criteria and Historic and Conservation Districts generally subject to district-specific guidelines. Districts without district-specific guidelines are typically subject to the general landmark criteria. While most historic resource review approval criteria are informed by National Park Service best practice—specifically the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#)—district-specific design guidelines often include unique place-specific deviations from the federal guidance.



The scope and impact of proposed work dictates the procedure type that applies to any given application for historic resource review. The greater the procedure type, the lengthier and more public the review process. Procedure types for historic resource review are as follows:

- Type I (staff) reviews are generally for the smallest proposals.
- Type Ix (staff) reviews are for generally small proposals that require more time than would be appropriate for a Type I review.
- Type II (staff) reviews are for larger proposals, such as an exterior rehabilitation of a Historic Landmark or modest-sized new building in a Conservation District.
- Type III (Historic Landmarks Commission) reviews are reserved for the largest proposals, such as the full rehabilitation of a Historic Landmark or a multi-story new building in a Historic District.

For resources subject to historic resource review, certain activities—such as repair and maintenance—are identified by the zoning code as exempt from historic resource review. Activities that meet the exemptions can proceed without review. Changes to historic resource review exemptions, procedure types, and approval criteria are proposed in the HRCF amendments.

### ***Community Design Standards***

Clear and objective Community Design Standards are an alternative to discretionary historic resource review for most Conservation Landmarks and Conservation Districts. The Community Design Standards provide quantitative and measurable regulations for certain activities that would otherwise be subject to historic resource review. Not all proposals are eligible to meet the Community Design Standards, but the optional alternative to historic resource review for Conservation-level provides more options to applicants—however, the Standards may result in damage to historic materials or patterns. No changes to the Community Design Standards are proposed in the HRCF amendments.

#### **D8: RICH DETAIL AND QUALITY CONSTRUCTION**

##### **BACKGROUND:**

The Italianate buildings in the District were built with deeply inset windows, textured surfaces, and substantial amounts of fine-grained detail, executed by highly-skilled craftsmen or molded in cast iron. During the period of significance buildings were expected to be lasting monuments of civic pride and commercial wealth. Infill buildings should incorporate a similarly rigorous approach to detailing to continue the pattern and rich existing texture. Emphasizing high-quality craftsmanship on new construction within the District will help continue this tradition.

##### **GUIDELINE D8**

**INCORPORATE AND REFLECT A RICH TEXTURAL QUALITY, A HIGH LEVEL OF DETAIL, AND SKILLED CRAFTSMANSHIP.**

##### **Guideline D8 may be accomplished by:**

Emphasizing details in areas that were traditionally heavily detailed such as floor lines, columns, window surrounds and cornices.

##### **Guideline D8 may be accomplished by:**

Using exposed rivets or other fasteners to add additional texture to the buildings.

An example of a Historic District design guideline

**Cast stone in Kenton.** In the Kenton Conservation District new buildings in commercial/mixed use zones must have cast stone on their street facing elevations. At least 50 percent of the total exterior wall surface of these elevations must be cast stone.

An example of a Community Design Standard

# Section III: Relationship to Comprehensive Plan Guiding Principles

Portland's 2035 Comprehensive Plan is a long-range plan to guide the future growth and physical development of the city. The Comprehensive Plan includes five guiding principles: equity, economic prosperity, human health, environmental health, and resilience. To successfully manage growth and development, implementation of these principles must be balanced, integrated, and multi-disciplinary. The proposed zoning code amendments advance the five guiding principles in the following ways:

## 1. Equity

*Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and underrepresented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.*

By advancing regulations that recognize, celebrate, and protect a broader diversity of architectural, cultural, and historic resources, the proposals promote a more equitable understanding of the city's past and create opportunities for historic resources to better meet the needs of Portlanders in the future. Additionally, clearer and more consistent historic resource types, regulations, and procedures provide clarity to property owners, tenants, and the public at large.

**The HRCP proposes a new framework for updating Portland's Historic Resource Inventory (HRI)**, which has not been expanded since 1984. The primary purpose of inventorying resources is to identify significant resources, both for public information and for determining eligibility for future landmark or district designation. As it exists today, the HRI underrecognizes resources that are significant for cultural and social associations. It also includes only a few properties in East Portland, which was largely annexed after the inventory was adopted in 1984. By creating a new framework for updating the HRI in the future, the HRCP proposals anticipate greater recognition of underrepresented histories in future historic preservation efforts.

**The proposals also establish new procedures and criteria for designation—and removal—of landmarks and districts.** These new provisions allow for the designation and protection of culturally important resources identified as significant in inventory updates, while also providing options for removal of landmarks and districts that may reflect histories that have been overrepresented.

**Additionally, the proposed expansion of demolition review to City-designated historic resources provides new approval criteria and opportunities for community involvement in protecting historic places and, when appropriate, mitigating for their loss.** With expanded demolition review, community groups and individuals will be able to organize around alternatives to demolition and propose community benefits such as affordable housing or cultural preservation as mitigation measures.

## 2. Economic Prosperity

*Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.*

The HRCP proposals advance this principle in several ways. **Refinements to regulatory protections and expansion of use incentives encourage rehabilitation and adaptive reuse projects, which support local labor and encourage investment in the local economy.** While new construction is burdened by the cost of new materials, rehabilitation projects generally allocate a greater share of the budget to skilled labor. Because of this, as compared to new construction projects, rehabilitation has been found to disproportionately invest more in local labor than in materials for every construction dollar spent.

**The reuse of existing architecture also preserves embodied energy,** ensuring that the economic benefits of rehabilitation simultaneously stay within the local economy and minimize carbon impacts. Furthermore, by retaining the resources that most contribute to the distinctive architectural, cultural, and historical character of the city, preservation can attract tourists and tourist dollars to support a variety of private, nonprofit, and public endeavors across the city.

Finally, **the proposed use incentives provide a competitive advantage to historic resources to adapt to new and more intense uses,** opening up the potential for existing buildings to be more creatively stewarded by a variety of tenants, customers, visitors, and owners.

## 3. Human Health

*Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.*

Areas with high concentrations of historic buildings are often prioritized in the marketplace for development of new buildings that expand upon the economic, residential, and cultural activities provided by the existing buildings. These areas are generally accommodating of multi-modal transportation options and pedestrian environments that support walking, gathering, and interacting.

The new use incentives proposed by the HRCP would encourage building rehabilitation, foster life safety improvements, incentivize seismic retrofits, and provide an impetus for accessibility upgrades. **Allowing more dwelling units in single-dwelling zones, accessory commercial uses near transit, and major adaptive reuse of landmarks in almost all zones provides the economic viability necessary to make buildings healthier and presents numerous commercial opportunities related to building reuse.**

And, by advancing more equitable procedures and criteria for identifying and designating historic resources in the future, the HRCP proposals support intentional decision-making to ensure the collective memory of Portland's different communities is best represented and protected by the regulations.

## 4. Environmental Health

*Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.*

The HRCP proposals promote environmental health by encouraging the repair and rehabilitation of buildings through protective regulations and use incentives. **Rehabilitation and adaptive reuse of**

**existing architecture preserves embodied energy, supports system and seismic upgrades, and encourages dense housing and commercial uses that promote the health of the region and mitigate construction-induced climate impacts.** By avoiding unnecessary demolition, usable building materials are kept out of landfills, fewer hazardous substances are released into the atmosphere, and less materials need to be produced than are necessary for ground-up new construction.

## **5. Resilience**

*Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.*

By encouraging the rehabilitation and retrofit of significant historic resources, the HRCP proposals promote improved resilience and disaster preparedness. Proposals to streamline inventory and designation processes and criteria would enable the City to triage the identification and protection of the most important historic and cultural resources after a catastrophic event. Additionally, **the proposals expand use incentives, streamline access to existing FAR transfer provisions, and codify new exemptions and procedures related to seismic upgrades, thereby incentivizing upgrades to those older buildings that may be most vulnerable to a major earthquake.**

## **Related Comprehensive Plan Policies**

The 2035 Comprehensive Plan includes a goal and numerous policies related to historic and cultural resources. Goal 4.B of the Plan states, *Historic and cultural resources are identified, protected, and rehabilitated as integral parts of an urban environment that continues to evolve.*

In addition to other policies related to preservation, rehabilitation, and reuse of existing buildings found throughout the Comprehensive Plan, the following Comprehensive Plan policies are specific to historic and cultural resources:

### **Policy 4.46 Historic and cultural resource protection.**

*Within statutory requirements for owner consent, identify, protect, and encourage the use and rehabilitation of historic buildings, places, and districts that contribute to the distinctive character and history of Portland's evolving urban environment.*

### **Policy 4.47 State and federal historic resource support.**

*Advocate for state and federal policies, programs, and legislation that would enable stronger historic resource designations, protections, and rehabilitation programs.*

### **Policy 4.48 Continuity with established patterns.**

*Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.*

### **Policy 4.49 Resolution of conflicts in historic districts.**

*Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to take into account the character of the historic resources in the district.*

**Policy 4.50 Demolition.**

*Protect historic resources from demolition. When demolition is necessary or appropriate, provide opportunities for public comment and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.*

**Policy 4.51 City-owned historic resources.**

*Maintain City-owned historic resources with necessary upkeep and repair.*

**Policy 4.52 Historic Resources Inventory.**

*Within statutory limitations, regularly update and maintain Portland's Historic Resources Inventory to inform historic and cultural resource preservation strategies.*

**Policy 4.53 Preservation equity.**

*Expand historic resources inventories, regulations, and programs to encourage historic preservation in areas and in communities that have not benefited from past historic preservation efforts, especially in areas with high concentrations of under-served and/or under-represented people.*

**Policy 4.54 Cultural diversity.**

*Work with Portland's diverse communities to identify and preserve places of historic and cultural significance.*

**Policy 4.55 Cultural and social significance.**

*Encourage awareness and appreciation of cultural diversity and the social significance of both beautiful and ordinary historic places and their roles in enhancing community identity and sense of place.*

**Policy 4.56 Community structures.**

*Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture.*

**Policy 4.57 Economic viability.**

*Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.*

**Policy 4.58 Archaeological resources.**

*Protect and preserve archaeological resources, especially those sites and objects associated with Native American cultures. Work in partnership with Sovereign tribes, Native American communities, and the state to protect against disturbance to Native American archaeological resources.*

## Section IV: Public Involvement

### Concept Development Phase

The initial open comment period for the HRCP spanned from November 2017 through February 2018. During this period, the public were given a variety of opportunities to provide feedback. Four community roundtables and two informal drop-in sessions were held on weeknights in various locations around Portland, with the intention of making these events accessible to a wide range of community members in different geographic areas. About 200 participants in total attended the community roundtables and drop-in sessions, which provided opportunities for group discussion and direct interaction with the project team.



An HRCP concept development open house at the Albina Branch Library in North Portland.

An online survey was also made available for the entire comment period, and paper versions of the same were supplied at all project events. During the three-month open comment period, 440 respondents submitted 3,442 unique comments through survey forms. Additionally, several individuals and organizations sent their comments directly to Bureau of Planning and Sustainability staff.

The feedback received at events, through survey results, and in letters directly informed the code proposals included in the Discussion Draft.

### Discussion Draft Phase

The HRCP Discussion Draft open comment period initially spanned from January through April 2019, with additional comments taken throughout 2019 as project staff solicited feedback from individuals and organizations that had not participated in the initial open comment period. The additional public outreach period provided mailed information to property owners in Conservation Districts, as well as an additional open house specific to the Conservation District proposals. During the extended Discussion Draft phase, five open houses were held in Southwest, Southeast, North, and Northeast Portland. About 125 participants attended the open houses.



An HRCP Discussion Draft open house at the Architectural Heritage Center in Southeast Portland.

An online survey was made available for the initial Discussion Draft comment period. Fifty-two respondents submitted approximately 100 unique comments through the survey forms.



Extensive written comments were submitted by the Historic Landmarks Commission, Bureau of Development Services, Oregon Smart Growth, and a variety of neighborhood associations, interest groups, and individuals. These comments provided unique and detailed insights into problems with the current regulations ranging from historic resource review exemptions to approval criteria, the designation process to opportunities for removal of an existing designation.

In addition to outreach specific to the Discussion Draft, project staff were informed by community feedback received in a variety of venues outside of the HRC. First, project staff participated in a legislative workgroup throughout the first half of 2019, during which a legislative concept and subsequent Senate Bill were developed related to Oregon's owner consent law. Although the Senate Bill was not signed into law, participation in the work group provided additional opportunities for staff to consider improvements to the Discussion Draft as an alternative to passage of the bill. Second, development of the African American Historic Resources Multiple Property Documentation Form and preparation of the Billy Webb Elks Lodge National Register nomination provided project staff with extensive engagement with various stakeholders related to incorporation of cultural significance into the City's historic resource regulations. Finally, relevant public testimony submitted under the Better Housing by Design, Central City 2035, Residential Infill, and Design Overlay Zone Amendments projects during 2019 and 2020 provided staff with insights—and City Council direction—for many of the amendments included in the Proposed Draft.

# Section V: Analysis of Proposed Amendments

## Summary of Key Themes and Proposals

### 1. IDENTIFICATION – What are the different types of historic resources?

The citywide Historic Resources Inventory was established in 1984 but has not been comprehensively revised since. Code proposals would:

- a. Re-define the Historic Resource Inventory as an umbrella term.
- b. Establish a clear hierarchy of the historic resource types included in the inventory.
- c. Remove zoning code provisions pertaining to Unranked Resources.

### 2. DESIGNATION – How are historic resources determined eligible for designation? What are the criteria and processes for designating landmarks and districts? Since the mid-1990s, Portland has relied almost exclusively on owner-initiated listings in the National Register of Historic Places as the basis for Historic Landmark and Historic District designation. Code proposals would:

- a. Establish a new procedure for identifying historic resources eligible for designation.
- b. Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.

### 3. PROTECTION – What demolition and design regulations apply to designated resources? Existing regulations have been ineffective at protecting City-designated historic resources from demolition, have over-regulated residential Historic Districts, and have required review of proposals so minor that their possible effect on the integrity of historic resources is negligible. Code proposals would:

- a. Apply demolition review to all designed historic resources and expand demolition review approval criteria.
- b. Increase exemptions to historic resource review.
- c. Refine historic resource review approval criteria.
- d. Improve demolition delay to apply only at the time of demolition application.

### 4. REUSE – How can historic resources be repurposed for economic viability and community access?

The ability to adaptively reuse existing buildings is generally limited to the uses allowed by the base zone applied to the site. For historic resources – especially those built before the application of modern zoning – allowing greater use flexibility expands economic opportunities to justify complex and costly rehabilitation projects. Code proposals would:

- a. Exempt all landmarks and districts from parking requirements.
- b. Increase zoning code incentives allowing for adaptive reuse of certain designated resources.
- c. Streamline requirements and applicability for FAR transfer.

### 5. ADMINISTRATION – How can code provisions be improved for staff, applicants and the public?

City staff, project applicants, and interested Portlanders have identified opportunities to improve the implementation of historic resource regulations. Code proposals would:

- a. Refine purpose statements, procedure types, and associated language.
- b. Amend the role and makeup of the Historic Landmarks Commission.

## THEME 1: IDENTIFICATION

### What are the different types of historic resources?

In 1984, the City of Portland comprehensively documented and evaluated over 5,000 buildings, structures, and sites for potential historic significance. Adopted in October 1984, this Historic Resource Inventory (HRI) established an expansive roster for understanding some of the city's most notable historic places and provided baseline determinations of eligibility for future landmark and district designation. These determinations of eligibility were organized by a ranking system—Ranked Resources were determined likely eligible for future designation, and Unranked Resources were determined unlikely eligible for future designation. Since 1984, many of the Ranked Resources have been designated as landmarks or contributing resources within districts.



"Mini Pittock Mansion" was built in Montavilla in 1925 and given a Rank II status in the 1984 HRI effort. Ranked Resources are proposed to be renamed Significant Resources.

While the 1984 effort was comprehensive and inclusive for the time, the HRI was never intended to be definitive. In the 36 years since its adoption, properties on the original HRI have been demolished, the city's boundaries have been expanded, and a broader understanding of historic resources has illuminated the significance of many important cultural places once considered ordinary by white-dominant preservation professionals. Furthermore, the current definition of HRI as a category of resource types—Ranked and Unranked Resources—rather than a master list of all historic resource types, has perpetuated confusion and administrative inconsistencies in managing the citywide historic resources program.

The HRCPP provides an opportunity to comprehensively restructure the HRI as a master list of recognized historic resources, as well as intentionally revise the names and hierarchy of the historic resource types addressed by the zoning code. Specifically, changes to the hierarchy of historic resource types (Proposal 1.b) provides a foundation on which many of the other HRCPP proposals are built.

#### **Proposal 1.a: Re-define the Historic Resource Inventory as an umbrella term.**

**Background:** The citywide survey effort that led to the adoption of the 1984 HRI documented over 5,000 historic resources, many of which have subsequently been designated as landmarks or as parts of districts. Since its initial adoption, there have been no "updates" to the HRI because the term "HRI" has been defined as specific category of resource types—Ranked and Unranked Resources. However, whenever a new landmark or district is designated—and whenever a landmark or property in a district is demolished—those action effectively "update" the City's roster of historic resources.

**Proposal:** Restructure the HRI as an umbrella to capture the full list of historic resources recognized by the City, including all resources addressed by the zoning code. The zoning code currently defines the HRI narrowly—Ranked and Unranked Resources that have not been designated. A new

definition of the HRI would more accurately include the complete roster of documented and designated historic resources.

**Benefit:** Broadening the HRI to become an umbrella term amounts to a significant change in nomenclature but does not, in and of itself, represent a change in the regulations that apply to different types of historic resources. The related changes to historic resource names and hierarchy included in Proposal 1.b would provide clarity about the different historic resource types that populate the re-defined HRI list. Changing the names—including clearer definitions—will provide City staff, decision-makers, and the interested public with clarity that has long been lacking regarding the HRI and historic resource types. Furthermore, redefining the HRI as the master list of recognized historic resources will allow for the ongoing updating contemplated by the Comprehensive Plan and requested by the community.



**Code section(s) affected:** The new definition for HRI is included in Chapters 33.445 and 33.910. The new names for and definitions of specific historic resource types are provided in Section 33.445.040 and Chapter 33.910.

**Proposal 1.b: Establish a clear hierarchy of the historic resource types included in the inventory.**

**Background:** Beginning in the 1970s, the zoning code has organized the different historic resource types into a multi-tiered hierarchy. The levels of the hierarchy correspond with different demolition and design regulations intended to protect historic resources, with greater protections applied to some resource types and fewer protections applied to others.

In general, the existing hierarchy applies the greatest design and demolition protections to those Historic Landmarks and Historic Districts that have also been listed on the National Register of Historic Places. City-designated Historic Landmarks and Historic Districts not listed on the National Register are provided with similar design protections but fewer demolition protections than those on the National Register.<sup>3</sup>

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<sup>3</sup> Resources listed in the National Register since January 2017 are effectively a *third* category of Historic Landmark and Historic District. This category is not shown on the existing hierarchy diagram because the zoning code has not been amended to incorporate the 2017 changes to administrative rules. The proposed new hierarchy incorporates the changes to administrative rule by, among other changes, creating new resource types for National Register Landmarks and National Register Districts. The National Register listings that have occurred since 2017 would populate these new resource types, as would future National Register listings that are not also City-designated.

The existing hierarchy applies modest design and demolition protections to City-designated Conservation Landmarks and Conservation Districts. These Conservation-level resources have been colloquially described as ‘preservation lite,’ with several Conservation Districts seeking—and receiving—Historic District status after experiencing demolitions of contributing resources.<sup>4</sup>

At the bottom of the existing hierarchy are resources identified in the 1984 HRI as Ranked and Unranked Resources. These resources are not designated and, therefore, are subject to the most minimal regulations. Ranked Resources—those that were determined to have enough significance to be eligible for future designation—are subject to demolition delay. Unranked Resources—those that were interesting, but likely not eligible for designation—are addressed by the zoning code but not subject to protections.

Importantly, the hierarchy graphics used in this staff report do not differentiate by contributing status of resources within the boundaries of designated landmarks and districts. All historic resource types may contain contributing elements—such as a historic house in a Historic District—and noncontributing elements—such as a new ADU in the backyard of a Conservation Landmark. If located within the boundary of a designated landmark or district, contributing and noncontributing resources are both considered to be part of the resource (although demolition protections generally do not apply to noncontributing resources).

### Existing Hierarchy of Historic Resource Types



The existing historic resources hierarchy as codified in the zoning code. The two types shown at the bottom of the hierarchy—Ranked and Unranked—are not designated.

With the adoption of new State Administrative Rules in January 2017, an opportunity is presented to restructure the codified hierarchy of historic resource types.

<sup>4</sup> The Irvington, Ladd’s Addition, and South Portland Historic Districts were all initially City-designated as Conservation Districts.

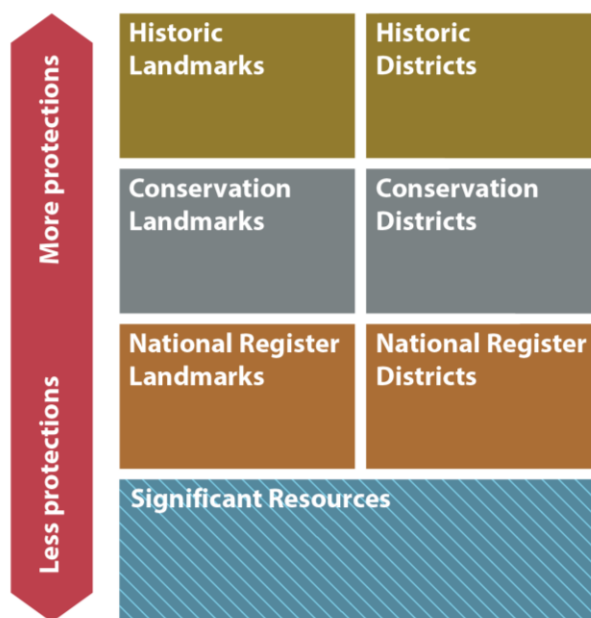
**Proposal:** The proposed amendments incorporate the new State Administrative Rule and respond to public feedback by establishing a more intentional hierarchy of historic resource types included in the umbrella HRI described in Proposal 1.a.

The proposed historic resources hierarchy has four discrete tiers— Historic Landmarks and Districts (gold standard), Conservation Landmarks and Districts (silver standard), National Register Landmarks and Districts (bronze standard) and Significant Resources (eligibility standard). Historic resources that are not one of these types (such as Unranked Resources) may still be included in the umbrella HRI for informational purposes, but would not be subject to protections and, therefore, are not be identified in the hierarchy.

Establishing a clear hierarchy of historic resource types is necessary to establish a menu of demolition and design regulations that align with the different levels. The amendments described in Proposals 3.a, 3.b and 3.c implement the new hierarchy by refining the protections that apply to the different historic resource types, providing the greatest protection to the highest type (Historic) and progressively less to the lower types. Proposal 1.c provides procedures and criteria for adding resources to the hierarchy, removing resources from the hierarchy, and changing the level of resources already on the hierarchy.

Prior to the change in State Rule in 2017, National Register listing and the automatic Historic Landmark or District designation that came with it effectively served as Portland’s gold standard for historic resource designation and protection. With the proliferation of residential National Register districts in recent years, broad public concerns have been raised regarding the automatic application of protections to National Register listings. While State Rules require the City apply demolition review to National Register resources, the proposed new hierarchy establishes National Register-level resources as the floor of the designated resource types, elevates City-designated Conservation-level resources to the middle tier, and retains existing and City-designated Historic-level resources as the gold standard for significance and protection. The proposed changes would not change the designation of existing Historic Landmarks and Historic Districts that were identified as such because of their listing in the National Register prior to January 2017, but Proposal 2.c would establish new procedures and criteria that would allow resources to be moved up or down the hierarchy in the future based upon resources’ historic significance and the appropriateness of protections when considering other community values.

### Proposed Hierarchy of Historic Resource Types



The historic resources hierarchy proposed for codification in the zoning code. The type shown at the bottom of the hierarchy—Significant Resources—would include all existing Ranked Resources. All historic resource types shown in the hierarchy would be included in the broader Historic Resources Inventory described in Proposal 1.a.



To ensure clarity and accuracy, the existing Ranked Resource type would change in name to Significant Resource. This change does not in and of itself amend any regulations (see Proposal 3.d for a proposed change in regulations for this group of resource). All existing Rank I, II, and III Resources would be included as Significant Resources. Changing the name to Significant Resource more accurately describes this category of undesignated resources and further clarifies the change in terminology for HRI included in Proposal 1.a.

**Benefit:** Restructuring the hierarchy of historic resources types establishes clearer and more consistent categories of historic resources addressed by the zoning code. The proposed new hierarchy would include fewer resource types than the existing hierarchy making the program easier to understand and administer. It would also elevate City-designated resources to the highest levels of protection, which gives the community more control in determining the best level of protection for different historic resources. Finally, creating three discrete tiers of designated resource types—gold, silver, and bronze—provides decision-makers, property owners, and the broad community with a menu of options for how best to protect specific resources into the future.

**Code section(s) affected:** The proposed hierarchy of historic resource types is embedded throughout Chapter 33.445, with definitions of the different types provided in sections 33.445.040 and 33.910.

#### **Proposal 1.c: Remove zoning code provisions pertaining to Unranked Resources.**

**Background:** The 1984 Historic Resource Inventory effort included documentation of properties that were found to be interesting but determined not imminently eligible for landmark or district designation. These Unranked Resources are recognized by the City and currently included in the zoning code. No demolition or design protections apply to those resources.

**Proposal:** The proposed code amendments would remove references to Unranked Resources from the zoning code, but information on these resources would be retained in the umbrella HRI for informational purposes.

**Benefit:** Unranked resources are unlikely to be eligible for designation as a landmark or district, therefore they are not appropriate for inclusion in the City's historic resource regulations. Removing reference to them from the zoning code will clarify that these are not significant historic resources while still allowing public access to the documentation assembled on these properties. Rehabilitation of an altered Unranked Resource or future research that demonstrates historic significance that was previously unknown could, in some instances, render an Unranked Resource eligible for identification as a Significant Resource or designation as a landmark or part of a district (see Proposals 2.a and 2.b).

**Code section(s) affected:** Reference to Unranked Resources are removed from the zoning code.

## THEME 2: DESIGNATION

### How are historic resources determined eligible for designation? What are the criteria and processes for designating landmarks and districts?

Since the mid-1970s, Portland's historic preservation regulations have recognized two tiers of undesignated resources (Ranked and Unranked Resources) and two tiers of designated resources (Historic Landmarks and Districts and Conservation Landmarks and Districts). Many of the city's first designated historic resources were in the Central City, such as individual buildings and collections of buildings adjacent to what is now Waterfront Park. As interest in designation began to expand beyond the downtown core, a concept for less-regulatory neighborhood Conservation Districts emerged, first in Lair Hill and then in Ladd's Addition (both areas become Historic Districts in the 1990s upon their listing in the National Register of Historic Places). Following the 1984 Historic Resource Inventory campaign, individual Historic and Conservation Landmark designations began to proliferate in the inner ring of neighborhoods and commercial areas adjacent to the Central City. And, when the City Council adopted the Albina Community Plan in 1993, a slate of Conservation Districts were established in North and Northeast Portland.



Neighborhood House was built by the National Council of Jewish Women in 1910. In 1977, it became part of the Lair Hill Conservation District. In 1979, it was added to the National Register of Historic Places. And in 1998 it became part of the South Portland Historic District.

Following the 1995 passage of Oregon's owner consent law—and the ensuing connection between National Register listing and local land use regulations—Portland's zoning code was amended to automatically identify all past and future National Register listings as either Historic Landmarks or Historic Districts. Due to ease of implementation and natural alignment of regulations and benefits, the automatic conveyance of Historic Landmark and District status to National Register listings has served as the primary driver of historic resource designation decisions for the past 25 years. However, the 2017 change to State Administrative Rule—in part a reaction to the rapid proliferation of large residential areas being nominated to the National Register to secure Historic District protections—established new sideboards on local government authority to automatically apply protections to National Register listings (see Proposals 3.a, 3.b. and 3.c for amendments related to the protection of designated resources). The change in administrative rules and the feedback received by the public provide an opportunity to revise the procedures and criteria used to designate, remove, or amend landmark and district status in the future.

#### **Proposal 2.a: Establish a new procedure for identifying historic resources eligible for designation.**

**Background:** The 1984 citywide survey of historic resources resulted in a foundational inventory that has been useful in determining eligibility of resources for future designation and providing the public with information about individual historic places. However, no similar efforts have occurred since 1984 resulting in geographic and thematic areas of the city's history being noticeably underrepresented.

**Proposal:** The lack of a viable process to officially recognize historic resources as eligible for designation has long stymied efforts to comprehensively update the HRI. Furthermore, confusion about the applicability of the owner consent law has resulted in owner consent being required for the mere documentation and determination of eligibility of historic resources. Proposal 1.b would establish a legislative procedure for adding Significant Resources to the HRI without necessitating owner consent or conveying a landmark or district designation to the property.



Interest groups such as Restore Oregon (pictured above) regularly survey historic resources. Current code regulations do not allow the City to document and evaluate the significance of potential historic resources without owner consent.

In the future, additions of Significant Resources to the HRI would be periodically proposed by City staff following targeted or comprehensive surveys of potential historic resources. When City staff proposing identifying new Significant Resources, the Historic Landmarks Commission would hold a public hearing to evaluate information presented to them regarding the resources. After evaluating the significance of resources at the hearing, the Commission would make a recommendation to the Portland City Council. Following an additional public hearing, the City Council would hold a vote to add the Significant Resources to the HRI. The same process would apply to proposals to remove Significant Resource status.

Significant Resources are generally deemed eligible for a landmark or district designation but being listed as a Significant Resource does not automatically designate a resource. Designation as a landmark or district is a separate process (see Proposal 2.b).

**Benefit:** Establishing a legislative procedure to add—and remove—Significant Resources from the new umbrella HRI without owner consent and without a corresponding designation will allow City staff to more nimbly support requests from the community to document, identify, and evaluate the significance of potential historic resources. With these changes, the City can work with communities to inventory underrepresented historic places and evaluate them for future historic landmark or district eligibility. Without these changes, updates to the Historic Resource Inventory would only result from designation of landmarks and districts—exactly what has happened since 1984 and what has resulted in geographic and thematic inequities in the roster of recognized historic resources.

**Code section(s) affected:** The proposed listing and removal processes for Significant Resources can be found in new sections 33.445.300 through .310.

**Proposal 2.b: Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.**

**Background:** Portland’s existing designation and designation removal procedures and criteria have not been updated since the 1990s and are not aligned with State Administrative Rule or Comprehensive Plan policies. Because National Register listing has been the de-facto path to establishing new Historic Landmarks and Historic Districts since 1995, the change in administrative rules provides a new opportunity to revise the processes for adding, removing, or changing City landmark and district designation. While Oregon law requires owner consent for local designation of landmarks and districts, the new historic resources hierarchy in Proposal 1.b provides property owners, decision-makers, and the community a menu of options for historic resource designation and protection—as well as options for changing or removing existing designations when they’re no longer appropriate.

**Proposal:** The proposed changes modernize the criteria and procedures used in establishing, amending, and removing Historic and Conservation Landmark and Historic and Conservation District status. The new criteria would elevate archaeological, architectural, cultural, and historical significance as the primary areas eligible for historic resource designation, as well as insert new integrity criteria to ensure that sufficient physical elements from the historic period remain to justify a designation. State-required owner consent would be included as an application requirement in quasi-judicial reviews to designate a landmark and incorporated into legislative procedures to designate a landmark or district. Specific to the approval criteria for listing and removal, underrepresented histories would be elevated for future designation and the goals and policies of the Comprehensive Plan could be invoked to change or remove an existing designation.



A contributing resource in the Woodlawn Conservation District

The proposed changes to the procedures for listing, amending, and removing designations would allow the Historic Landmarks Commission to designate new Historic and Conservation Landmarks and remove existing Historic and Conservation Landmark status through owner-initiated quasi-judicial procedures. The proposals also allow the boundaries and contributing status of existing designated resources to be changed quasi-judicially by staff as the result of historic designation review or historic designation removal review.

Regarding districts, the proposal would require City Council to serve as the decision-maker in the establishment of new Historic and Conservation Districts and in the removal or amendment of entire existing Historic and Conservation Districts. The Planning and Sustainability Commission would become the recommending body for such proposals, with the Historic Landmarks Commission providing advisory recommendations.

The proposed changes to City designation, amendment, and removal procedures and criteria would not supersede any federal decisions to list, amend, or remove a landmark or district from the National Register of Historic Places. However, the proposed changes would allow National Register-



listed resources that were automatically identified as Historic Landmarks and Historic Districts in the past to have their City designation changed or removed in the future as the result of historic designation removal review or a legislative decision. Similarly, the proposed changes would allow National Register Landmarks and Districts to be designated by the City as Historic or Conservation Landmarks or Districts when appropriate.

**Benefit:** Changes to the criteria and procedures used to designate, amend, or remove Historic and Conservation Landmark and District status would better infuse equity, inclusion, and community values into the management of the new Historic Resource Inventory. The proposed changes incorporate State Administrative Rules and better align with the goals and policies of the Comprehensive Plan, as well as ensure property owners, decision-makers, and the interested public are meaningfully engaged in the local designation and designation removal process.

**Code section(s) affected:** Designation and removal procedures are specified for each historic resource type in Chapter 33.445, with procedure types and criteria provided in Section 33.846.030 for designation and Section 33.846.040 for removal. Additional affected sections are 33.710.060, 33.720.020, 33.720.030, 33.730.030, 33.855.075, and 33.910.

## **THEME 3: PROTECTION**

### **What demolition and design regulations apply to designated resources?**

In addition to formally recognizing the significance of historic resources, landmark and district designation is the vehicle for applying regulations that protect historic resources. In recent decades, Portland's regulations for protecting historic resources have been routinely fine-tuned through code amendment projects such as this one. As Portland changes, new technologies become available, and preservation professionals evolve their thinking on the application of best practices, opportunities emerge to better ensure the regulations protecting historic resources are meaningful, flexible, and implementable.

The HRCP proposes to amend many of Portland's historic resource protection regulations to ensure public involvement in all applications to demolish designated historic resources, align the proposed hierarchy of historic resource types with progressive tiers of protection, and streamline the historic resource review process for certain minor alteration and new construction proposals. Proposed changes to protections would align with the hierarchy described in Proposal 1.b, with National Register Landmarks and Districts serving as a bronze standard floor for regulations, Conservation Landmark and District designation serving as a silver standard that includes and expands on the protections afforded to National Register resources, and Historic Landmark and District designation serving as a gold standard that provides the highest level of protections. Significant Resources (which are not designated) would be subject to 120-day demolition delay, a modest protection intended to allow time for the owner community to consider alternatives to demolition.

**Proposal 3.a: Apply demolition review to all designated historic resources and expand demolition review approval criteria.**

**Background:** Portland’s strongest regulation for protecting historic resources from demolition—demolition review—is limited in its current application to those landmarks and contributing resources in districts that have been listed on the National Register of Historic Places. City-designated Historic Landmarks, Conservation Landmarks, and contributing resources in Conservation Districts that have no National Register designation are only subject to 120-day demolition delay, which provides no opportunity for meaningful public involvement, mitigation for the loss of a resource, or denial of an application to demolish an important resource.

Demolition review is a discretionary land use review; current regulations require a public hearing and decision by the Portland City Council for all applications subject to demolition review. Applicants for demolition review today must meet one of two approval criteria—one related to economic hardship or another related to the Comprehensive Plan.



This “1922 bungalow” was altered in 2018 without meeting the threshold necessary to require a demolition permit. A new definition of demolition for historic resources is proposed.

**Proposal:** The proposed changes apply the demolition review requirement to all landmarks and contributing properties in districts, establish threshold definitions for demolition of historic resources, amend the procedure types that apply to different demolition applications, and expand the list of approval criteria that may be met to gain approval for demolition.

The proposal would extend demolition review to approximately 2,300 City-designated landmarks and contributing resources in Conservation Districts that are currently subject to demolition delay. In extending demolition review to these resources, the proposal also establishes a definition of demolition that codifies a recent change in State Administrative Rule that defines demolition as “any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost.” The new demolition definition intends to establish clear thresholds that would implement the more discretionary new State definition. The new definition would apply to all historic resource types addressed by Chapter 33.445, not to all instances of demolition regulations in the city.

Exemptions to demolition review are provided for each historic resource type addressed by Chapter 33.445. For all resource types, noncontributing resources and resources required to be demolished due to immediate danger would be exempt from demolition review. For Historic Landmarks and in Historic Districts, demolition of contributing accessory structures (like garages) would be exempt if a replacement structure is simultaneously approved through historic resource review. For Conservation Landmarks and in Conservation Districts, demolition of all accessory structures would be exempt. For all landmarks and contributing resources in districts, an alteration that would otherwise qualify as demolition could be reviewed through historic resource review as an alternative to demolition review. This alternative is intended to allow major rehabilitation projects—



such as a seismic upgrade that may require removal of walls—to be reviewed against the more appropriate historic resource review approval criteria. Proposals for total demolition could not be reviewed through historic resource review unless the building proposed for demolition is an accessory structure.

Coupled with the expansion of demolition review, the proposals establish new demolition review procedure types and approval criteria. Historic Landmarks and contributing resources in Historic Districts would remain subject to Type IV (City Council) review with the same general approval criteria that apply today. Because of their ‘silver standard’ position on the proposed new hierarchy of historic resource types, Conservation Landmarks and contributing resources in Conservation Districts would be subject to a Type III (Historic Landmarks Commission) review with an option of the approval criteria available to Historic-level resources or a new criterion related to mitigation. And, because of their ‘bronze standard’ position on the proposed new hierarchy of historic resource types, National Register Landmarks and contributing resources in National Register Districts would be subject to a Type III (Historic Landmarks Commission) review with an option of the approval criteria available to Historic-level and Conservation-level resources or, for contributing resources in single-dwelling zones, a new criterion related to affordable housing. This new criterion would ensure that the listing of a residential area on the National Register not inhibit production of affordable housing. A new Type II (staff) review and an additional approval criterion are proposed for applications to demolish accessory structures.

The proposed changes to demolition review also add new application requirements to ensure State-required factors are considered by the review body.

**Benefit:** Applying demolition review—with new procedure types and approval criteria—to all City-designated landmarks and all contributing resources in City-designated districts would ensure that the most important historic resources are given consideration prior to demolition, with the decision-maker provided the authority to approve, approve with conditions, or deny proposals. Extending demolition review to City-designated resources would provide the public an opportunity to meaningfully engage with proposals to demolish resources that have gone through a City designation process. Furthermore, demolition review would allow the decision-maker to deny, approve or approve with conditions (such as mitigation) demolition proposals.

Without applying demolition review to City-designated resources, there will remain no protection program to ensure the historic value of City-designated historic resources are considered against other relevant community values when the loss of such resources is proposed. Additionally, without the application of demolition review to City-designated resources, National Register listing will remain the only viable option for protecting historic places from demolition, perpetuating the existing exclusive reliance on federal decision-making to convey meaningful demolition protections to historic resources in Portland.

Finally, in their adoption of the Better Housing by Design and Residential Infill projects, the Portland City Council prohibited use of development bonuses on sites where a designated historic resource is demolished without demolition review. National Register-listed Historic Landmarks and contributing resources in Historic Districts are subject to demolition review, therefore property owners there are eligible to access development bonuses if their application for demolition review is approved by the decision-maker. The expansion of demolition review to all designated resources would allow owners of City-designated resources to similarly pursue development bonuses when a proposed demolition

meets one of the applicable demolition review approval criteria. In all cases where development bonuses are allowed following demolition review, the decision-maker would be reviewing the demolition application against the approval criteria, including consideration of the merits of the proposed replacement building.

**Code section(s) affected:** The proposed demolition review requirement—including definitions, exemptions, and permit issuance standards—is provided in relevant sections for landmarks and districts in Chapter 33.445. The new procedure types and approval criteria are provided in Section 33.846.080, demolition review. Refinements to the applicability of the Community Design Standards are proposed to ensure demolition of Conservation-level resource cannot be approved using the standards (see Section 33.445.510). The development bonuses provided by the base zones are not proposed to change.

### **Proposal 3.b: Increase exemptions to historic resource review.**

**Background:** New construction and alterations to Historic Landmarks, Conservation Landmarks, and properties in Historic and Conservation Districts are subject to historic resource review. For these resource types, exemptions to historic resource review are provided by the code. These exemptions range from minor maintenance to certain rooftop mechanical units. Conservation Landmarks and properties in Conservation Districts have the option of meeting clear and objective design standards as an alternative to historic resource review when review is required. When activities affecting a Conservation Landmark or Conservation District are exempt from historic resource review, the activity is also exempt from required compliance with the Community Design Standards. Exemptions to historic resource review were last amended in 2013 with the Historic Resources Code Improvement Project.



A proposed exemption would allow certain rooftop solar panels—such as those pictured above—in Historic Districts without requiring historic resource review.

**Proposal:** The proposal retains the general approach to historic resource review that applies today but expands the list of exemptions for all designated resource types. National Register Landmarks and Districts are proposed to be exempt from historic resource review altogether unless the application is for relocation or an applicant voluntarily elects to pursue historic resource review.



A proposed exemption would allow certain detached accessory structures—such as the one pictured above—to be built in Historic and Conservation Districts without requiring historic resource review.

While the proposal increases the number of exemptions for both Historic and Conservation-level resources, landmarks are provided fewer new exemptions than districts since individual

landmarks are often less forgiving of change than entire collections of buildings that make up districts.

For landmarks, proposed new exemptions relate to minor exterior alterations, signs, rooftop solar installations, non-historic window replacement, and other relatively benign alterations. For districts, proposed new exemptions include many of those provided to landmarks as well as significant expansion of an existing rooftop solar installation exemption and detached accessory structure exemption. The full list of proposed exemptions is provided by resource type in Volume 2 and are too numerous to recite in this staff report.

**Benefit:** The proposed exemptions respond to requests from the public, from neighborhood associations representing Historic Districts and Bureau of Development Services staff. The changes are intended to ensure the ongoing protection of historic resources, while eliminating unnecessary reviews for minor changes, presenting new opportunities to create new housing in Historic Districts and expanding roof area that can be put into solar energy production.

**Code section(s) affected:** Exemptions are provided in the relevant sections for landmarks and districts in Chapter 33.445.

### **Proposal 3.c: Refine historic resource review approval criteria.**

**Background:** When historic resource review is required for alteration, addition, or new construction proposals, section 33.846.060 provides the approval criteria that must be met. For Conservation Landmarks and properties in Conservation Districts, the clear and objective Community Design Standards can be met as an alternative to historic resource review. No changes to the Community Design Standards are proposed.

**Proposal:** The proposal makes numerous changes to section 33.846.060 for clarity, alignment with the proposed amendments in Chapter 33.445, and consistency with the hierarchy of historic resource types proposed in Proposal 1.a. Changes to the applicable procedure types for historic resource review are included in Proposal 5.a.

In general, the amendments to historic resource review do not change the applicability of the approval criteria that currently apply to Historic Landmarks, Historic Districts, and Conservation Landmarks.; however, there four primary areas that are proposed to change.

First, new approval criteria for relocation (structure moves) have been added as section 33.846.060.I. While relocation proposals are rare, State Administrative Rule requires consideration of certain factors when National Register-listed resources are proposed for relocation. These factors have been incorporated into the new criteria that must be met for relocation of most designated resource types.

Second, new approval criteria for proposals affecting Conservation Landmarks have been added as new section 33.846.060.H. Because Conservation-level resources generally have less historic significance, diminished physical integrity, or are less appropriate for the highest level of protections (as compared to Historic-level resources), the proposed new criteria provide expanded flexibility for changes to Conservation-level resources. Although there are only 12 Conservation Landmarks that would benefit from the new more flexible criteria today, these code amendments anticipate more

will be designated in the future, including some Historic Landmarks that may have their designation changed to Conservation Landmark through legislative and quasi-judicial procedures.

Third, minor changes to the existing approval criteria in section 33.846.060.G that generally apply to Historic Landmarks and Historic Districts without adopted design guidelines are proposed for clarity, to incorporate accessory structure demolition-and-rebuild proposals and to resolve ambiguities about compatibility in those Historic Districts where the general criteria apply. The changes related to compatibility are primarily intended to provide clarity in the Irvington Historic District, which is subject to the 33.846.060.G criteria as that district has no district-specific design guidelines.

Finally, minor changes clarify the hierarchy of applicability of existing guidelines in the Alphabet Historic District.

**Benefit:** Changes to the historic resource review section and approval criteria will provide clarity to applicants, City staff and interested community members. Furthermore, the proposals will ensure State-required factors are considered when historic resources are considered for relocation, Conservation Landmarks will be subject to more flexible historic resource review approval criteria than Historic Landmarks and the criteria that apply in some Historic Districts will be revised to resolve ambiguities.

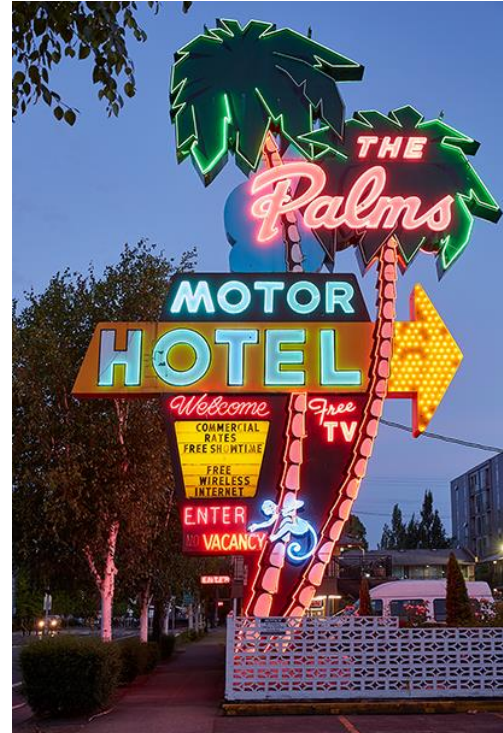
**Code section(s) affected:** Section 33.846.060.

**Proposal 3.d: Improve demolition delay to apply only at the time of demolition application.**

**Background:** State Administrative Rule requires local governments apply a 120-day demolition delay to historic resources that have been evaluated and formally determined to be significant (Significant Resources, as described in Proposal 2.a). These resources are not designated but are determined *eligible* for designation.

**Proposal:** The 120-day demolition delay provision currently exists in the zoning code and will not be substantively changed except for necessary alignments with the State Administrative Rule.

However, a change is proposed to the list of actions that can initiate the 120-day delay. Since 1996, Portland has allowed owners of Significant Resources (currently called Ranked Resources) to request removal from the HRI as a property right (albeit subject to 120-day delay). The proposed zoning code changes would eliminate this proactive removal option. Instead, an applicant would need to apply for a demolition permit to initiate the 120-day delay. This change would ensure the community is notified of the 120-day demolition delay only when demolition is being contemplated for the property, not preemptively.



Despite its historic significance, the Palms sign could have its Significant Resource status removed with a simple owner request.



**Benefit:** The amendments would ensure the community is notified of the 120-day demolition delay only when demolition of a Significant Resource is being proposed, not preemptively. This would limit public confusion about requests for 120-day delay and ensure the identification of Significant Resources can provide useful and lasting information for academics, architects, realtors, tenants, planners, and the general public.

**Code section(s) affected:** The 120-day demolition delay process for Significant Resources can be found in new code sections 33.445.310 through .340.

## THEME 4: REUSE

### How can historic resources be repurposed for economic viability and community access?

Historic resources are designated and protected because of their important role in establishing memory, meaning, and learning opportunities for current and future residents. Inherent in the value of historic preservation is the ability for the broad public to experience and engage with historic resources. The existing codified demolition and design regulations have generally protected the exterior features of historic resources such that they can be appreciated from the public realm, allowing Portlanders to experience the architecture of a unique façade—such as the Historic Landmark Hollywood Theater—or the patterns unique to a specific area—such as the loading docks of the NW 13<sup>th</sup> Avenue Historic District.

Providing economic opportunities to owners of historic resources encourages needed upgrades, discourages demolition proposals, and provides the opportunity for greater public access and use. Although the HRCP proposals do not include direct financial incentives, several proposed regulatory incentives would streamline and expand existing incentives available to owners and tenants of designated landmarks and districts. The incentives are intended to promote economic viability and allow for modern uses to interpret and reinterpret the histories of landmarks and districts while simultaneously increasing public access to the resources.

#### **Proposal 4.a: Exempt all landmarks and districts from parking requirements.**

**Background:** Automobile parking is required in some areas and for some uses. Many of Portland’s historic resources were built during a time when automobile use and parking was non-existent or less commonplace than it has been in more recent decades.

**Proposal:** A new exception to minimum parking requirements is proposed to provide designated historic resources with greater flexibility for continued use, adaptive reuse, alterations, and new construction. Providing this exception allows for removal of unused parking pads, reuse of garages as ADUs or other uses, and flexibility for



Eliminating parking requirements for all landmarks and districts will provide opportunities to re-establish the historic public realm experience.



landmarks and properties in districts to adapt to more intensive uses without the need for paving site area or harming historic features to accommodate vehicles. This exception also allows for construction of new buildings in districts to more closely follow the design patterns of development seen prior to the proliferation of the automobile.

**Benefit:** Accommodating on-site automobile parking often requires designs that depart from historic patterns. Reducing required parking to zero on all sites in Historic, Conservation, and National Register Districts provides designers of new buildings with greater flexibility to propose new buildings that are more compatible with the surrounding contributing properties than would be the case if on-site parking were required. Similarly, reducing required parking to zero on all sites with a Historic, Conservation, or National Register Landmark allows for adaptive reuse and other proposals to proceed without retaining or incorporating automobile parking.

**Code section(s) affected:** Section 33.266.110.

**Proposal 4.b: Increase zoning code incentives allowing for adaptive reuse of certain designated resources.**

**Background:** Many historic resources have the potential to be adapted to new and creative uses without harming significant historic features. Allowing for the reuse of historic resources provides economically viable options for rehabilitation, increases public access to historic places and provides opportunities for interpreting the past through the lens of contemporary values.

*“Goal 5 requires a local government to do what it can, within the limits of the goal and rule, to help willing property owners achieve the actual (and not merely nominal) conservation of historic resources for present and future generations.”*

*—Land Use Board of Appeals (King vs. Clackamas County)*

Across Portland, there exists countless examples of historic buildings that have been adapted to new uses. A few well-known examples are the McMenamins Kennedy School (a 1915 Historic Landmark), St Johns Signal Station Pizza (a 1939 National Register-listed gas station), Pine Street Market (an 1886 contributing building in the Skidmore/Old Town Historic District), and the Old Church (an 1882 Historic Landmark). Adaptively reusing a historic building prolongs its useful life by physically improving the structure, establishing an investment-backed expectation of longevity, and providing new uses relevant to Portlanders today and into the future. In areas where zoning allows for the conversion of buildings to new uses, such as in the Central City plan district, incremental use changes and major adaptive reuse projects are relatively commonplace, with property owners regularly enrolling in state and federal incentive programs to defray costs associated with facade rehabilitation, systems upgrade, and seismic retrofit. In other areas of the city, namely single-dwelling zones, the potential for historic resources to be adapted to new and relevant uses is capped by the narrow residential uses allowed by the base zone.

**Proposal:** To maximize the potential for historic resources to be preserved, rehabilitated, reused, and enjoyed by a diversity of Portlanders, the amendments greatly expand the existing use incentives provided to historic resources. New use incentives would allow certain additional primary and accessory dwelling units in single-dwelling zones (beyond those allowed by the Residential Infill Project), certain primary and accessory commercial uses in residential zones near transit and sweeping use flexibility for landmarks in most zones. Historic and Conservation Landmarks would be provided the greatest opportunities for use incentives, sites in Historic Districts would be provided with several opportunities for use incentives, and sites with at least one contributing resource in Conservation Districts would be provided with a few opportunities for use incentives. National Register Landmarks and Districts would not be allowed to access the use incentives because of the absence of design protections applicable to those resource types.



Use flexibility allowed this former single-family home in SE Portland to evade a proposed demolition and be repurposed into seven rental homes.

Many of the proposed uses would be allowed by right with no additional review or conditions required, but some uses of landmarks would require historic preservation incentive review. In those cases, the approval criteria for historic preservation incentive review are proposed to change to more readily allow the new uses, while allowing for mitigation of community impacts.

**Benefit:** Allowing historic resources to adapt to new and financially viable uses is critical to their long-term preservation. While the new uses may deviate from the uses present in a historic structure in the past, adaptive reuse provides unique opportunities to increase public visitation to historic resources and interpret historic places through new and creative storytelling. Adaptive reuse in districts that were historically hostile towards Black, Indigenous, and Portlanders of Color provides a unique opportunity for healing by increasing residential and commercial opportunities in those historic places. Adaptive reuse is integral to the protection of and public benefit provided by historic resources and the proposed incentives intend to provide historic resources with a competitive advantage to serve the needs of current and future Portlanders.



Proposed zoning code amendments would allow for accessory commercial uses in residential zones, such as converting an unused garage to a small café.

**Code section(s) affected:** Historic resource incentives and incentive requirements can be found in section 33.445.400. The procedures and approval criteria for historic preservation incentive review can be found in section 33.846.050.

**Proposal 4.c: Streamline requirements and applicability for FAR transfer.**

**Background:** City Council recently adopted new provisions to allow the transfer of unused development potential known as floor area ratio (FAR) from sites containing certain historic resources to other sites. FAR transfer is allowed in the Central City plan district and several base zones, including the multi-dwelling and commercial/mixed use zones. Transfer of historic resource FAR currently requires the property owner sign a covenant subjecting the historic resource to demolition review.

**Proposal:** The proposal eliminates the demolition review covenant requirement and expands the types and locations of historic resources eligible to transfer FAR for greater consistency and eligibility. National Register Landmarks and contributing resources in National Register Districts would not be eligible to transfer FAR because of the lack of design protections applicable to those resource types.

**Benefit:** The proposed changes to the FAR transfer provisions for historic resources streamlines and aligns the applicability of the incentive in areas where transfers are currently allowed. FAR transfer from historic resources decreases the potential for demolition applications, increases financial opportunities for historic resource owners, and offsets lost development capacity by allowing unused FAR to be put into use elsewhere.

**Code section(s) affected:** Amendments affect each code section applicable to historic resource FAR transfer, including sections 33.120.210, 33.130.205, 33.140.205, 33.445.400, and 33.510.205.

## THEME 5: ADMINISTRATION

### How can code provisions be improved for staff, applicants and the public?

In addition to changes to designation and protection regulations, the HRCP proposals would amend several areas of existing zoning code language to ensure more efficient program administration for the benefit of tenants, property owners, City staff, and decision-makers. These include clearer definitions and purpose statements, refinements to procedure types, conforming amendments to other sections and titles, and amendments to sections related to the role and makeup of the Historic Landmarks Commission. The proposed administrative changes are largely the result of requests from the Bureau of Development Services and previous historic resource review applicants who participated in one or both of the HRCP public comment periods.

#### **Proposal 5.a: Refine purpose statements, procedure types, and associated language.**

**Background:** In addition to specific proposals, related sections of the code are proposed to be amended for consistency, clarity, conformance with the proposals. Additionally, with the experience of applicants and City staff, opportunities exist to amend the procedure types for historic resource review to better align the impact of proposed work with the necessary project review timeline and application fee schedule.

**Proposal:** The code amendments make changes to historic resource-related purpose statements, language regarding historic resource types and the procedure types for historic resource reviews. The changes also clarify which types of resources are applicable to existing sections of the code that reference historic resources, including section references in Title 32. The changes to purpose statements and language throughout the code amendments are intended to better incorporate Comprehensive Plan polices, State Administrative Rule, and the new hierarchy of historic resource types. Proposed changes to the procedure types (i.e. Type I, Type II, etc.) that apply to historic resource review are proposed to streamline the review of minor changes and elevate the level of review for projects that require additional staff time or a public hearing to review the proposal.

**Benefit:** Refining purpose statements, editing language for consistency and revising historic resource review thresholds ensures the code is responsive to community priorities and is suited for efficient implementation by the Bureau of Development Services. Changes to procedure types align the impact of proposals with the level of review required. These changes benefit applicants and decision-makers, while also bringing greater efficiency to historic resource reviews.

**Code section(s) affected:** Chapters 33.445 and 33.846 and sections 33.207.040, 33.207.050, 33.510.119, 33.510.120, 33.815.125, 33.815.126, 33.815.129, 33.855.075, and 33.910. Chapter 32.34.020.C.



Changes to procedure types would reduce sign applications from a Type Ix to a Type I historic resource review

**Proposal 5.b: Amend the role and makeup of the Historic Landmarks Commission.**

**Background:** Portland was the second city on the West Coast to appoint an official Historic Landmarks Commission and has been recognized as a Certified Local Government by the National Park Service for maintaining a historic resources program.

**Proposal:** The proposed changes amend the required membership of the Historic Landmarks Commission. Broadening the categories of Commission membership was requested by the Bureau of Development Services to allow for more flexibility in the recruitment process given the similarities between the existing membership categories. The proposed changes do not increase the size of the Commission or change the number of at-large Commission members but provide a larger applicant pool from which prospective commissioners can be recruited. Additional proposed changes amend the responsibilities of the Historic Landmarks Commission to align with changes in chapters 33.445 and 33.846 related to historic resource types, legislative procedures and quasi-judicial land use reviews. A final change would amend the schedule on which the Historic Landmarks Commission delivers their annual report.

**Benefit:** Proposed changes to the roles of the Historic Landmarks Commission would implement the proposed quasi-judicial and legislative land use reviews proposed in Chapters 33.445 and 33.846. Additionally, changes to the makeup of the Commission and annual report schedule provide greater opportunities for the Commission to reflect the makeup of the community and inform City Council of their activities during the annual budgeting process.

**Code section(s) affected:** Sections 33.710.060, 33.720.020, 33.720.030.



## Section VI: Future Work

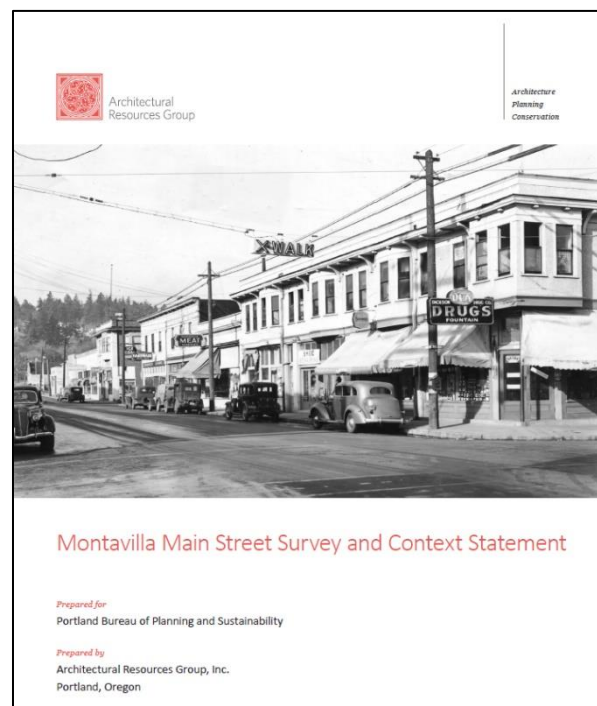
The HRCP proposes significant changes to the historic resource provisions of the zoning code but does not propose changes to the Official Zoning Map. Additionally, the proposals do not suggest policy changes outside of the zoning code, such as modified building regulations, new or expanded financial incentives for rehabilitation, establishment of a legacy business program or greater recognition of or reparations for populations whose legacies have long been underrepresented by City programs.

During the two phases of public outreach, numerous concepts were raised by members of the public that were not included in the proposals due to scope, sequencing or the need for deeper engagement with affected populations. The proposed code amendments neither necessitate nor ensure the advancement of the future work projects identified below but the HRCP provides a framework within which a new iteration of historic preservation work could be advanced by the City of Portland in the future. Although the work items detailed in this section are neither scoped nor funded, the concepts are included here to provide a flavor of the range of historic preservation work that could follow adoption of the HRCP amendments.

### Historic Resource Inventory updates

The HRI has not been comprehensively updated since 1984. In 2019, BPS undertook a small pilot survey of the Montavilla Main Street area to better understand the technological constraints and opportunities available to the City to efficiently document historic resources with the involvement of community volunteers. The survey documented over 200 properties and determined eight to be potentially eligible for future landmark designation. Although the pilot survey results won't be added to the Historic Resource Inventory until after these code amendments are adopted, the pilot effort allowed BPS staff to identify and troubleshoot problems that are likely to arise in future inventory updates. Once the HRCP amendments are codified, BPS staff intend to bring forward the Montavilla survey results for adoption onto the HRI, including proposing the identified eligible resources be identified as Significant Resources.

In addition to the Montavilla pilot survey, codification the HRCP proposals would allow staff to begin the process of updating the HRI, including surveying new parts of the city, working with property owners on landmark designation applications, and ensuring City resources are deployed to elevate themes of historic resources that have been historically unrepresented. HRI updates could be the result of a thematic study—such as an umbrella Latinx or AAPI historic context document—or the result of a geographic study—such as a component of an area plan. Future HRI update efforts could also simultaneously propose the removal of designations that are no longer appropriate (see below).



Results from a pilot survey of the Montavilla Main Street area will be considered for inclusion in the new more expansive Historic Resource Inventory following adoption of the HRCP code amendments.

### **Reevaluation of existing designations**

In addition to being potentially included as an element of future HRI updates, the codification of the HRCP proposals could allow City staff to evaluate the boundaries and appropriateness of existing historic resources. During the Discussion Draft outreach phase, numerous members of the community requested a mapping component be added to the HRCP scope. While staff are not proposing changes to the zoning map at this time, reevaluation of existing designations would become possible following the codification of a logical hierarchy of historic types and new procedures for removing and changing existing designations.

Future efforts to reevaluate existing designations may look like re-inventorying Conservation Districts in advance of proposing changes to the contributing status of resources and/or district boundaries, considering lowering the designation of a specific Historic District to become a Conservation District, or proposing elevating the designation of a specific National Register District to become a Conservation District.

### **Community Design Standards and Guidelines update**

The [Design Overlay Zone Amendments \(DOZA\)](#) project is proposing replacing the existing Community Design Standards and Guidelines in areas subject to the Design Overlay Zone. The DOZA project is proposing to leave the existing standards and guidelines in place for the Conservation Districts and Conservation Landmarks where they currently apply.

Following the adoption of the DOZA changes and the HRCP amendments, a future follow-up project could replace the Community Design Standards and Guidelines that apply to Conservation-level resources with new standards and guidelines informed by the DOZA changes and, possibly, a reevaluation of the existing Conservation Districts.

### **Preservation of intangible resources**

City staff, the Historic Landmarks Commission, and members of the public have expressed interest in expanding historic preservation programs to protect intangible resources such as legacy businesses, culturally specific activities and the demographic composition of places vulnerable to displacement. San Antonio, San Francisco, and Seattle have recently begun implementing new historic preservation programs intended to protect and support living history. While such a program for Portland would likely fall outside of the purview of Title 33, City staff are encouraged by the experience of peer cities in developing intangible historic preservation programs. Future work could deploy City historic resources expertise to support ongoing efforts to stem residential, commercial, and cultural displacement.