



# **City of Portland Bureau of Development Services**

**Staff Presentation to the  
Portland City Council**

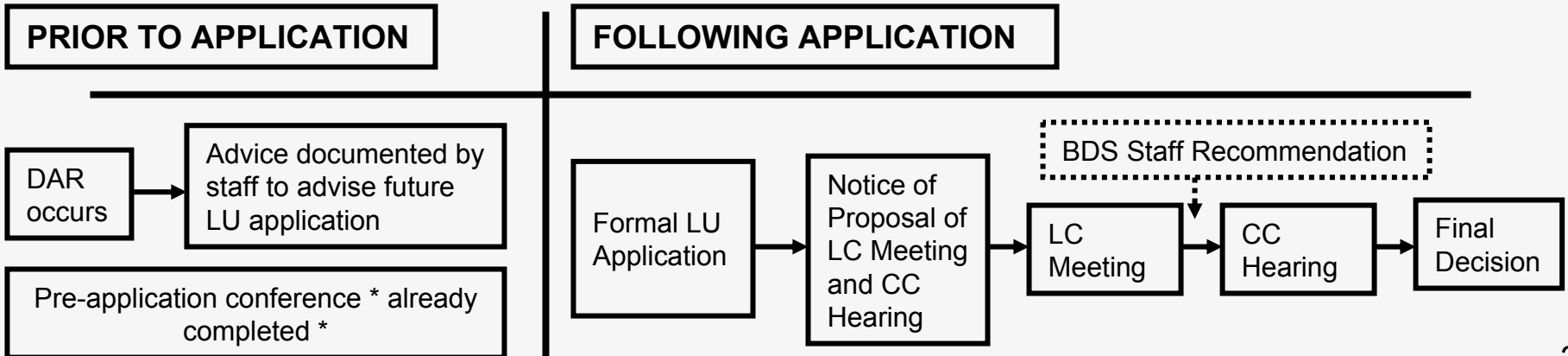
**Demolition Review LU 09-171259 DM  
Kiernan Building/Dirty Duck Tavern**

**Chinatown/Japantown National Register Historic District**

*February 3, 2010*

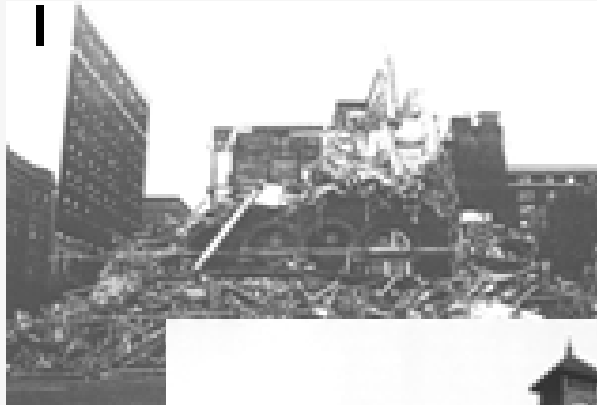
# Type 4 Demolition Review - process

- Design Advice Request Meeting with Landmarks Commission [voluntary]
- Pre-application Conference
- Public Notice of Historic Landmarks Commission meeting and City Council Hearing
- Posting of Proposal at site, includes Historic Landmarks Commission meeting and City Council Hearing dates
- Landmarks Commission Public Meeting – advisory
- BDS Staff prepares a Recommendation to City Council
- City Council Hearing – final decision



# Demolition Review - background

## Historic Resource Code Ammendments [HRCA]

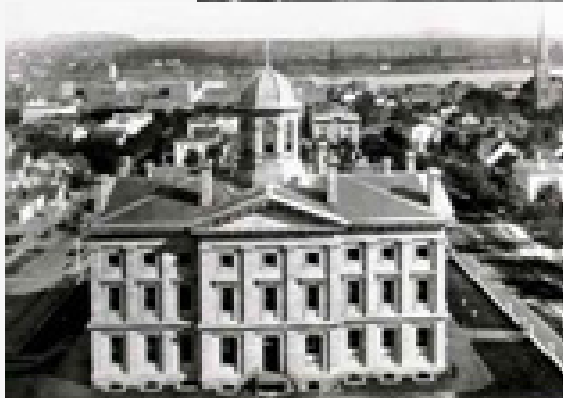


The Historic Resources Code Amendments Project - two phases.

Phase 1 - **Refine the relationship between local and state historic preservation regulations and improved the clarity of the Zoning Code.**



City Council adopted the Phase 1 amendments in June 2002 and directed the Bureau of Planning (BOP, now BPS) to extend demolition review to protect more historic resources and identify new historic preservation incentives (Resolution No. 36076).



# Demolition Review - background

## Historic Resource Code Ammendments [HRCA]

Phase 2 - **Adding to and improving historic preservation incentives.**

Improvements made to -

- **Zoning Code incentives;**
- **Building Code incentives;**
- **Financial incentives; and**
- **Expanding and strengthening the City's demolition review regulations to protect more historic resources**

*Demolition review gives the public an opportunity to comment on the proposed demolition of a historic resource and allows opportunities for alternatives to demolition to be explored. The City Council will review the proposal, hold a public hearing and either approve, approve with conditions, or deny demolition of the resource.*



Historic Resources  
Code Amendments  
Phase 2



Exhibit A  
Bureau of Planning  
Recommended Draft  
July 16, 2004  
(Appendix D Reused September 15, 2004)



**Adopted October 21, 2004  
Ordinance #178832**

# Type 4 Approval Criteria – Demolition Review

## 33.846.080 Demolition Review

**Purpose.** Demolition review protects resources that have been individually listed in the National Register of Historic Places and those that have been classified as contributing in the analysis done in support of a Historic District's creation. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.

**Review procedure.** Demolition reviews are processed through a Type IV procedure.

# Type 4 Approval Criteria – Demolition Review

## **Portland Zoning Code 33.846.080.C.2 Demolition Review**

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

*Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans.*

The evaluation may consider factors such as:

- a. The merits of demolition;
- b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
- c. The effect demolition of the resources would have on the area's desired character;
- d. The effect that redevelopment on the site would have on the area's desired character;
- e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
- f. Any proposed mitigation for the demolition.

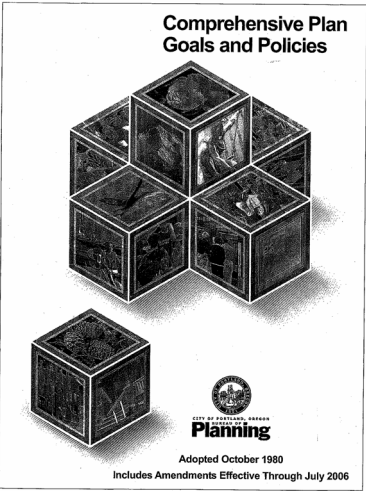
# Type 4 Approval Criteria – Demolition Review

## Portland Zoning Code 33.846.080.C.2 Demolition Review

Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. Applicable Plans include:

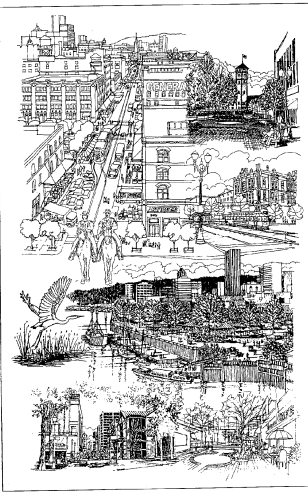
### Comprehensive Plan Goals & Policies - 1980/2006

### Central City Plan - 1988



#### CENTRAL CITY PLAN

ADOPTED BY THE PORTLAND CITY COUNCIL  
MARCH 24, 1988



BUREAU OF PLANNING  
CITY OF PORTLAND, OREGON  
AUGUST 1988

### Chinatown National Register of Historic Places - 1989

NPS Form 10-900  
Rev. 4-80

United States Department of the Interior  
National Park Service

**National Register of Historic Places  
Registration Form**

This form is for use in nominating or requesting determinations of eligibility for individual properties for listing in the National Register of Historic Places (National Register Bulletin 16). Complete each item by furnishing the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For areas of significance, enter only the categories and subcategories listed in the instructions. For Form 10-900a, Type all entries.

1. **Name of Property**  
 Historic name: Portland New Chinatown/Japantown  
 Other name/site number: Chinatown National Register Historic District

2. **Location**  
 street & number: Multiple Properties  
 city, town: Portland  
 state: Oregon code: OR county: Multnomah

3. **Classification**  
 Ownership of Property:  private  public-local  public-State  public-Federal  
 Category of Property:  building(s)  site  structure  object  
 Number listed in: 30 2

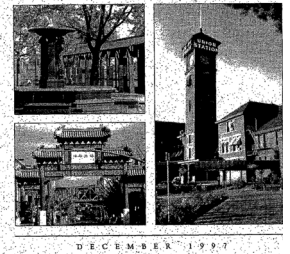
Name of related multiple property listing: N/A

4. **State/Federal Agency Certification**  
 As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this nomination request for determination of eligibility meets the documentation standards set forth in the National Register of Historic Places and meets the procedural and professional requirements in my opinion, the property meets the criteria for listing in the National Register of Historic Places.

Signature of certifying official: [Signature]  
 Oregon State Historic Preservation Office  
 State or Federal agency and bureau

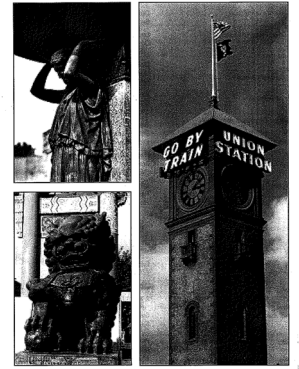
### Old Town/China Town Vision & Development Plans - 1997/2003

#### OLD TOWN / CHINATOWN VISION PLAN



#### OLD TOWN / CHINATOWN DEVELOPMENT PLAN

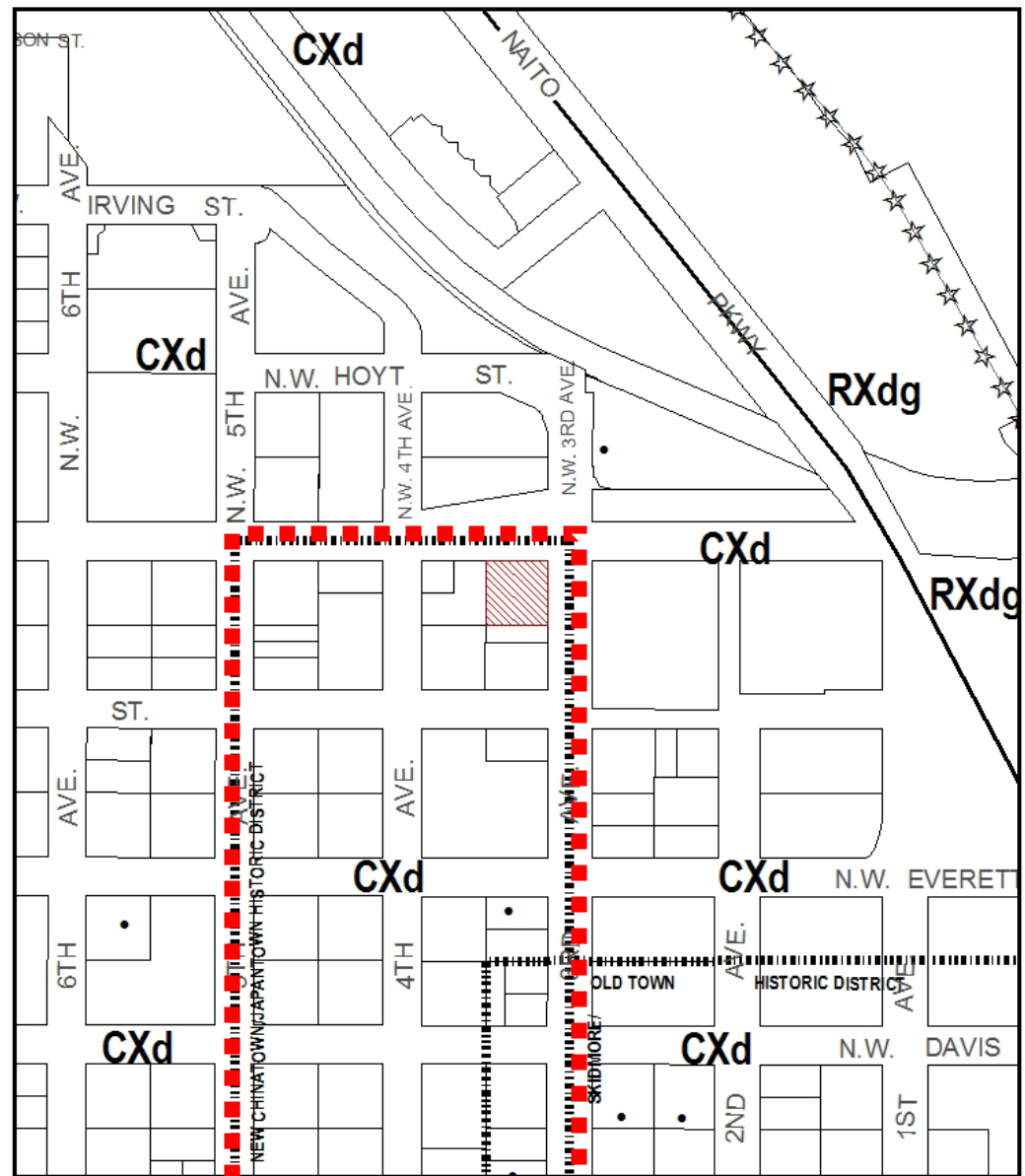
(PART 1 OF 3)





# Existing Zoning

- CXd, Central Employment
- Chinatown/Japantown Historic District
- Central City Plan District
- River sub-District
- 9:1 FAR allowed
- 3:1 FAR Bonus potential
- 350'-0" Height limit
- +75'-0" Bonus potential




## ZONING



NORTH

This site lies within the:  
NEW CHINATOWN / JAPANTOWN HISTORIC DISTRICT  
CENTRAL CITY PLAN DISTRICT

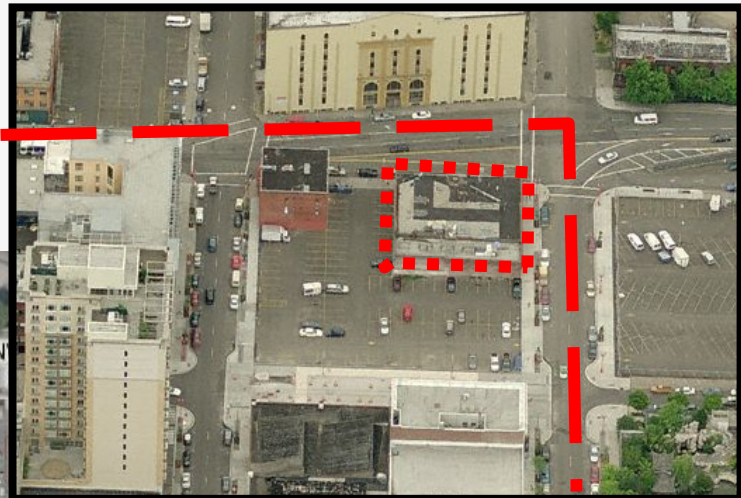
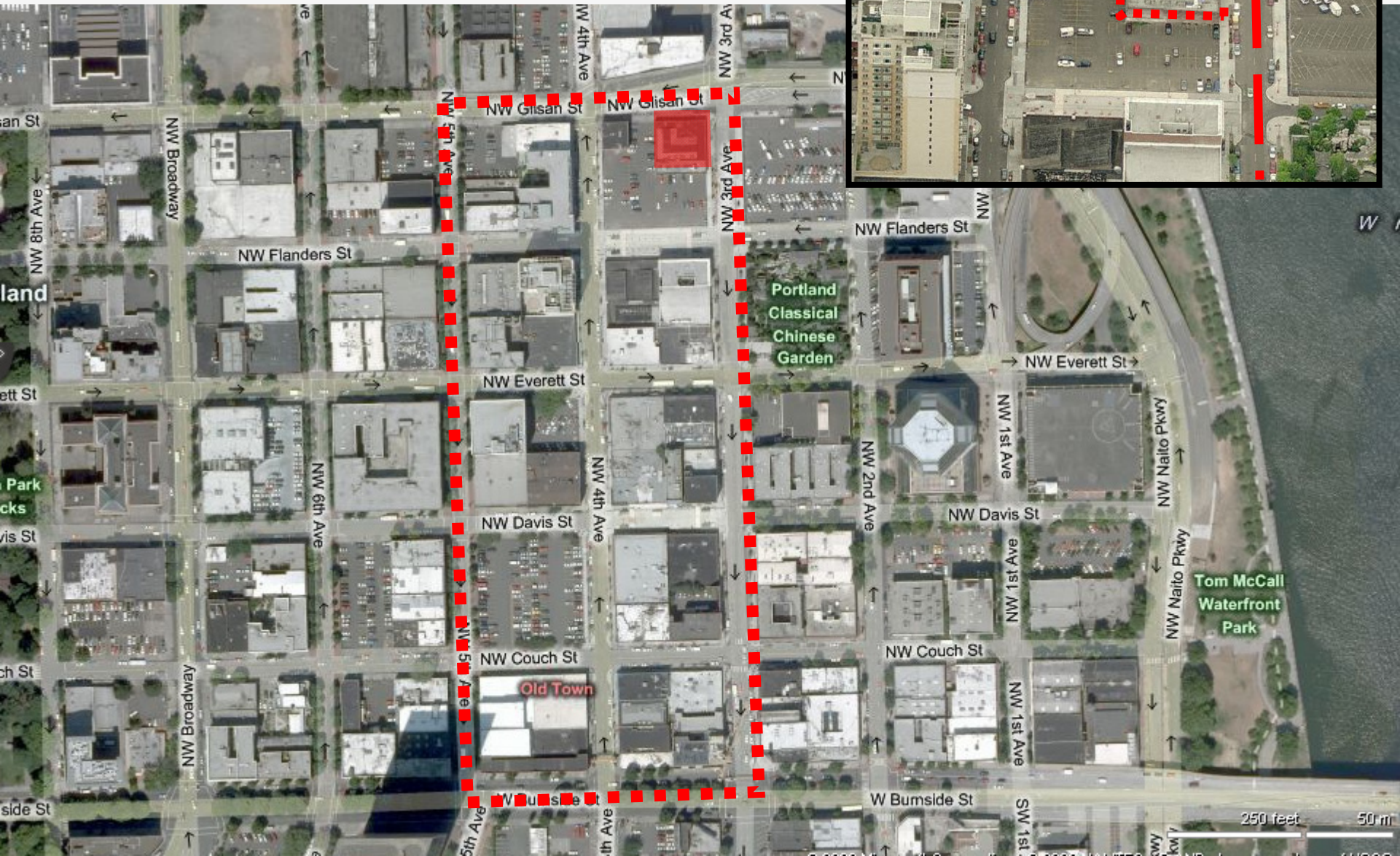
 Site

 Historic Landmark

File No.	LU 09-171259 DM
1/4 Section	2929_3029
Scale	1 inch = 200 feet
State Id	1N1E34CA 300
Exhibit	B (Nov 17,2009)



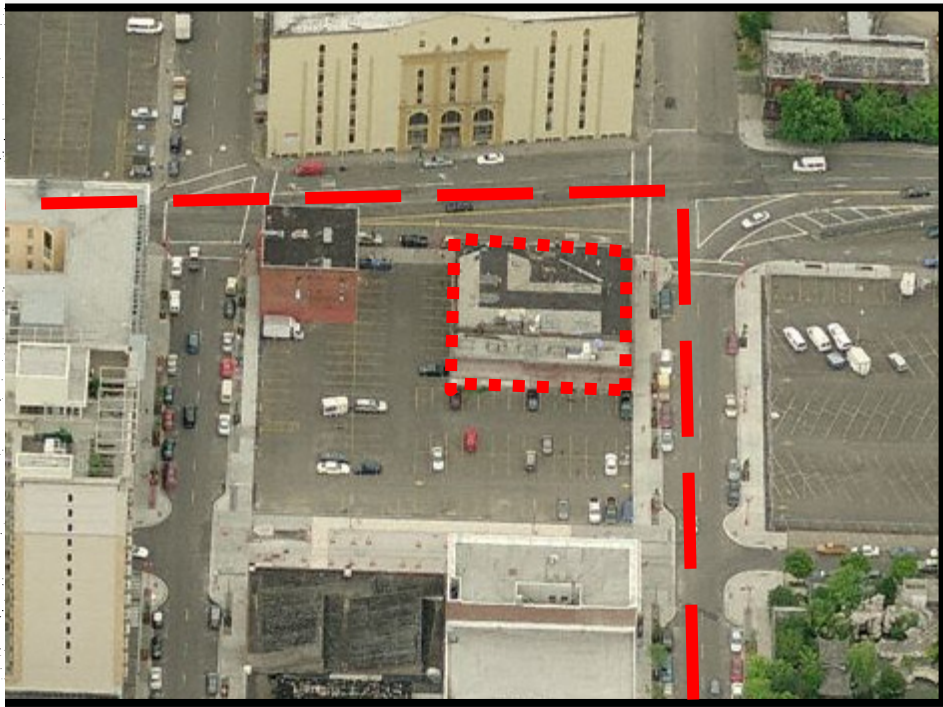
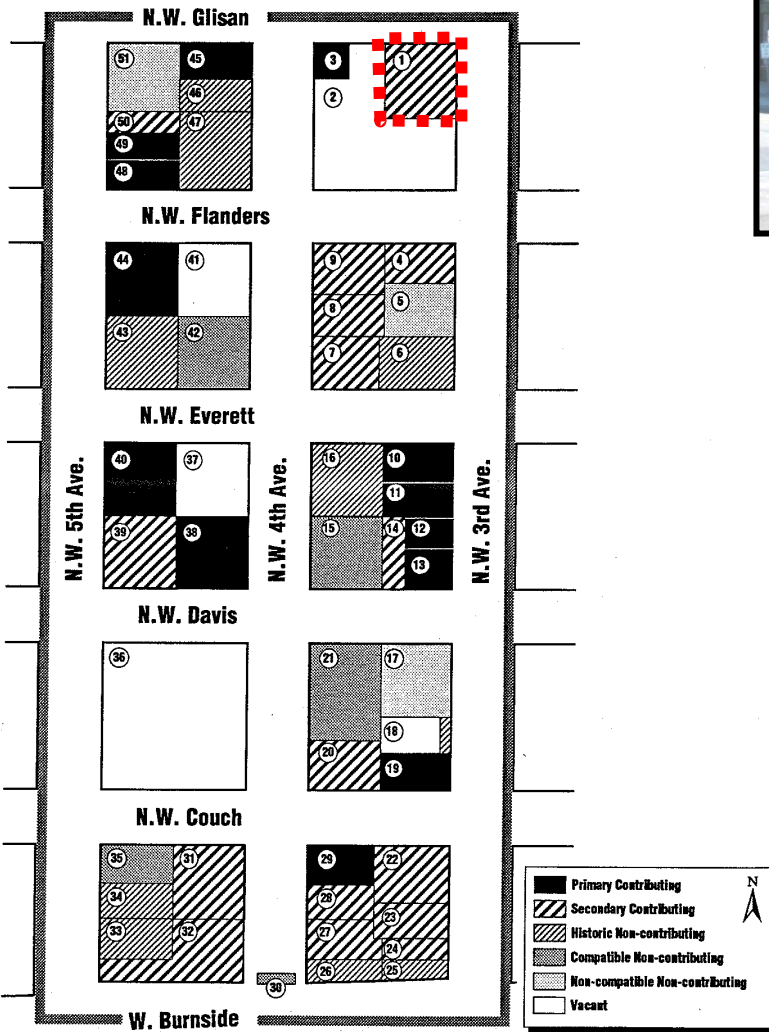
# Aerial View of Site





# Aerial View of Site

## Chinatown National Register Historic District Classification of Properties





# Site Photos



# Chinatown Japantown Historic District - 1989

The National Register Criterion that are satisfied to make New Chinatown/Japantown a National Register Historic District are:

A – American history [Asian ethnic heritage, Industry, Commerce] and

C – Design/Construction [Architecture].

The Kiernan Building, listed as the Dirty Duck Tavern, was built in 1916, and is significant to the Chinatown Historic District for the architectural firm of Mac Naughton and Raymond that designed it and their substantial contribution of building designs in Portland [notable the 1915 Marshall Wells Warehouse #2].

The Kiernan Building, and seven other contributing buildings in the district with make up 25% of the contributing buildings in the district for specific contribution to architecture, industry and/or commerce.

# Chinatown Japantown Historic District - 1989

The number of eligible and contributing historic buildings in the District decreases from south to north; the number of vacant lots decreases as well. The northern portion of the District already has gaps in its historic street frontage with vacant lots and non-contributing buildings, and therefore already a challenged end of the district with the existing historic buildings in place.

Particularly critical are block corners, as the Kiernan Building/Dirty Duck Tavern. Even more critical, are edges of districts, for they are considered “gateways” that anchor the district’s corner edge, and therefore perform an even more enhanced role as a district front door.

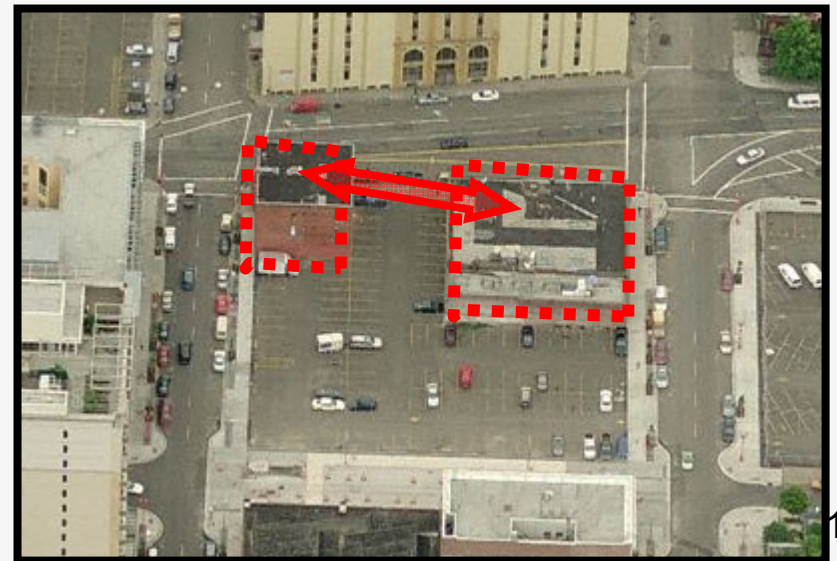


# Summary of Proposal – Demolition Review

Demolition review proposed for the existing contributing structure, Kiernan Building/Dirty Duck Tavern, a listed Secondary Contributing structure in the National Register Chinatown/ Japantown Historic District.

If the demolition review is approved the applicant would continue with the a Type 3 Historic Design Review for a new 3-4 story residential building on the same footprint. This would house the new Blanchet House of Hospitality.

The applicant has stated the existing Blanchet House ownership would be transferred to the current Kiernan Building owner, the Portland Development Commission.



# Applicant Response

The Blanchet House is a non-profit organization that provides an extremely valuable service to the community since 1952. They currently provides support services for those in need, including clothes, housings and hundreds of meals a day to the hungry, and housing.

Development of a new, larger facility, would increase the level of service, internalize meal lines queuing, and become a better neighbor to the immediate neighborhood and overall community.

The existing Kiernan Building/ Dirty Duck Tavern is too small a structure to fit the desired expanded program.

The building does not adequately contribute to the district, and is in a cost-prohibitive state of disrepair.

*Therefore, the proposed new use, the desired program, and the current building condition, on balance, meet the Comprehensive Plan and relevant area plans' goals and policies, and should be approved.*



# Staff Recommendation

Most of the approval criteria, as addressed in the application, could also be met on another site, even within the same block [the remainder of which is surface parking], where the demolition of an existing historic resource does not occur.

Staff concerns raised in the recommendation are focused on the applicant's arguments basing the approval on:

1) the proposed use, and 2) the existing building condition.

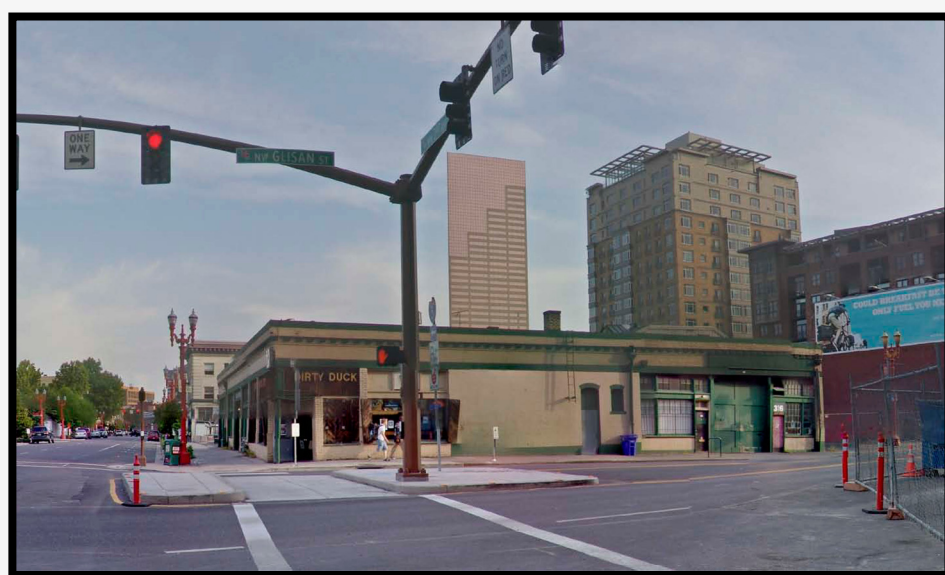
If based solely on the application submitted, approval for demolition of this historic resource could establish precedent for demolition of any historic resource, provided the proposal is for new construction deemed beneficial to a neighborhood and the building has been altered or in need of repair.

This would not only conflict with numerous historic preservation goals and policies adopted by City Council, but would fail to protect the already decreasing number of historic resources in the City, irreplaceable assets of our culture and history.

# Historic Advice Request – August 24, 2009

Concerns raised and published in Summary Notes from this initial meeting:

- 1) The building's disrepair is a reflection of maintenance practices of the building ownership;
- 2) The alterations to the building overtime are a common occurrence in historic buildings and often a primarily practice of historic renovation to correct;
- 3) The program of the new use is not a rational for demolition review, but a issue of appropriate siting;
- 4) Historic Preservation is one of the goals of the Old Town/Chinatown Vision Plan, as well as the Portland Comprehensive Plan; and
- 5) Energy efficiency of the most-efficient new building construction takes decades to compensate for the embodied energy lost by the demolition of existing historic buildings.



# Staff Recommendation

## **#1 – Future use to justify demolition**

The following approval criteria are not met:

### **Comprehensive Plan Goals and Policies**

Goal 2: URBAN DEVELOPMENT

Policy 2.20 Utilization of Urban Land

Goal 5: ECONOMIC DEVELOPMENT

Policy 5.1 Urban Development and Revitalization

Goal 12: URBAN DESIGN

### **Central City Plan**

Policy 1: ECONOMIC DEVELOPMENT

Policy 9: CULTURE AND ENTERTAINMENT

Policy 12: URBAN DESIGN

### **Oldtown/Chinatown Development Plan**

2.1 Block 25 Development

4.1 Property Acquisition and Renovation

4.3 Building Preservation

# Staff Recommendation

## **#1 – Future use to justify demolition**

The applicant has addressed the majority of the review specifically on the redevelopment of the specific ¼-block site of the Kiernan Building/Dirty Duck Tavern, a contributing resource in a larger historic district ensemble.

The site is zoned CX, Central Commercial, which allows a broad range of uses to reflect Portland's role as a commercial, cultural and governmental center. The Blanchet House of Hospitality, an allowed use in this zone, cannot be required to remain on the site in perpetuity.

For this reason, Staff remains concerned that application for the demolition of the Kiernan Building/Dirty Duck Tavern is based primarily upon the social benefit provided by the Blanchet House, and not urban design and cultural preservation criteria, particularly when there is no guarantee that the Blanchet House will remain on the property.

# Staff Recommendation

## #2 – Condition of historic resource to justify demolition

The following approval criteria are not met:

### Comprehensive Plan Goals and Policies

Goal 3: NEIGHBORHOODS

### Central City Plan

Policy 11: HISTORIC PRESERVATION

Policy 16: NORTH OF BURNSIDE



Based on testimony and evidence provided by the applicant, and concerns raised by the Landmark Commission at both the DAR in August, and the meeting in January, the Kiernan Building/Dirty Duck Tavern appears to be no worse a state of disrepair than other historic buildings in the City that have been successfully renovated.

Additionally, given the ownership of this contributing building has been with the Portland Development Commission since 1999, whom also nominated the structure in 1989 to the Historic Register, the state of the building's condition should not be weighed against it in consideration of the Demolition Review.

# Staff Recommendation & Conclusion

Lastly, all of the approval criteria could still be met, were an existing vacant lot or other non-contributing resource in the district were demolished to allow for this development.

Based on the evidence provided to date, Staff remains concerned that the demolition of the Kiernan Building/Dirty Duck Tavern sets a precedent that inherently undermines the preservation of historic resources to allow larger development proposals to occur, and therefore, does not meet the approval criteria.

Demolition of the resource has been evaluated against and, on balance, has not been found supportive of the goals and policies of the Comprehensive Plan, the Central City Plan, and the Oldtown/Chinatown Vision and Development Plans.



# Options before City Council

- Support the Staff Recommendation, deny the demolition.
- Approve the demolition.
- Approve the demolition with conditions.

*The 120-day clock for this review expires on February 12, 2010, unless the applicant chooses to extend the timeline.*



**end of Staff presentation**