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191063

Ordinance

Adopt South Portland Historic District Design Guidelines as district-specific historic resource review approval criteria and repeal the Lair Hill Historic Conservation District Design Guidelines

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. On September 8, 1977, the City Council through ordinance 144325 established the Lair Hill Conservation District to encourage the conservation and maintenance of the historical and architectural integrity of the district.
2. In October 1980, the Portland Historic Landmarks Commission adopted the Lair Hill Historic Conservation District Guidelines to support development and preservation within the district.
3. On July 1, 1998, a National Register of Historic Places nomination was approved by the National Park Service, expanding the boundaries of the Lair Hill Conservation District and automatically establishing the South Portland Historic District.
4. The South Portland Historic District is historically significant as a former gateway for ethnic groups arriving to the city of Portland, representing, in particular, Jewish and Italian immigrants.
5. The South Portland Historic District is also historically significant for exemplifying the characteristics of house, plex, mixed-use, and institutional buildings dating to the 1876-1926 period.
6. The 1980 Lair Hill Historic Conservation District Guidelines apply only to the smaller, original Lair Hill Conservation District geography, do not represent modern best practice for City of Portland design guidelines, and lack context and criteria related to the district's multi-ethnic cultural significance.
7. In July 2018, the Bureau of Planning and Sustainability received funding from a Metro 2040 Planning and Development Grant to update the design guidelines for the South Portland Historic District.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability](#)

Contact

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Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date
November 9, 2022
Requested Start Time
10:15 am
Time Requested
10 minutes

Portland Policy Document

8. The South Portland Historic District Design Guidelines Project was initiated by the Bureau of Planning and Sustainability in March 2019 to create a new set of district-specific historic resource review approval criteria that build upon both the 1980 guidelines and 1998 historic district nomination to provide greater historic resource protection and development opportunity in the South Portland Historic District prior to possible new transit investments being built in or near the historic district.
9. On July 9, 2019, the Bureau of Planning and Sustainability appointed a nine-member Community Advisory Group comprised of area residents, business interests, students, and historic preservation professionals to guide the development of the design guidelines.
10. On June 6, 2022, the South Portland Historic District Design Guidelines Proposed Draft was released for public review. Bureau of Planning and Sustainability staff attended the regular meeting of the South Portland Neighborhood Association and provided emailed and mailed notice to interested persons to solicit feedback on the draft Guidelines.
11. The Historic Landmarks Commission held a public hearing on the proposed South Portland Historic District Design Guidelines on July 11, 2022.
12. The Historic Landmarks Commission conducted a work session on July 25, 2022, before voting to forward an amended version of the South Portland Historic District Design Guidelines to City Council on August 8, 2022.
13. On September 30, 2022, Bureau of Planning and Sustainability staff released the South Portland Historic District Design Guidelines Recommended Draft for public review.
14. On October 7, 2022, notice of the November 2, 2022, City Council public hearing was provided to those who presented oral and written testimony to the Historic Landmarks Commission.
15. The City Council held a hearing on the South Portland Historic District Design Guidelines Recommended Draft on November 2, 2022.
16. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A, Findings of Fact Report, dated October 2022, as additional findings;
- B. Adopt Exhibit B, Historic Landmarks Commission Transmittal Letter, dated August 2022, as additional findings;
- C. Adopt the design guidelines in Exhibit C, South Portland Historic District Design Guidelines Recommended Draft, dated September

- 2022, as approval criteria for historic resource review within the South Portland Historic District;
- D. Adopt the background content included in Exhibit C, South Portland Historic District Design Guidelines Recommended Draft, dated September 2022, as legislative intent and further findings;
 - E. Repeal the Lair Hill Historic Conservation District Design Guidelines; and
 - F. This Ordinance and Exhibit C are binding City policy.

Section 2. This ordinance shall be in full force and effect on January 1, 2023.

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

Documents and Exhibits

 [Exhibit A](#) (1.09 Mb)

 [Exhibit B](#) (227.87 Kb)

 [Exhibit C](#) (13.57 Mb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
November 9, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

The South Portland Historic District Design Guidelines Project (SPHDDG) updates the historic resource review approval criteria that apply to alterations, additions, and new construction in the South Portland Historic District. The proposed change is the adoption of new design guidelines specific to the South Portland Historic District and the repeal of the 1980 Lair Hill Historic Conservation District Design Guidelines, which currently serve as approval criteria for historic resource review in a portion of the South Portland Historic District.

In 1977, the Portland City Council established the Lair Hill Conservation District to “encourage the conservation and maintenance of the historical and architectural integrity of the district.” In 1998, a National Register of Historic Places nomination was approved by the National Park Service, expanding the boundaries of the Lair Hill Conservation District and automatically establishing the South Portland Historic District. According to the Historic District nomination, South Portland is “locally significant under [National Register of Historic Places] Criterion A as a former gateway for ethnic groups arriving in the city of Portland, representing, in particular, Jewish and Italian immigrants. The area also meets [National Register of Historic Places] Criterion C as a neighborhood that exemplifies the characteristics of modest Victorian style architecture.” The 49-acre Historic District has around 175 historic contributing buildings dating to the 1876-1926 period of significance.

The Portland Historic Landmarks Commission adopted design guidelines for the Lair Hill Conservation District in 1980. While these guidelines are still used as historic resource review approval criteria, they only apply to the geography of the former (and smaller) Conservation District, do not represent modern best practice for City of Portland design guidelines, and lack context and criteria related to the district’s multi-ethnic cultural significance. The SPHDDG builds upon the 1980 guidelines and 1998 historic district nomination to provide greater historic resource protection and development clarity in the South Portland Historic District prior to possible new transit investments built in or near the Historic District.

Financial and Budgetary Impacts

Adoption of the South Portland Historic District Design Guidelines will result in no short-term and no long-term financial impacts to the City. Because the South Portland Historic District Design Guidelines do not change the list of development activities subject to historic resource review, do not change the Historic District boundary, and do not amend the zoning in the district, adoption of the new guidelines will have no budgetary impact on the application of historic resource review in the South Portland Historic District. Finally, because the South Portland Historic District Design Guidelines replace the existing Lair Hill Historic Conservation District Design Guidelines—approval criteria that do not meet today’s land use best practice—the new guidelines will provide greater clarity for Bureau of Development Services implementation of historic resource review in this Historic District.

Community Impacts and Community Involvement

The South Portland Historic District Design Guidelines Project amends the historic resource review approval criteria that apply to new development and alterations to structures in the South Portland Historic District. The SPHDDG Project does not change the boundaries of the South Portland Historic District.

The SPHDDG Project was initiated in March 2019 following repeated requests from the South Portland Neighborhood Association in the years following the 1998 establishment of the South Portland Historic District. The initiation of project also followed requests from the Historic Landmarks Commission and Bureau of Development Services staff who routinely encounter implementation

challenges when applying the 1980 Lair Hill Historic Conservation District Design Guidelines. Specifically in response to written comments articulating the need for new design guidelines that were submitted to the Bureau of Planning and Sustainability and Portland City Council in 2017 and 2018, respectively, the Bureau of Planning and Sustainability applied for and received Metro grant funding for the project in July 2018.

On July 9, 2019, the Bureau of Planning and Sustainability appointed a nine-member Community Advisory Group comprised of area residents, business interests, students, and historic preservation professionals to guide the development of the design guidelines. The Community Advisory Group met eight times during the 2019-2022 period, assisting Bureau of Planning and Sustainability staff in developing design guidelines that responded to the unique architectural, social, cultural, and natural history of South Portland. Although non-voting in nature, in March 2022 the Community Advisory Group indicated their support for publication of a Proposed Draft of the design guidelines for public review and Historic Landmarks Commission consideration. The nine members of the group were as follows: Hillary Adam, Martin Houston, Valeria Tapia, Emily Kemper, Paul Falsetto, Abdul Amin, Stephen Leflar, Sandy Doss, and Annie Mahoney.

Project staff released the Proposed Draft South Portland Historic District Design Guidelines in June 2022. Mailed notice of the Proposed Draft was provided to 285 property owners and a list of parties who request official notice of land use changes. Emailed notice was provided to all individuals who had previously requested updates on the project. Following the notice, project staff provided a briefing to the South Portland Neighborhood Association and fielded six phone calls from interested parties. During the open comment period, two individuals provided verbal testimony to the Historic Landmarks Commission (HLC) and a total of three pieces of written testimony were submitted for HLC consideration. On August 8, 2022, the HLC voted to recommend City Council adopt an amended version of the South Portland Historic District Design Guidelines.

Testimony to City Council on the South Portland Historic District Design Guidelines is expected to largely support the project, with the possibility of individual testifiers requesting refinements to specific design guideline approval criteria.

100% Renewable Goal

The South Portland Historic District Design Guidelines Project does not change the City's policies on its own energy use. The project encourages the continued use of historic resources, including adaptive reuse of existing buildings.

Budget Office Financial Impact Analysis

No financial impact.

Agenda Items

926 Time Certain in [November 2-3, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading November 9, 2022 at 10:15 a.m. Time Certain Oral and written record are closed.

939 Time Certain in [November 9, 2022 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Absent

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Absent