



## Bureau of Planning and Sustainability

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# MEMO

**DATE:** April 30, 2021

**TO:** Portland Planning and Sustainability Commission (PSC)

**FROM:** Brandon Spencer-Hartle (BPS)

**SUBJECT:** Historic Resources Code Project (HRCP) Amendment Packet and Recommendation to City Council

The PSC considered issues related to the HRCP Proposed Draft at work sessions on December 8, January 12, February 9, March 9, March 23, and April 27. In addition to the work sessions, “3x3” meetings of members of the Historic Landmarks Commission and PSC were convened on December 17, January 27, February 24, and March 16 to allow Commissioners an opportunity to discuss certain issues in greater detail. Amendments to the Proposed Draft that have been requested by PSC Commissioners are detailed in the pages that follow. Extensive descriptions of each amendment concept can be found in the handouts from the previous work sessions. For each requested amendment, code language that would change from the Proposed Draft is shown as **shaded text**. Changes to commentary will be incorporated in the Recommended Draft.

On April 27, the PSC considered and voted on amendments #1-5. On May 4, the PSC will consider and vote on amendments #6-14. This updated memo provides requested alternatives to amendments #6 and #8. Following consideration of each of the requested amendments, the PSC will take action to recommend the amended HRCP package to City Council. The PSC’s recommendation should include the following actions:

- Direct staff to continue to refine Historic Resources Code Project Volume I staff report and Volume 2 commentary, as necessary; and
- Recommend that City Council adopt Historic Resources Code Project Volumes I and 2, as amended.

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## Summary of Commissioner-Requested Amendments

Amendment	Proposal Theme	Amendment Summary
1-Yes	Theme 2: Designation	Require joint PSC-HLC hearing for the designation or removal of Historic and Conservation Districts (Smith, Spevak).
2-Yes, with amendments	Theme 2: Designation	Refine code language and approval criteria related to designation and designation removal to ensure clarity and consistency for applicants and decision-makers (Bortolazzo, Spevak).
3-Yes	Theme 3: Protection	Expand applicability of proposed demolition review “bypass” by amending thresholds for demolition review (Bortolazzo).
4-Yes	Theme 3: Protection	Allow certain contributing detached accessory structures to be demolished without demolition review (Bachrach, Spevak).
5-Yes	Theme 3: Protection	Reorganize, streamline, and revise demolition review application requirements and criteria (Bachrach, Bortolazzo, Spevak).
6A & 6B	Theme 3: Protection	Expand the historic resource review exemption for solar energy systems (Bortolazzo, Smith, Spevak).
7A & 7B	Theme 3: Protection	Expand the historic resource review exemption for window replacement in single dwelling zones (Spevak).
8A & 8B	Theme 3: Protection	Refine historic resource review exemptions to allow for removal of meters (Spevak).
9	Theme 3: Protection	Expand the historic resource review exemption for new detached accessory structures in residential zones (Bachrach, Bortolazzo, Houck, Spevak).
10	Theme 4: Reuse	Refine reuse incentive code language for clarity (Bortolazzo).
11	Theme 4: Reuse	Allow residential infill incentives in the Commercial Residential (CR) zone.
12	Theme 4: Reuse	Amend incentive C.6 (Retail Sales And Service and Office uses) code language and amend historic preservation incentive review approval criteria (Smith).
13	Theme 5 Administrative	Consolidate historic resource type descriptions and definitions (Bachrach).
14	Theme 5 Administrative	Minor and technical amendments (Routh).

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## **AMENDMENT #6A &6B**

*Expand the historic resource review exemption for solar energy systems (Bortolazzo, Smith, Spevak).*

*Amendment #6A revises the solar energy system exemption from historic resource review. PSC commissioners raised several areas of concern, requesting staff reevaluate the proposed exemption and revise in a way that exempts most solar installations in districts from historic resource review. Under this amendment, solar energy systems and skylights will be allowed on all pitched roofs in districts without historic resource review. An alternative, Amendment #6B, would further exempt solar energy systems from historic resource review in both Historic and Conservation Districts, allow non-exempt solar energy installations to be reviewed Through a lower Type I procedure, and strike the skylight exemption provided in Amendment #6A.*

## **AMENDMENT #6A (initial Commissioner request)**

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

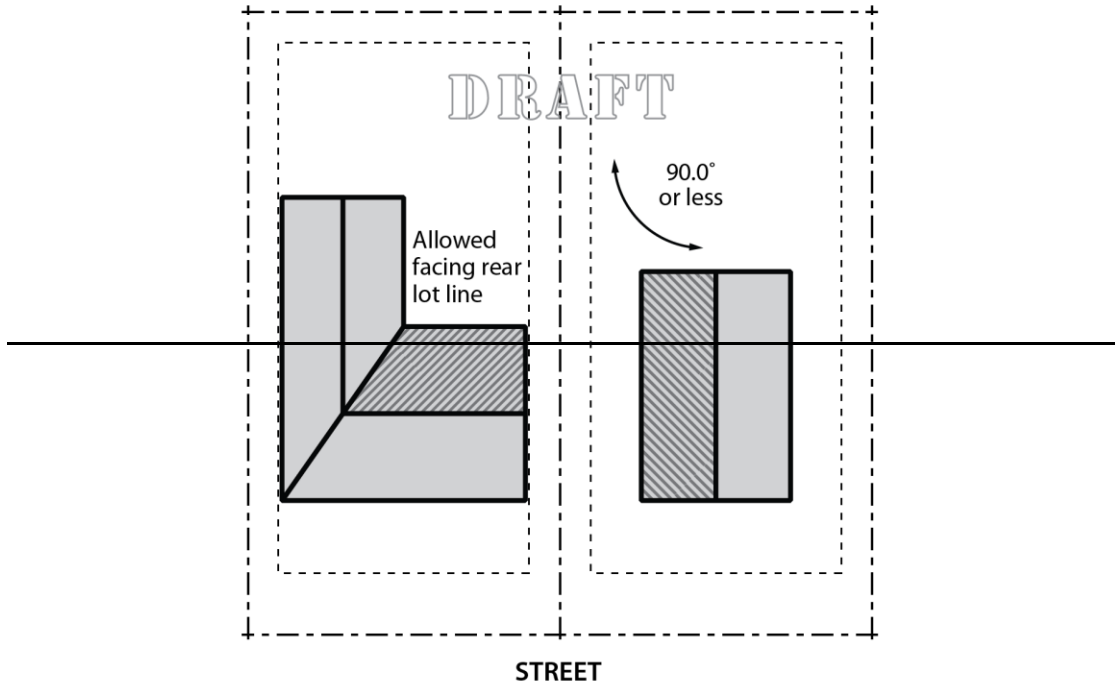
**Amend 33.445.200.D.2.t**

- t. Solar energy systems when the following are met:
  - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
    - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
    - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
    - The solar energy systems must also be screened from the street by:
      - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
      - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
  - (2) When the solar energy system is on a pitched roof the following must be met:
    - The system must be mounted flush with the plane of the system parallel to the roof surface; and
    - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.

**Amend 33.445.200.D.2.u and 33.445.210.D.2.u**

- u. Skylights or roof hatches when the following are met:
  - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
  - (2) The skylight or hatch is installed on a pitched roof.

**Delete Figure 445-3**



## AMENDMENT #6B (Magnera alternative)

### Amend 33.445.200.D.2.t

- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
    - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
    - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
    - The solar energy systems must also be screened from the street by:
      - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
      - Setting the solar energy system back 3 feet from the roof edge.
  - (2) When the solar energy system is on a pitched roof the following must be met:
    - The system must be mounted flush with the plane of the system parallel to the roof surface; and
    - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.

### Amend 33.445.210.D.2.t

- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
    - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
    - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
    - The solar energy systems must also be screened from the street by:
      - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
      - Setting the solar energy system back 3 feet from the roof edge.

- (2) When the solar energy system is on a pitched roof, the solar energy system must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
- (3) Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;
- (4) Photovoltaic glazing may be integrated into windows or skylights.

No change to 33.445.200.D.2.u and 33.445.210.D.2.u

No change to Figure 445-3

Amend Table 846-1 (only those cells shown)

<b>Table 846-1</b>			
<b>Procedure Types for proposals affecting Historic Landmarks</b>			
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems	All		Type I

Amend Table 846-2 (only those cells shown)

<b>Table 846-2</b>			
<b>Procedure Types for proposals affecting Conservation Landmarks</b>			
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems	All		Type I

Amend Table 846-3 (only those cells shown)

<b>Table 846-3</b>			
<b>Review procedures for proposals within Historic Districts</b>			
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems	All		Type I

Amend Table 846-4 (only those cells shown)

<b>Table 846-4</b>			
<b>Review procedures for proposals within Conservation Districts</b>			
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems	All		Type I

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## **AMENDMENT #7A & 7B**

*Expand the historic resource review exemption for window replacement in single dwelling zones (Spevak).*

*This amendment exempts replacement of certain windows in single-dwelling zones in Historic and Conservation Districts from the historic resource review. In addition to the requested exemption, staff were asked to coordinate with BDS staff to identify additional opportunities to streamline review of window replacements in single-dwelling zones in situations when historic resource review is required. Staff provide two options for this amendment, with 7A being the initial amendment request and the alternative 7B being the staff preference. Both versions of the amendment expand upon proposed amendments that would allow for replacement of non-historic windows on contributing buildings and allow for basement windows without review.*

### **AMENDMENT #7A (initial Commissioner request)**

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.200.D.2.v and 33.445.210.D.2.v**

v. Replacement of windows as follows:

(1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:

- The structure was built before 1940;
- The new windows are wood or metal-clad wood;
- The replacement windows are installed exactly within the existing window openings; and
- The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

(2) Replacement of windows in single-dwelling zones is also exempt when the following are met:

- On contributing resources:
  - The existing windows face the rear lot line;
  - The new windows are wood, metal-clad wood, or fiberglass;
  - The replacement windows are installed exactly within the existing window openings; and
  - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- On noncontributing resources:

- The replacement windows are installed exactly within the existing window openings; and
- The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

**Amend 33.445.200.D.2.y and 33.445.210.D.2.y**

- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
  - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
  - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.

**AMENDMENT #7B (staff preference)**

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.200.D.2.v and 33.445.210.D.2.v**

- v. Replacement of windows as follows:
- (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
    - The structure was built before 1940;
    - The new windows are wood or metal-clad wood;
    - The replacement windows are installed exactly within the existing window openings; and
    - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
  - (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
    - On contributing resources:
      - The existing windows face the rear lot line;
      - The new windows are wood, metal-clad wood, or fiberglass;
      - The replacement windows are installed exactly within the existing window openings; and
      - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;



- On noncontributing resources:
  - The building is at least 5 years old;
  - The new windows are wood, metal-clad wood, or fiberglass;
  - The replacement windows are installed exactly within the existing window openings; and
  - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

**Amend 33.445.200.D.2.y and 33.445.210.D.2.y**

- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
  - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
  - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.

**Amend Chapter 33.846 – Historic Resource Reviews as follows:**

**Amend Table 846-3 (only those cells shown)**

<b>Table 846-3</b>			
<b>Review procedures for proposals within Historic Districts</b>			
<u>Window replacement</u>	<u>RF-R2.5</u>		<u>Type I</u>

**Amend Table 846-4 (only those cells shown)**

<b>Table 846-4</b>			
<b>Review procedures for proposals within Conservation Districts</b>			
<u>Window replacement</u>	<u>RF-R2.5</u>		<u>Type I</u>

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## **AMENDMENT #8A &8B**

*Refine historic resource review exemptions to allow for removal of meters (Spevak).*

*Amendment #8A refines the exemption related to meters to allow for removal of meters as well as installation without requiring historic resource review. Under this amendment, several exemptions will be expanded to allow for removal by deleting the words that limit the exemption to “installation and alteration”—this clarifies that removal is also exempt from historic resource review. An alternative, Amendment #8B, would further exempt outlets, mechanical equipment, and conduit to facilitate typical solar energy storage systems and electric vehicle charging outlets.*

## **AMENDMENT #8A (initial Commissioner request)**

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.100.D.2.l, 33.445.110.D.2.l, 33.445.200.D.2.l, and 33.445.210.D.2.l**

- i. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;

**Amend 33.445.100.D.2.o, 33.445.110.D.2.o, 33.445.200.D.2.o, and 33.445.210.D.2.o**

- o. Hoses, conduits, tubes, or pipes when the following are met:
  - (1) The hose, conduit, tube, or pipe is located on a non-street-facing facade;
  - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
  - (3) The hose, conduit, tube, or pipe is located no more than 4 feet above the adjacent grade;

**Amend 33.445.100.D.2.p, 33.445.110.D.2.p, 33.445.200.D.2.p, and 33.445.210.D.2.p**

- p. Electrical, gas, or water meters or outlets that are located on a non-street-facing facade;

## **AMENDMENT #8B (Magnera alternative)**

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.100.D.2.l, 33.445.110.D.2.l, 33.445.200.D.2.l, and 33.445.210.D.2.l**

- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;

**Amend 33.445.100.D.2.o, 33.445.110.D.2.o, 33.445.200.D.2.o, and 33.445.210.D.2.o**

- o. Hoses, conduits, tubes, or pipes when the following are met:
  - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
  - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
  - (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;

**Amend 33.445.100.D.2.m, 33.445.110.D.2.m, 33.445.200.D.2.m, and 33.445.210.D.2.m**

- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing façade;

**Amend 33.445.100.D.2.p, 33.445.110.D.2.p, 33.445.200.D.2.p, and 33.445.210.D.2.p**

- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;

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## **AMENDMENT #9**

*Expand the historic resource review exemption for new detached accessory structures in residential zones (Bachrach, Bortolazzo, Houck, Spevak).*

*This amendment increases the allowed size of detached accessory structures in residential zones that are exempt from historic resources review. Under this amendment, larger detached accessory structures will be allowed in Historic and Conservation Districts within certain parameters. To better ensure the expanded exemption results in design compatibility in historic areas, the amendment includes an additional clear and objective regulation related to doors.*

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.200.D.2.x(1) and 33.445.210.D.2.x(1)**

- (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
- The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
  - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
  - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;
  - Windows and doors are made of wood, metal clad wood, or fiberglass;
  - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
  - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
  - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;

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**AMENDMENT #10**

*Refine reuse incentive code language for clarity (Bortolazzo).*

*This amendment removes unnecessary language from the explanatory text of the historic resource reuse incentives section. Under this amendment, the sentence related to the possibility of historic resource review being required when an incentive is provided will be removed because it can be misleading and it is not necessary.*

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.400.C**

- C. Incentives.** The following incentives are allowed. Adjustments to the incentives are prohibited:

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## **AMENDMENT #11**

*Allow residential infill incentives in the Commercial Residential (CR) zone.*

*This amendment allows residential infill incentives to be used in the CR zone.*

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

### **Amend 33.445.400.C.1 and C.2**

1. Residential infill. Except as stated in Subparagraph C.1.c., multi-dwelling structures and multi-dwelling development that meet the following standards are allowed on sites zoned R7, R5, R2.5, or CR within the boundary of a Historic Landmark, Conservation Landmark, or Historic District and are allowed on sites zoned R7, R5, R2.5, or CR within a Conservation District when the site contains at least one contributing resource:
  - a. Density. There is no limit on the number of dwelling units allowed on the site;
  - b. Maximum FAR.
    - (1) R7. Maximum FAR in R7 is 0.7 to 1;
    - (2) R5. Maximum FAR in R5 is 0.8 to 1;
    - (3) R2.5. Maximum FAR in R2.5 is 1 to 1;
    - (4) CR. Maximum FAR in CR is 1 to 1;
  - c. Exception. This incentive does not apply to any site where a historic resource was demolished after September 14, 2020 unless the resource demolished was exempt from demolition review or 120-day delay, or the resource demolished was an accessory structure.
2. Accessory dwelling units. Up to two accessory dwelling units are allowed on a site with a duplex, triplex, fourplex, or multi-dwelling structure in the R7, R5, R2.5, or CR zone.

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## **AMENDMENT #12**

*Amend incentive C.6 (Retail Sales And Service and Office uses) code language and amend historic preservation incentive review approval criteria (Smith).*

*This amendment revises the Retail Sales And Service and Office Use incentive to ensure multi-dwelling housing is not lost as a result of use of the by-right incentive. Additionally, the amendment would restore existing language in the historic preservation incentive review approval criteria to ensure consideration of adopted neighborhood plans.*

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.400.C.6**

6. Retail Sales And Service and Office uses in residential zones. In residential zones, Retail Sales And Service and Office uses are allowed as follows:
  - a. The site contains a Historic or Conservation Landmark and the following are met:
    - (1) No more than two dwelling units that existed on September 14, 2020 are removed from the site;
    - (2) No more than 5,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
    - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
    - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
  - b. The site contains a contributing resource in a Historic or Conservation District that had a legally established nonresidential use in the historic resource in the past or the site contains a contributing resource in a Historic or Conservation District and it is located 1500 feet or less from a transit station or 500 feet or less from a transit street with 20-minute peak hour service. In both cases, the following must be met:
    - (1) There is no reduction in the total number of dwelling units on the site that existed on September 14, 2020;
    - (2) No more than 1,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
    - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
    - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.

**Amend Chapter 33.846 – Historic Resource Reviews as follows:**

**Amend 33.846.050.A**

- A. **Purpose.** These provisions increase the potential for Historic Landmarks, ~~and~~ Conservation Landmarks, and contributing ~~structures~~ resources in Historic Districts and Conservation Districts to be reused, rehabilitated, protected, renovated, and preserved.

**Amend 33.846.050.C.1**

1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;

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## AMENDMENT #13

*Consolidate historic resource type descriptions and definitions (Bachrach).*

*This amendment consolidates historic resource type definitions in Chapter 910, Definitions. Chapter 445, Historic Resource Overlay Zone, will provide references to the 33.910 definitions.*

**Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

**Amend 33.445.040**

### **33.445.040 Types of Historic Resources and Map Symbols**

- A. Types of historic resources.** The following types of historic resources are regulated by this chapter. Each type of historic resource may contain contributing resources. The definition of each type of historic resource can be found in Chapter 33.910.
1. Historic Landmarks;
  2. Conservation Landmarks;
  3. National Register Landmarks;
  4. Historic Districts;
  5. Conservation Districts;
  6. National Register Districts; and
  7. Significant Resources.
- B. Map symbols.** Boundaries of Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts are shown on the Official Zoning Maps.

**Amend Chapter 33.910 – Definitions as follows:**

**Amend 33.445.910**

**Historic Resource.** ~~A place, structure, or object that has historic significance.~~ A building, portion of a building, structure, object, landscape, tree, site, place, or district that has a significant relationship to events or conditions of the human past. Historic Resources may be important for archaeological, architectural, cultural, or historical reasons. Historic Resources include:

- **Historic Landmarks.** ~~A Historic Landmark designation may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.~~ A Historic Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that has been designated for its special archaeological, architectural, cultural, or historical merit. Historic Landmark includes structures,

objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic Landmark designation removed. Information supporting a specific Historic Landmark's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Landmarks have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Historic Landmark's contributing resources;

- **Conservation Landmarks.** A Conservation Landmark may include buildings, a portion of a building, sites, statues, signs, or other objects or spaces that the City has designated for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance. A Conservation Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation Landmark's significance and integrity is found in the documentation done in support of the City designation. Conservation Landmarks have boundaries that are described in the documentation provided in support of the resource's City designation. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Conservation Landmark's contributing resources;
- **National Register Landmark.** A National Register Landmark is a building, structure, object, or site that has been listed by the federal Keeper of the National Register of Historic Places and has not been designated or identified by the City as a Historic Landmark or Conservation Landmark. National Register Landmark includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic Landmark or Conservation Landmark and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic Landmark or Conservation Landmark designation removed. Information supporting a specific National Register Landmark's significance and integrity is found in its National Register nomination. National Register Landmarks have boundaries that are described in the nomination provided in support of the federal listing;
- **Historic Districts,** including those listed in the National Register of Historic Places. A Historic District is a geographic area that has been designated for its archaeological, architectural, cultural, or historical merit. Historic District includes districts listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic District designation removed. Information supporting a specific Historic District's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Districts have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing;
- **Conservation Districts;** A Conservation District is a geographic area that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation District's significance and integrity is found in the documentation done in support of the City designation. Conservation Districts have boundaries that are described in the documentation provided in support of the resource's City designation;



- **National Register District.** A National Register District is a district that has been listed by the federal Keeper of the National Register of Historic and has not been designated or identified by the City as a Historic District or Conservation District. National Register District includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic District or Conservation District and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic District or Conservation District designation removed. Information supporting a specific National Register District's significance and integrity is found in its National Register nomination. National Register Districts have boundaries that are described in the nomination provided in support of the federal listing;
- **Significant Resource.** A Significant Resource is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has determined to be significant for its archaeological, architectural, cultural, or historical merit but has not been designated by the City as a landmark or district, and has not been listed by the federal Keeper of the National Register of Historic Places. Rank I, II, III resources identified in the 1984 Historic Resource Inventory that have not been demolished or removed are Significant Resources; and
- **Contributing Resources,** including an associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District, or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district; A contributing resource is a building, portion of a building, structure, object, landscape, tree, site, or place that adds to the archeological value, architectural qualities, cultural significance, or historic associations, that make a Historic Landmark, Conservation Landmark, National Register Landmark, Historic District, Conservation District, National Register District, or Significant Resource important, as identified in the documentation prepared for the City designation, National Register listing, or City Significant Resource identification. If a resource is not identified or described in the documentation as contributing to the historic significance of the landmark, district, or Significant Resource, it is a noncontributing resource; and
- Structures or objects that are included in the **Historic Resources Inventory.** The Historic Resources Inventory is a documentation and preliminary evaluation of the significance of historic resources. Information for each resource may include a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and in most cases, a ranking of significance.

**Historic Resources Inventory.** Buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having archaeological, architectural, cultural, or historical significance. The Historic Resource Inventory includes all resources defined as Historic Resources. See Historic Resource.

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## AMENDMENT #14

### *Minor and technical amendments (Routh).*

*The following are minor and technical amendments to improve the clarity of the recommended zoning code amendments.*

#### **Amend Chapter 33.445 – Historic Resource Overlay Zone as follows:**

##### **Amend 33.445.020**

##### **33.445.020 Historic Resource Inventory**

Portland’s Historic Resource Inventory is a record of the buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having architectural, historical, or cultural significance. Historic resources addressed by this chapter are included in the Historic Resource Inventory.

##### **Amend 33.445.030**

##### **33.445.030 Where These Regulations Apply**

- A. Sections 33.445.010 through .060 and .400 through .500 apply to all historic resources.
- B. Sections 33.445.100 through .340 apply as shown in Table 445-1.

<b>Table 445-1</b>				
<b>Where These Regulations Apply</b>				
	In Historic District	In Conservation District	In National Register District	Not in a district
Historic Landmark	33.445.100	33.445.100	33.445.100	33.445.100
Conservation Landmark	33.445.200	33.445.110	33.445.110	33.445.110
National Register Landmark	33.445.200	33.445.210	33.445.120	33.445.120
Significant Resources	33.445.200	33.445.210	33.445.220	33.445.300 through 33.445.340
Not a Landmark or Significant Resource	33.445.200	33.445.210	33.445.220	N/A

**Amend 33.445.100.D.1**

**D. Development within a Historic Landmark boundary.** Certain development within the boundary of a Historic Landmark requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Historic Landmark are subject to historic resource review:
  - a. Exterior alterations;
  - b. Building a new structure within the boundary of a Historic Landmark;
  - c. Installation or alteration of exterior signs;
  - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review;
  - e. Painting an unpainted exterior surface; and
  - f. Alteration of an interior space when that interior space is specifically designated by the City as a Historic Landmark. Alteration of an interior space of a Historic Landmark that has been listed by the federal Keeper of the National Register of Historic Places but has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure does not require historic resource review.

**Amend 33.445.100.D.2.e, 110.D.2.e, 200.D.2.e, and 210.D.2.e**

- e. Seismic improvements to the roof or parapet of existing structures when:
  - (1) The roof is flat or surrounded by a parapet; and
  - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
  - (3) The seismic improvements do not penetrate through the exterior walls;

**Amend 33.445.100.D.2.s and 110.D.2.s**

- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
  - (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
  - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;

- (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
- (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.

**Amend 33.445.100.D.2.t and 110.D.2.t**

t. Solar energy systems when the following are met:

- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
  - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
  - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
  - The solar energy systems must be screened from the street by:
    - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
    - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
- (2) When the solar energy system is on a pitched roof the following must be met:
  - The roof surface must be clad in asphalt composite shingles or metal;
  - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;
  - The system must be mounted flush with the plane of the system parallel to the roof surface; and
  - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.

#### **Amend 33.445.110.D.1**

**D. Development within a Conservation Landmark boundary.** Certain development within the boundary of a Conservation Landmark requires historic resource review to ensure the landmark's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Conservation Landmark are subject to historic resource review:
  - a. Exterior alterations;
  - b. Building a new structure within the boundary of a Conservation Landmark;
  - c. Installation or alteration of exterior signs; and
  - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.

#### **Amend 33.445.200.A**

##### **A. Designation of a Historic District**

1. National Register listing. Districts listed by the federal Keeper of the National Register of Historic Places or before January 27, 2017 are automatically identified as Historic Districts on the Official Zoning Maps. For Historic Districts that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been designated by the City, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is also automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic District may be established through a legislative or quasi-judicial procedure. City designation of Historic Districts includes establishing new Historic Districts, expanding the boundaries of existing Historic Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Historic Districts.
  - a. Legislative designation. New Historic Districts must be established through a legislative procedure. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done through a legislative procedure. When designation is done legislatively, the approval criteria of Section 33.846.030.D apply.
  - b. Quasi-judicial designation. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Historic District quasi-judicially is prohibited.

**Amend 33.445.200.D (amendment is to D. intro text only)**

- D. Development in a Historic District.** Certain development within a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

**Amend 33.445.200.D.2.s(2) and 210.D.2.s(2)**

- (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
- The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
  - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
  - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
  - The proposed vent and associated elements has a matte finish or is painted to match the roof.

**Amend 33.445.210.D (amendment is to D. intro text only)**

- D. Development in a Conservation District.** Certain development within a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.

**Amend 33.445.510.D**

- D.** Proposals that meet the definition of demolition in this chapter are not eligible to use the Community Design Standards as an alternative to historic resource review;

**Amend Chapter 33.720 – Assignment of Review Bodies as follows:**

**Amend 33.720.020.D.2**

2. Historic resource review of Historic and Conservation, and National Register Landmarks and structures/resources in Historic or, Conservation, and National Register Districts; and

**Amend Chapter 33.805 – Adjustments as follows:**

**Amend 33.805.040.D**

- D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and

**Amend Chapter 33.815 – Conditional Uses as follows:**

**Amend 33.815.125 (amendment is to intro text only)**

**33.815.125 Specified Uses in Industrial Zones**

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Lower Albina Subdistrict of the Central City Plan District may use the approval criteria listed in 33.815.126: Office Uses in the IG1 Zone in the Lower Albina Subdistrict, if they contain characteristics of manufacturing businesses. Office uses in ~~individually listed structures on the National Register of Historic Places~~ Historic Landmarks, Conservation Landmarks, and structures identified as contributing resources in to the historic significance of a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

**Amend 33.815.126 (amendment is to intro text only)**

**33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict**

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in ~~individually listed structures on the National Register of Historic Places~~ Historic Landmarks, Conservation Landmarks, and structures identified as contributing to the historic significance of resources in a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. The approval criteria are:

**Amend 33.815.129 (amendment is to intro text only)**

**33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District**

These approval criteria promote the preservation of historic resources that are listed on the National Register of Historic Places, Historic Landmarks, Conservation Landmarks, or are identified as contributing to the historic significance resources in of a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

**Amend Chapter 33.846 – Historic Resource Reviews as follows:**

**Amend 33.846.030.C.6**

6. Two copies of a signed statement from the property owner providing consent for the designation. For the purposes of this application requirement, property owner is defined as:
- a. The owner of fee title to the property as shown in the deed records of the county where the property is located;
  - b. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
  - c. If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.
- Property owner does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests, including leaseholds, of any nature.

**Amend 33.846.060 Table 846-3 (amendment is to only the cell shown)**

<b>Table 846-3</b>			
<b>Review procedures for proposals within Historic Districts</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Review Type</b>
New structure New accessory structure	All RF-RH	Project value > \$459,450 Floor area > 5,000 sq. ft.	Type III
		Project value ≤ \$459,450 Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II
		Floor area ≤ 800 sq. ft.	Type Ix



## Amend Chapter 33.855 – Zoning Map Amendments as follows:

### Amend 33.855.020

#### 33.855.020 Initiating a Zoning Map Amendment

- A. **Quasi-Judicial.** Requests for a zoning map amendment which are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning and Sustainability Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts, and the Design Commission may initiate amendments concerning design districts. The Director of BDS may request amendments for initiation by the Planning and Sustainability Commission. Initiations by a review body are made without prejudice towards the outcome.
- B. **Legislative.** Requests for zoning map amendments which are legislative may be initiated by the Planning and Sustainability Commission or the City Council. ~~The Historical Landmarks Commission may initiate amendments concerning historic districts, and t~~The Design Commission may initiate amendments concerning design districts. Others may request to the Planning and Sustainability Commission to initiate a legislative zoning map amendment. The Planning and Sustainability Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

#### Amend 33.855.075.A.2 and A.3

2. When a historic resource is removed from the National Register of Historic Places and it has not local historic designation also been independently designated by the City as the result of a legislative or quasi-judicial procedure, it is automatically removed from the Official Zoning Maps as a Historic Landmark, Historic District, National Register Landmark, or National Register District ~~Historic Landmark or Historic District~~ on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.
3. When the federal Keeper of the National Register of Historic Places approves a change to the boundary of a Historic Landmark, National Register Landmark, Historic District, or National Register District, the change is automatically identified on the Official Zoning Map on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the change.

**Amend Chapter 33.720 – Parking, Loading, And Transportation And Parking Demand Management as follows:**

**Amend 33.266.210.C.4**

4. Bicycle lockers. Bicycle lockers are fully enclosed and secure bicycle parking spaces.
  - a. The locker must be securely anchored to the ground.
  - b. There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
  - c. Locker Dimensions. All bicycle lockers must meet one of the following:
    - (1) The locker space has a minimum depth of 6 feet, with an access door that is a minimum of 2 feet wide and a minimum height of 3 feet 11 inches.
    - (2) A locker space provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet 6 inches; and an access door that is a minimum of 2 feet wide on each end with a minimum width of 2 feet 6 inches; and a minimum height of 3 feet 11 inches.