

33.846 Historic Resource Reviews

846

Sections:

General

- 33.846.010 Purpose
- 33.846.020 Review Procedures
- 33.846.025 Additional Notification Required
- 33.846.030 Historic Designation Review
- 33.846.040 Historic Designation Removal Review
- 33.846.050 Historic Preservation Incentive Review
- 33.846.060 Historic Resource Review
- 33.846.070 Modifications Considered During Historic Resource Review
- 33.846.080 Demolition Review

General

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic resource reviews. The approval criteria protect the region's significant historic resources and preserve important parts of the region's heritage. The reviews recognize and protect the region's archaeological, cultural, historic, and architectural resources, ensure that changes to historic resources preserve physical integrity and historic significance, and provide incentives for historic preservation and adaptive reuse. The reviews also allow for community involvement and the potential for denial when demolition, relocation, new development, or alteration is proposed for certain historic resources.

33.846.020 Review Procedures

The review procedures in this chapter supersede procedural and threshold statements in the City's adopted design guidelines documents for Historic and Conservation Districts.

33.846.025 Additional Notification Required

In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation District or Historic District has a Historic District Advisory Committee that is recognized by a Neighborhood Association, notice of all historic resource reviews will also be sent to the District's advisory committee.

33.846.030 Historic Designation Review

- A. Purpose.** Historic designation review allows the City of Portland to designate Historic Landmarks or Conservation Landmarks, expand the boundaries of Historic Landmarks, Conservation Landmarks, Historic Districts, or Conservation Districts, and to designate resources as contributing resources within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District. This review does not affect a resource's listing on the National Register of Historic Places. These provisions promote the protection of historic resources by:

- Enhancing the city's identity through the protection of the region's significant historic resources;
- Ensuring underrepresented histories are recognized and protected;
- Fostering preservation and reuse of historic artifacts, structures, sites, objects, places, and districts as important parts of the region's fabric;
- Encouraging new development to sensitively incorporate historic resources and artifacts; and
- Applying an appropriate level of protection to historic resources at the time of City designation.

B. Review procedure. Historic designation reviews are processed as follows:

1. Designating a Historic Landmark or Conservation Landmark when the resource is a structure, site, or object that has been listed on the National Register of Historic Places is processed through a Type I procedure.
2. Expanding the boundary of a City-designated Historic Landmark, Conservation Landmark, Historic District, or Conservation District is processed through a Type II procedure.
3. Designating a resource as a contributing resource within a City-designated Historic Landmark, Conservation Landmark, Historic District, or Conservation District is processed through a Type II procedure.
4. All other historic designation reviews are processed through a Type III procedure. A pre-application conference is not required.

C. Supplemental application requirements. In addition to the application requirements of Section 33.730.060.D, the following information is required for an application for historic designation review:

1. Two copies of a map and narrative description of the proposed boundary for the designated resource, including identification of which resources within the boundary are contributing resources. At least one copy of the map must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction;
2. Two copies of a narrative description of the resource's significance and integrity, including identification of the year or years proposed as the resource's period of historic significance;
3. Five or more current photos of the resource;
4. One or more historic photos of the resource, if available;
5. For resources listed on the National Register of Historic Places, two copies of the National Register nomination; and
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.

D. Approval criteria. Proposals to designate a historic resource as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District, or as a contributing resource within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District, or expand the boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1. Significance. The resource has significant archaeological, cultural, historical, or architectural value. For proposals to designate a Historic Landmark or Conservation Landmark, designate a resource as a contributing resource in an existing Historic District or Conservation District, or expand the boundary of an existing Historic Landmark, Conservation Landmark, Historic District or Conservation District, at least one of the following must be met. For proposals to designate an entire Historic District or Conservation District, the district must either meet D.1.f or two of D.1.a-e:
 - a. The resource is associated with at least one event that has made a significant contribution to one or more broad patterns of local, regional, state, or national history;
 - b. The resource is associated with the life of at least one person significant to local, regional, state, or national history;
 - c. The resource possesses at least one distinctive characteristic of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - d. There is a high likelihood that, if preserved, the resource would yield information important in local, regional, state, or national history;
 - e. If the proposal is to designate a Conservation Landmark or Conservation District, the resource is associated with at least one event or pattern that is architecturally, culturally, or historically significant to the neighborhood or community with which the resource is associated; or
 - f. The resource has a significant association with at least one underrepresented community, cultural, or ethnic group.

2. Integrity. The resource has retained physical and associative features from the period of historic significance. For proposals to designate a Conservation Landmark or Conservation District, at least three of the following must be met. For proposals to designate a resource as a contributing resource in a Historic District or Conservation District, at least three of the following must be met. For proposals to designate a Historic Landmark or Historic District, at least four of the following must be met:
 - a. The resource remains in the exact location as during the period of historic significance;
 - b. The resource retains sufficient design elements to convey an association with the period of historic significance;
 - c. The overall configuration of the resource and its surroundings is generally unchanged since the period of historic significance;
 - d. The resource's materials are generally unchanged since the period of historic significance or, if changed, have been replaced in kind;
 - e. The resource retains expressions of craft from the period of historic significance;
 - f. Sufficient artistic, spatial, or intangible elements from the period of historic significance remain to convey the significance of the resource; or
 - g. The cumulative features of the resource, as described by D.2.a through f, are together sufficient to convey an association with the resource's significance.
3. Appropriate level of protection. The proposed City designation is appropriate considering the following. Levels of protection for City designation are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, contributing resource in a Historic District, contributing resource in a Conservation District, and no City designation:
 - a. The significance and integrity of the resource proposed for designation;
 - b. The regulatory effects of the proposed level of protection; and
 - c. Other values, such as relevant goals and policies in the Comprehensive Plan.

33.846.040 Historic Designation Removal Review

- A. Purpose.** These provisions allow for the removal of City landmark designation when it is no longer appropriate. The provisions also allow for the level of protection to be changed from Historic Landmark to Conservation Landmark, and for the boundaries of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District to be reduced. And these provisions allow for removing the contributing status of resources within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District. This review does not affect a resource's listing on the National Register of Historic Places.
- B. Review procedure.** Historic designation removal reviews are processed as follows:
 1. Historic designation removal review to reduce the boundary of or identify a resource as noncontributing within a City-designated Historic Landmark, Conservation

Landmark, Historic District, or Conservation District is processed through a Type II procedure.

2. All other historic resource designation removal reviews are processed through a Type III procedure. A pre-application conference is not required.

C. Approval criteria. Proposals to remove the designation from a historic resource or change the level of protection of a historic resource will be approved if the review body finds that one of the following approval criteria are met:

1. Loss of historic value. Information shows that the resource does not meet the applicable criteria for historic designation review in Sections 33.846.030.D.1. and D.2;
2. Change in level of protection. The goals and polices of the Comprehensive Plan are equally or better met by changing the level of protection of the entire landmark or district from Historic Landmark to Conservation Landmark, from Historic District to Conservation District, or, if the resource is listed in the National Register of Historic Places, by changing the level of protection to National Register Landmark or National Register District; or
3. Owner consent.
 - a. For Historic Landmarks or Conservation Landmarks. The property owner at the time of designation must have objected, on the record, to the historic designation and must have retained ownership since the time of designation.
 - b. For Historic Districts or Conservation Districts. Fifty percent plus one of the property owners at the time of designation must have objected, on the record, to inclusion in the district.
 - c. For the purposes of this criterion, property owner is defined as the following:
 - (1) The owner of fee title to the property as shown in the deed records of the county where the property is located;
 - (2) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
 - (3) 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.

33.846.050 Historic Preservation Incentive Review

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

- B. Review procedure.** Historic preservation incentive reviews for sites in the RX zone are processed through a Type II procedure. Historic preservation incentive reviews for sites in all other zones are processed through a Type III procedure.
- C. Approval criteria.** The use of a historic preservation incentive for a Historic Landmark, Conservation Landmark, or contributing resource in a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:
 1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;
 2. If the site is in an R zone, the approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met.
 3. If the site is in an industrial zone, the approval criteria of 33.815.129 A through D are met; and
 4. The regulations of 33.445.400, Historic Preservation Incentives are met.

33.846.060 Historic Resource Review

- A. Purpose.** Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources. Historic resource review also ensures that proposals to relocate historic resources do not result in the loss of historic significance and integrity.
- B. Review procedure.** For National Register Landmarks that are not located in a Historic or Conservation District, and for contributing resources in National Register Districts that are not a Historic or Conservation Landmark, the review procedure is Type III. Procedures for all other historic resource reviews are shown in Tables 846-1 through 846-4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.
 1. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.100.D.2, the review procedure is determined by Table 846-1, below:

Table 846-1			
Procedure Types for proposals affecting Historic Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Historic Landmark	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix

Alterations of a landmark-designated interior public space	All	Project value > \$561,650	Type III
		Project value ≤ \$561,650	Type II
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$561,650	Type III [1]
		Project value ≤ \$561,650	Type II [1]

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

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

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

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

2. For Conservation Landmarks, including those in Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.110.D.2, the review procedure is determined by Table 846-2, below:

Table 846-2 Procedure Types for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Conservation Landmark	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All		Type II [1]

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

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

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

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

3. For Historic Districts, excluding Historic Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.200.D.2, the review procedure is determined by Table 846-3, below:

Table 846-3			
Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$561,650	Type III [1]
		Project value ≤ \$561,650	Type II [1]

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

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

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

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

4. For Conservation Districts, excluding Historic Landmarks or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.210.D.2, the review procedure is determined by Table 846-4, below:

Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I

Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All		Type II [1]

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

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

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

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

C. Phased proposals.

1. For phased proposals. Applicants may submit design plans for a phase proposal, provided the application includes adequate information to allow review of all phases of the proposal, including anticipated timelines.
2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate historic resource review for each phase.
3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a historic resource review for a specific development.

D. Models of proposals in the Central City plan district. For proposals located in the area of the Central City plan district shown on Map 510-1, a three dimensional digital model of a proposal located in a Historic District or Conservation District is required with an application for historic resource review. This requirement applies only to new developments or changes in the bulk of existing buildings. Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

E. Approval criteria for outside the Central City plan district. Outside the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph E.5. The approval criteria for historic resource review outside the Central City plan district are as follows:

1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the King's Hill Historic District Guidelines. When historic resource review is required in such districts, the approval criteria are:
 - (1) The guidelines specific to the district;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
 - b. Historic Districts without district-specific guidelines. Where there are no guidelines that are specific to the Historic District, the approval criteria are:
 - (1) The criteria in Subsection G;
 - (2) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (3) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
 - c. Alphabet Historic District. In the Alphabet Historic District, the approval criteria are:
 - (1) The Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
2. Conservation Districts. When historic resource review is required for any resource in a Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - a. Conservation Districts with district-specific guidelines. Conservation Districts may have guidelines that are specific to the district. When historic resource review is required in such districts, the approval criteria are:

- (1) The guidelines specific to the district;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I; or
 - b. Conservation Districts without district-specific guidelines. Where there are no guidelines that are specific to the Conservation District, the approval criteria are:
 - (1) The Community Design Guidelines;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts or Conservation Districts. When historic resource review is required for a Historic Landmark or Conservation Landmark located outside of a Historic District or Conservation District, the approval criteria are:
 - a. If the resource is a Historic Landmark, the criteria in Subsection G;
 - b. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - c. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
4. National Register Landmarks located outside of Historic Districts and Conservation Districts and contributing resources in National Register Districts. When historic resource review is required for a National Register Landmark located outside of a Historic District or Conservation District or a contributing resource in a National Register District, the approval criteria are:
 - a. The criteria in Subsection H; and
 - b. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
5. Conflicts among guidelines and criteria.
 - a. When guidelines and the criteria in Subsection G apply, if a criterion in Subsection G conflicts with any guideline, the criterion in Subsection G supersedes the guideline.
 - b. When guidelines and the criteria in Subsection H apply, if a criterion in Subsection H conflicts with any guideline, the guideline supersedes the criterion in Subsection H.

- c. When a guideline that is specific to a Historic District or Conservation District conflicts with one of the Community Design Guidelines or with a subdistrict design guideline, the guideline specific to the Historic District supersedes the Community Design Guideline or subdistrict design guideline.
 - d. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Community Design Guidelines, the Alphabet District Addendum supersedes the Community Design Guidelines.
 - e. When a criterion in Subsection I conflicts with any guideline or criterion, the criterion in Subsection I supersedes the guideline or criterion.
- F. Approval criteria for inside the Central City plan district.** In the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph F.6, below. The approval criteria for historic resource review in the Central City plan district are as follows:
1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the NW 13th Avenue Historic District Design Guidelines. When historic resource review is required in such districts, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines and the guidelines specific to the Historic District;
 - (2) If the resource is a Historic Landmark the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
 - b. Historic Districts without district-specific guidelines.
 - (1) Where there are no guidelines that are specific to the Historic District and the site is also in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
 - The Central City Fundamental Design Guidelines and the subdistrict design guidelines;
 - If the resource is a Historic Landmark, the criteria in Subsection G;
 - If the resource is a Conservation Landmark, the criteria in Subsection H; and

- If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
- (2) Where there are no guidelines that are specific to the Historic District and the site is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:
- The Central City Fundamental Design Guidelines and the criteria in Subsection G; and
 - If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
- c. Alphabet Historic District. In the portion of the Alphabet Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- (1) The Central City Fundamental Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
- d. Irvington Historic District. In the portion of the Irvington Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- (1) The Central City Fundamental Design Guidelines;
 - (2) The design guidelines for the Lloyd District subdistrict of the Central City plan district;
 - (3) The criteria in Subsection G; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
2. Russell Street Conservation District. When historic resource review is required for any resource in the Russell Street Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- a. The Community Design Guidelines;
 - b. If the resource is a Historic Landmark, the criteria in Subsection G;
 - c. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - d. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. When historic resource review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:
 - a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines;
 - (2) The subdistrict design guidelines;
 - (3) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (4) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (5) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
 - b. Subdistricts without design guidelines. If the resource is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines;
 - (2) If the resource is a Historic Landmark, the criteria the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
4. National Register Landmarks located outside of Historic Districts and Conservation Districts and contributing resources in National Register Districts. When historic resource review is required for a National Register Landmark located outside of a Historic District or Conservation District or a contributing resource in a National Register District, the approval criteria are:
 - a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines;
 - (2) The subdistrict design guidelines; and
 - (3) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
 - b. Subdistricts without design guidelines. If the resource is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:

- (1) The Central City Fundamental Design Guidelines; and
 - (2) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection; and
5. Specified sites along N. Broadway. When historic resource review is required for a historic resource on a site in the CXd zone, and the site fronts on and is within 300 feet of N. Broadway between N. Interstate and N. Wheeler streets, the approval criteria are:
- a. The Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan District;
 - b. If the resource is a Historic Landmark, the criteria in Subsection G;
 - c. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - d. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
6. Conflicts among guidelines and criteria. Conflicts among guidelines and criteria are resolved as specified in this paragraph.
- a. When guidelines and the criteria in Subsection G apply, if a criterion in Subsection G conflicts with any other guideline, the criterion in Subsection G supersedes the other guideline.
 - b. When guidelines and the criteria in Subsection H apply, if a criterion in Subsection H conflicts with any other guideline, the guideline supersedes the criterion in Subsection H.
 - c. When a guideline that is specific to a Historic District, such as one of the NW 13th Avenue Historic District Design Guidelines, conflicts with one of the Central City Fundamental Guidelines or with a subdistrict design guideline, such as one of the River District Design Guidelines, the guideline specific to the Historic District supersedes the Central City Fundamental Guideline and the subdistrict guideline.
 - d. When a subdistrict design guideline, such as one of the Goose Hollow District Design Guidelines, conflicts with one of the Central City Fundamental Design Guidelines, the subdistrict guideline supersedes the Central City Fundamental Guideline.
 - e. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Central City Fundamental Design Guidelines, the Alphabet District Guideline supersedes the Central City Fundamental Guideline. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Community Design Guidelines, the Alphabet District Addendum supersedes the Community Design Guideline.

- f. When a Lloyd District Design Guideline conflicts with a Central City Fundamental Design Guideline, the Lloyd District Guideline supersedes the Central City Fundamental Guideline.
 - g. When a criterion in Subsection I conflicts with any guideline or criterion, the criterion in Subsection I supersedes the guideline or criterion.
- G. Other historic approval criteria.** When required by Paragraphs E. or F., the following approval criteria must be met:
1. Historic character. The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided;
 2. Record of its time. The landmark or contributing resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;
 3. Historic changes. Most resources change over time. Those changes that have acquired historic significance will be preserved;
 4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
 5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
 6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;
 7. Differentiate new from old. New additions, exterior alterations, or new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole;
 8. Architectural compatibility. New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource;
 9. Preserve the form and integrity of historic resources. New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed

in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired; and

10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources located within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

H. Other conservation approval criteria. When required by Paragraphs E. or F., the following approval criteria must be met:

1. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
2. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
3. Differentiate new from old. New additions, exterior alterations, or new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the features or materials of the landmark or contributing resource and, if in a district, the district as a whole;
4. Architectural coherency. New additions, exterior alterations, or new construction will relate to the massing, materials, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole even if the new work is differentiated or of a larger scale than the old;
5. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken; and
6. Cultural character. For landmarks or contributing resources in districts primarily significant for an area of history other than architecture or design, new additions, exterior alterations, or new construction will maintain the cultural significance of the resource. New additions, exterior alterations, or new construction may alter, replace, or remove historic features and materials if such features or materials are not integral to the resource's cultural significance.

I. Other relocation approval criteria. When required by Paragraphs E. or F., one of the following approval criteria must be met:

1. Maintaining the resource in its current location would effectively deprive the owner of all reasonable economic use of the site. The evaluation must consider the historic

- resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
2. Relocation of the resource has been evaluated against the goals and policies of the Comprehensive Plan and any relevant area plans and, on balance, relocation has been found to be more supportive of the goals and policies than preservation, rehabilitation, or reuse of the resource on its current site.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.
 3. Relocation of the resource and related alterations will not substantially harm the historic significance and physical integrity of the resource.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.

33.846.070 Modifications Considered During Historic Resource Review

The approval criteria for modifications considered during historic resource review are:

- A. Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
 1. The resulting development will meet the purpose of the standard being modified; or

2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

33.846.080 Demolition Review

- A. Purpose.** Demolition review protects landmarks and contributing resources in districts. Demolition review recognizes that historic resources are irreplaceable assets significant to the region's architectural, cultural, and historical identity and their preservation promotes economic and community vitality, resilience, and memory. In the event that demolition of a historic resource is approved, demolition review also addresses the potential for mitigation of the loss.
- B. Review procedure.** Demolition reviews are processed as follows:
1. Proposals to demolish an accessory structure are processed through a Type II procedure;
 2. Proposals to demolish a Conservation Landmark, National Register Landmark, contributing resource in a Conservation District, or contributing resource in a National Register District are processed through a Type III procedure;
 3. All other proposals to demolish a historic resource are processed through a Type IV procedure.
- C. Approval criteria.** Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:
1. Demolition of the resource has been evaluated against and, on balance, demolition has been found to be equally or more supportive of relevant goals and policies of the Comprehensive Plan, and any relevant area plans, than preservation, rehabilitation, or reuse of the resource. The evaluation must consider:
 - a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. The merits of demolition;
 - d. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
 - e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
 - f. Any proposed mitigation for the demolition.
 2. The proposal is to demolish a contributing resource in a Conservation District or National Register District, and demolition of the resource will be mitigated to enhance, preserve, or restore the archaeological, architectural, cultural, or historic significance or integrity of the district. The mitigation must be responsive to the

significance and integrity of the resource proposed for demolition. The evaluation must consider:

- a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
3. The proposal is to demolish a contributing resource in a single-dwelling zone in a National Register District, and demolition of the resource will facilitate the creation of more deeply affordable dwelling units than could practicably result from preservation, rehabilitation, or reuse of the resource. In this case, deeply affordable means permanently affordable to those earning no more than 60 percent of the area median family income. The evaluation must consider:
- a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
4. The proposal is to demolish an accessory structure, and demolition of the resource will not significantly diminish the architectural, cultural, or historic significance or integrity of the associated landmark or district.

(Added by: Ord. No. 169987, effective 7/1/96. Amended by: Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190687, effective 3/1/22.)