



Bureau of Planning and Sustainability

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## MEMO

**DATE:** December 2, 2020

**TO:** Portland Planning and Sustainability Commission

**FROM:** Brandon Spencer-Hartle

**CC:** Kristen Minor, Historic Landmarks Commission Chair  
Andrea Durbin, Sandra Wood

**SUBJECT:** Historic Resources Code Project Work Session Schedule

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Thank you for providing BPS staff with issues and amendment topics related to the Historic Resources Code Project (HRCP). The PSC will consider these issues and amendment topics at a series of work sessions beginning December 8 and continuing through March 2021. The issues are organized by project theme and proposal number. The memo also provides the tentative schedule for the work sessions.

The Historic Landmarks Commission (HLC) in their advisory capacity has been invited to participate in the work session process, with HLC Chair Kristen Minor scheduled to attend each of the work sessions. In addition, a panel of three HLC members will be made available for interim “3x3” discussions with three PSC members. For topics that deserve additional exploration beyond what is practical at the PSC work sessions, BPS staff encourage the PSC to utilize the “3x3” sessions to identify amendment concepts that can be brought back to the full PSC for consideration. Please see the attached document “HRCP Coordination Between the Planning and Sustainability Commission and the Historic Landmarks Commission” for more details on this approach.

BPS staff look forward to drafting code amendments in support of the decisions made at PSC work sessions in the months ahead.



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December 8 Work Session	
HRCP Proposal	PSC Issues and Amendment Topics
	<p>1. Encourage partnership with the Historic Landmarks Commission, similar to DOZA's 3x3. (Bortolazzo)</p> <p>2. Better understand the difference between resources designated in the National Register of Historic Places before 2017 (such as Irvington) and after 2017 (such as Laurelhurst). (November 10 "round robin" discussion)</p>
<p><b>THEME 1 - IDENTIFICATION</b></p> <p>1.a. Re-define the Historic Resource Inventory as an umbrella term.</p>	
<p>1.b. Establish a clear hierarchy of the historic resource types included in the inventory.</p>	<p>Interest in pulling National register listed resources into categories of city designation, rather than their own category. (Bortolazzo)</p>
<p>1.c. Remove zoning code provisions pertaining to Unranked Resources.</p>	
<p><b>THEME 2 - DESIGNATION</b></p> <p>2.a. Establish a new procedure for identifying historic resources eligible for designation.</p>	<p>Description of Significant Resources. Add the following language to 33.445.040.G, or something similar: The determination or listing of a Significant Resource is not a land-use determination. A Significant Resource cannot be upgraded to another type of Historic Resource or subject to additional regulations after the effective date of this ordinance without the consent of the owner. (Bachrach)</p>



<p>2.b. Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.</p>	<p>1. Amend Owner Consent provision for Contributing Structures. Amend 33.868.040.C.3 to provide for the owner of a Contributing Resource in any type of District who objected when the District was created or amended. (Bachrach)</p> <p>2. Concerned that the staff report does not specifically call out the use of district designation as a vehicle for making the construction of needed housing more expensive and difficult. What should district designation be reserved for? How should that balance be struck at the district level between history and contemporary needs? How can we raise the bar on district designation to avoid seeing our desire to honor history being coopted by parochial perspectives on just what that history actually is? (Bortolazzo)</p> <p>3. Statement about “overrepresentation” being a reason for removal of landmarks &amp; districts. It should be an additive approach, focusing on adding resources that are under-represented. (Bortolazzo)</p> <p>4. Empower HLC to approve the creation of small historic or conservation districts (up to ___ acres or ___ tax lots?), independent of the PSC. (Spevak)</p> <p>5. Composition of HLC and relative roles of PSC and HLC. I think the code proposal generally gets this right, but it's probably worth gaming out how processes for district designation/amendment/de-designation would flow. i.e., who initiates (property owners/staff/HLC/PSC) and what sequence of evaluation/recommendation would occur for each type of action? (Smith)</p> <p>6. Approval criteria for Historic Designation Removal Review are too broad. (Bortolazzo)</p> <p>7. Section 33.846.040. C. 1. For federally designated landmarks and districts (and probably others too), I think it would be impossible to meet this standard (note that for D.1, National Designation clears this hurdle, and for D.2., most would continue to be met), making the ability to remove or reduce designations unlikely to ever happen. (Spevak)</p>
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January 12 Work Session	
HRCP Proposal	PSC Issues and Amendment Topics
Remaining items from December 8 and feedback from the “3x3.”	
<p><b>THEME 3 - PROTECTION</b></p> <p>3.a. Apply demolition review to all designated historic resources and expand demolition review approval criteria.</p>	<ol style="list-style-type: none"> <li>1. Amend 33.846.080.B to provide that demolition review for Contributing Resources in any District is processed by a Type III procedure. (Bachrach)</li> <li>2. Add a provision that only Contributing Resources designated by a City land-use process are subject to historic demolition review. Applicable non-historic demolition review or delay criteria will apply to Contributing Resources not designated by a City land-use process. (Bachrach)</li> <li>3. The application requirements for demolition review in Section 33.846.080.C.2 are extremely onerous. Instead of being requirements for an application, they should be a list of suggested information applicants may want to consider including with an application depending on the nature of the demolition being requested. (Bachrach)</li> <li>4. Section 33.846.080.D.1 should be amended to provide: Denial of a demolition permit would effectively deprive the owner of reasonable economic use of the resource. (Bachrach)</li> <li>5. Section 33.846.080.D 2 should be amended to provide: Demolition of the resource has been evaluated ... and, on balance, demolition has been found equally supportive of the goals and policies as would preservation, rehabilitation or reuse of the resource. (Bachrach)</li> <li>6. Add Historic District to the list of Districts in 33.846.080.D.3. (Bachrach)</li> <li>7. Concerns over the proposed approval criterion related to affordable housing as “affordable housing” is not clearly defined relative to this approval criterion or in Title 33. (Bortolazzo)</li> <li>8. Review the proposed affordable replacement housing criteria for demo review. Testimony pointed out that ‘more affordable housing’ is hard to evaluate and might be gamed. Re-reading this, I realize that it only applies in National Register Districts, which is pretty narrow in geography. So I’m less</li> </ol>



	<p>concerned about the impact of this clause, but still think it could use some discussion - and possible improvement for clarity. (Spevak)</p> <p>9. Section 33.846.080.D.4 should be amended to apply to all Districts and should allow demolition if it will result in more housing than is currently on the site. (Bachrach)</p> <p>10. For Demolition Review in National Register Districts, there should be more detailed examples to help HLC decide when other Comprehensive Plan goals, such as more housing at higher densities close-in, are more important than preserving a specific resource. (Bortolazzo)</p> <p>11. Concerns with the language that would allow proposals subject to Demolition Review, to be approved through Historic Resource Review if they meet certain exemptions which encompass everything other than total demolition but could alter a historic resource so substantially that it could lose its integrity and/or significance. (Bortolazzo)</p> <p>12. Section 33.445.100.E.2.a. Is there any reason to include “Demolition of noncontributing resources” in this list? It would only arise if there’s a Historic Landmark that’s non-contributing; but I doubt that ever happens. (Spevak)</p> <p>13. Section 33.846.080.D.5 should be deleted. (Bachrach)</p> <p>14. Allow garage demos without historic review, whether or not it’s replaced by something new, unless it’s specifically designated on an approved historic landmark application. (Spevak)</p>
<p>3.b. Increase exemptions to historic resource review.</p>	<p>1. Expand the list of alterations exempt from Historic Review. The list of alterations exempt from historic review should be expanded to include: Solar installations, Window Replacements, ADUs, Painting, Any alteration not visible from the street in front of the property. (Bachrach)</p> <p>2. General: relax exemptions and allow skylights and hatches on non-street-facing elevations. Allow solar panels on street-facing elevations. (Bortolazzo)</p> <p>3. Energy efficiency and seismic resilience. I would like as streamlined a process as possible for modifications that support these two objectives. Specifically, I would support allowing rooftop solar regardless of which direction it faces. (Smith)</p>



	<p>4. Provide broad solar PV exemption. Use language from p. 123 across all rungs of the ladder. (Spevak)</p> <p>5. Expand window replacement exemption option to include all residential buildings, when being replaced with efficient (u=.30 or better?) windows, possibly exterior color-matched? Might be OK requiring historic review for street-facing above-grade windows on specific Landmark structures. (Spevak)</p> <p>6. Section 33.445.D.2.p. Add language to make it similarly easy to remove electrical, gas or water meters from any façade unless it’s specifically designated in historic documentation. (Spevak)</p> <p>7. Allow more options for ADA access. (Routh)</p> <p>8. This means a detached accessory structure &gt;200SF needs HR in C and E zones. C and E zoned lots are typically larger than an R zone. Consider expanding the limitation in C and E zones to 400sf. (Bortolazzo)</p> <p>9. Consider allowing more flexibility in ADU construction. (Bortolazzo)</p> <p>10. Amend Code to exempt all detached garages and accessory structures from any historic review, including demolition review, unless the structure itself has been designated by the City as an Historic Resource. (Bachrach)</p> <p>11. Extend exemption for new detached structures to 800sf, so full sized detached ADUs can be built. (Spevak)</p> <p>12. Increase maximum sq ft to 700 from current 400. (Houck)</p> <p>13. The testimony about preserving neon signs was interesting. Staff suggested this might be most relevant when there is a neon sign that is itself an accessory structure. I'm open to a staff recommendation on this. (Smith)</p> <p>14. Provide additional encouragement for seismic upgrades. (Larsell)</p>
<p>3.c. Refine historic resource review approval criteria.</p>	<p>1. Consider mimicking 33.825.035 for historic reviews to establish height and FAR as entitlements. (Spevak)</p> <p>2. For new development in districts (not modification to existing designated resources) I would appreciate if we could discuss a posture similar to what we arrived at in DOZA, i.e.,</p>



	<p>height and FAR entitlements are by right but building massing and design features could be adjusted by the HLC. (Smith)</p> <p>3. Include clear, objective standards in terms of maximum height and FAR for affordable housing developments in historic districts. (Bortolazzo)</p>
3.d. Improve demolition delay to apply only at the time of demolition application.	

February 9 Work Session	
HRCP Proposal	PSC Issues and Amendment Topics
Remaining items from January 12 and feedback from the "3x3."	
<b>THEME 4 - REUSE</b>	
4.a. Exempt all landmarks and districts from parking requirements.	Go further for Landmarks: Drop loading zone requirements? Flex on bike parking requirements? (Spevak)
4.b. Increase zoning code incentives allowing for adaptive reuse of certain designated resources.	<p>1. Recommend language be adjusted in the introduction to this section which notes "Historic resource review may be required for development taking advantage of an incentive" to clarify that this intended to mean that review would be required if triggered by another area of the Historic Resources Code, and not inherently by taking advantage of the incentives. (Bortolazzo)</p> <p>2. States "adaptive reuse in districts that were historically hostile towards Black, Indigenous, and Portlanders of Color provides a unique opportunity for healing by increasing residential and commercial opportunities..." We should be providing incentives to preserve and adapt existing historic structures across the board. (Bortolazzo)</p> <p>3. Recommend one minor adjustment to C.1 to include CR zones, which occasionally limits unit density under certain circumstances. (Bortolazzo)</p> <p>4. Please explain rationale for proposed max FAR in C.1.b. (Bortolazzo)</p>





	<p>5. 33.445.400.C.1. I think you can strike “are allowed on sites zoned R7, R5 ... at least one contributing resource.”, since this redundant with 33.445.400B1,2,3 from the prior page. (Spevak)</p> <p>6. Consider striking “In residential zones, if there was a ... or the historic resource is a Historic or Conservation Landmark.” The last part is covered by 33.445.400.B. And given the low likelihood of this being used, I’m not sure there’s a need to limit it to places close to transit or buildings with prior non-residential use. (Spevak)</p> <p>6. In discussing the "Retail Sales and Service and Office" incentive with staff, it sounds like there is a potentially problematic case with multifamily residential resources. I'd appreciate some thoughts from staff on this. (Smith)</p>
<p>4.c. Streamline requirements and applicability for FAR transfer.</p>	<p>FAR transfer for noncontributing resources in districts. (Routh)</p>
<p><b>THEME 5 - ADMINISTRATIVE</b></p> <p>5.a. Refine purpose statements, procedure types, and associated language.</p>	<p>1. Add maps to Chapter 33.445, Historic Overlay Zone. Add maps to the end of the chapter showing each of the Historic, Conservation and National Register Districts. If possible, show the Contributing Resources within the districts, or if that’s not possible to include on the maps, then provide a link to where those designations can be found. Add a list or map of all Landmarks, or at least include a link to where that information can be found. (Bachrach)</p> <p>2. Add Contributing Resource to the list of Types of Historic Resources in 33.445.040. Since the types of Historic Resources are well-described in 33.445.040, is there a reason it’s necessary to include slightly different descriptions of those resources in the 33.910? (Bachrach)</p> <p>3. Section 33.445.100.E.2.c. Reclassify Historic Landmark Trees as “Heritage Trees” so we don’t perpetuate 2 names for the same thing. (Spevak)</p> <p>4. There is a reference to Portland Development Commission in the code. I don't know if we have a general posture on updating this to Prosper Portland in our code? (Smith)</p> <p>5. Technical amendments requested by BDS. (Routh)</p> <p>6. Remaining technical amendments. (BPS staff)</p>





<p>5.b. Amend the role and makeup of the Historic Landmarks Commission.</p>	<ol style="list-style-type: none"> <li>1. Consider PHLC to include some members who are not necessarily ‘proponents’ of preservation, who are familiar with broader zoning and regulatory environment and the possible downsides of historic preservation. (Bortolazzo)</li> <li>2. Landmark Commission should make recommendations to the Design Commission. Amend 33.720.030.B to require that the Landmarks Commission make recommendations to the Design Commission on proposed design guidelines before they are submitted to the City Council for adoption. (Bachrach)</li> </ol>
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<b>March 9 Work Session</b>	
<b>HRCP Proposal</b>	<b>PSC Issues and Amendment Topics</b>
<p>Remaining items from February 9 and feedback from the “3x3”, if necessary.</p>	
<p>Amendments.</p>	<p>Vote on all amendments supported at previous work sessions. (BPS staff)</p>
<p>Future historic resources work program priorities.</p>	<ol style="list-style-type: none"> <li>1. Historic District Design Guidelines were not included as part of this Code Project. Many of these Guidelines have not been updated in many years. Prompt an update to Historic District Design Guidelines to clarify that they focus on design-specific topics rather than mass, scale, height, and other items that are clearly defined in the base zone and HRCP. (Bortolazzo)</li> <li>2. Preservation of living resources, including legacy businesses and cultural districts. (Magnera)</li> <li>3. Opportunities to advance justice in historic resource code/initiatives/program. (Magnera)</li> <li>3. Ongoing collaboration with Historic Landmarks Commission. (feedback from the “3x3”)</li> </ol>

