

HRCP Issues Table for February 9 Work Session

*Note that some issue numbers have been revised from previous memos

PSC Issue	Code Citation(s)	Staff Response
Proposal 2.b Revise the criteria and procedures for locally designating, amending, and removing landmark and district status.		
Designation Process (Continued from 12/8 Work Session)		
<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>Pages 39, 61, 85, 111, 183</p> <p>33.445.100.A, 33.445.110.A, 33.445.200.A, 33.445.210.A</p>	<p>PSC held an initial discussion on proposal 2.b at the December 8 work session. Issues 4 and 5 were tabled for additional discussion by the PSC-HLC 3x3 group. The 3x3 group discussed these issues at their December 17 meeting.</p> <p>The proposal allows for the designation—and removal of designation—for Historic and Conservation landmarks, districts, and their constituent “contributing” and “noncontributing” parts. The proposal allows Historic and Conservation Landmarks to be designated or have their designation removed either quasi-judicially or legislatively. For individual landmarks—as well as for changes in contributing status for individual properties in designated districts—the Historic Landmarks Commission would serve as the decision-maker (quasi-judicial) or as the recommending body to City Council (legislative). The proposal allows for the designation—and removal of designation—for Historic and Conservation Districts only though a legislative procedure, with the Planning and Sustainability Commission serving as the recommending body to City Council. The City does not have authority to add or remove resources from the National Register of Historic Places, therefore the proposals are only applicable to City designations (silver and gold levels of the hierarchy of historic resources).</p> <p>Staff continue to support the general approach to the designation and designation removal processes described above. Following further discussion at the 3x3 group, staff would support adding a requirement that the Historic Landmarks Commission be included in at least one PSC hearing related to the designation or removal of entire Historic or Conservation Districts. The HLC’s input on the significance and integrity approval criteria for district designation/removal is integral to the PSC’s recommendation to City Council; HLC’s inclusion in the PSC hearing would help to inform the HLC’s input to the PSC and provide efficiency to the public who wish to testify to both bodies.</p>
Designation Criteria (Continued from 12/8 Work Session)		
<p>6. Section 33.846.040.C.1 and 2 (pg. 195) Approval criteria for Historic Designation Removal Review are too broad. (Bortolazzo)</p> <p>7. Section 33.846.040.C.1. (pg. 195) 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),</p>	<p>Pages 187-197</p> <p>33.846.030.C 33.846.040.C</p>	<p>PSC held an initial discussion on proposal 2.b at the December 8 work session. Issues 2, 6, and 7 were tabled for additional discussion by the PSC-HLC 3x3 group. The 3x3 group discussed these issues at their January 27 meeting.</p> <p>The proposal provides criteria for designating new landmarks and districts, criteria for removing existing landmarks and districts, and criteria for changing the level of protection (i.e. resource type) for existing landmarks and district. The proposed criteria require consideration of historic significance, physical integrity, and appropriate level of protection (i.e. resource type). Additionally, the proposal requires that designation and designation removals requiring a legislative procedure (i.e. entire districts) be found to equally or better support the goals and</p>

<p>making the ability to remove or reduce designations unlikely to ever happen. (Spevak)</p> <p>2. Section 33.846.030.D (pg. 187-193) and Section 33.846.040.C.1 and 2 (pg. 195)</p> <p>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>policies of the comprehensive plan, while also meeting the historic significance and integrity criteria for designation. The proposed criteria incorporate required evaluation factors provided by the Goal 5 State Administrative Rule (OAR 660-023-0200(5)(a)) and do not affect a resource’s listing in the National Register of Historic Places.</p> <p>Staff continue to support the general approach to the criteria and requirements for designation and designation removal. Following further discussion at the 3x3 group, staff support amending the proposed code language for both designation and designation removal to provide greater clarity and consistency for quasi-judicial applicants and legislative decision-makers.</p>
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Proposal 3.b. Increase exemptions to historic resource review

<p>1. General: relax exemptions and allow skylights and hatches on non-street-facing elevations. Allow solar panels on street-facing elevations. (Bortolazzo)</p>	<p>Pages 51, 55, 69, 97, 105, 123</p> <p>33.445.100.D.2.t and .u, 33.445.110.D.2.t and .u, 33.445.200.D.2.t and .u, 33.445.200.D.2.t and .u</p>	<p>Historic resource review is a discretionary land use review that ensures the protection of the integrity of historic resources, such as retention of materials, appropriate repair of features, and compatibility of additions and new construction. Historic resource review is required for most exterior alterations and additions for Historic and Conservation Landmarks and Districts, however many specific activities are proposed to be exempt from historic resource review. Additionally, the clear and objective Community Design Standards can be used as an alternative to historic resource review for most alterations and new construction affecting Conservation Landmarks and Conservation Districts. The proposal does not require historic resource review for National Register resources that have no City Historic or Conservation status.</p> <p>Adjustments to the exemptions to historic resource review have been included in occasional code packages over the past two decades, including significant revisions to the exemptions in 2013. The HRCPP proposal expands the existing list of exemptions for each resource type. Staff considered previous public comments, the experiences of applicants and reviewers, and state and federal best practices in the proposed exemptions while ensuring the proposed exemptions would not jeopardize the very integrity that made the historic resources eligible for designation.</p> <p>Exemptions to historic resource review generally apply across-the-board for the applicable resource type. For example, the exemptions for “repair” and “maintenance” apply to all historic resource types subject to historic resource review, while the proposed exemption for removal of internal service chimneys would only apply in districts. Because exemptions apply across the resource type, BPS and BDS staff considered the diversity of individual resources (bridges, statues, signs, buildings, etc.) when drafting the proposed exemptions.</p>
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<p>2. 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>Pages 203-207, 233</p> <p>Tables 846-1 - 4</p> <p>33.846.060.G.8</p>	<p>See issue #2.</p> <p>In addition to proposed exemptions, the proposal reduces the level of review to Type I for seismic improvements and provides additional specificity for seismic improvements in the historic resource review approval criteria that apply to landmarks and properties in districts without guidelines (see issue #13)</p>
<p>3. Provide broad solar PV exemption. Use language from p. 123 across all rungs of the ladder. (Spevak)</p>		<p>See issue #2.</p>
<p>4. 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>Pages 49, 53, 67, 71, 93, 99, 103, 119, 125, 129</p> <p>33.445.100.D.2.q and .v,</p> <p>33.445.110.D.2.q and .v</p> <p>33.445.200.D.2.q, .v, and .y</p> <p>33.445.210.D.2.q, .v, and .y</p>	<p>For both landmarks and districts, windows are often described in the nominations as significant character-defining features of the resource. Historic resource review allows for consideration of window alteration and/or replacement for those windows described in the nomination, but may result in denial (such as proposed replacement of a prominent art glass window) or approval with conditions (such as specifications on replacement window type). The proposal would exempt replacement of certain windows for different resource types, such as replacement basement windows and non-historic windows in districts. Additionally, the proposal exempts installation of storm windows and window screens for all resource types.</p> <p>Staff continue to support the proposal as a meaningful expansion of existing exemptions, while not jeopardizing the integrity of historic resources. BPS staff are receptive to further expanding the exemption for window replacement in districts to allow replacement of certain rear-facing windows without review. BPS staff do not support further exempting window replacement for landmarks or in districts where the rear elevations of buildings are highly visible from surrounding streets (such as those districts in the Central City where</p>

		historic building heights often exceed 35 feet). Importantly, staff note that resources at the conservation level may avoid historic resource review for alterations that meet the clear and objective Community Design Standards.
5. 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)	Page 93 33.445.100.D.2.p	Staff support this amendment and would further support corresponding changes to other exemptions.
6. Allow more options for ADA access. (Routh)	Pages 47 33.445.100.D.2.d (et. al.),	The proposals include a few changes to more readily allow for accessibility improvements to historic resources. An exemption for all historic resource types allows alterations to accommodate ADA requirements when the changes don't destroy existing materials. Additionally, a new procedure type for all historic resource types would process alterations to accommodate persons with disabilities through a Type I review (for those activities that do not meet the exemption). Finally, existing language in the approval criteria for landmarks and districts without design guidelines provides specificity for accessibility and seismic upgrades. Staff support upgrading historic resources for visitability and accessibility, however, staff have not identified any additional opportunities for these code amendments to achieve accessibility goals while ensuring the preservation of historic integrity beyond what has been proposed.
7. Consider allowing more flexibility in ADU construction. (Bortolazzo)	Pages 101, 127, 153, 203-207 33.445.200.D.2.x, 33.445.210.D.2.x, 33.445.400.C, Table 846-1	The proposals include numerous changes that, individually and together, intend to allow and incentivize increased housing opportunity for all historic resource types, especially districts. The proposed changes include reducing the level of demolition review required for existing detached accessory structures, exempting certain smaller new detached accessory structures from historic resource review, allowing unlimited units in residential zones, allowing two accessory dwelling units on sites where only one would typically be allowed, and reducing the review type to Type Ix for new structures less than 800 square feet that require historic resource review. At the January 8 work session, the PSC requested an amendment that would further encourage new accessory structures by exempting garages and sheds in Historic Districts from demolition review all together. Regarding proposed exemptions for new detached accessory structures, staff sought to provide a by-right path for new small structures that would not overwhelm their historic neighbors. Several options were explored by staff, with the 20'x20' proposal in districts being the alternative that garnered the most support by Historic Landmarks Commissioners at a spring 2020 work session. BPS staff also considered a 24'x24' option, and a blanket 800 square foot option but encountered concerns about compatibility issues with the larger size structures. The 24' x 24' approach was found to be most meritorious by BPS staff for alignment with other sections of the code.

		BPS staff supports increasing the size limit for the exemption for detached accessory structures in residential districts provided the specifics of the exemption can ensure new buildings are compatible with associated contributing resources and districts generally. Should the allowed size for the detached accessory structure exemption go larger than 24' x 24', staff would want to consider additional design parameters related to height, roof pitch, and wall length.
8. 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)		See issue 7
9. Extend exemption for new detached structures to 800sf , so full sized detached ADUs can be built. (Spevak)		See issue 7
10. Increase maximum sq ft to 700 from current 400 . (Houck)		See issue 7
11. This means a detached accessory structure >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>The proposed exemption for detached accessory structures was developed with specificity to residential areas due to 1) public feedback submitted during concept development and Discussion Draft phases and 2) the lessened public visibility of residential districts as compared to districts in commercial and employment zones. The specifics of the exemption—such as allowed window and exterior finish types, roof form, and setbacks—were designed to apply in residential contexts and would need adjustments to apply successfully in commercial contexts.</p> <p>BPS continue to support the Proposed Draft approach to expanding the detached structure exemption only to residential zones; however, staff are receptive to expanding the exemption to other zones provided that the exemption include design parameters that respond to typical design conditions found in those zones.</p>
12. 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>At the PSC's January 8 work session, commissioners instructed staff to return with an amendment exempting certain detached accessory structures from demolition review.</p> <p>To align with amendments being prepared, staff support exploring this neon sign issue within the context of the Proposal 3.a.</p>
13. Provide additional encouragement for seismic upgrades . (Larsell)	<p>Pages 47, 65, 91, 103, 117, 129, 203-207, 233</p> <p>33.445.100.D.2.e, 33.445.110.D.2.e, 33.445.200.D.2.e,</p>	<p>See issue 3.</p> <p>The proposal includes several changes intended to streamline the review of seismic improvements. These include new exemptions for parapet bracing, seismic straps, and removal of service chimneys in districts; a reduced historic resource review procedure type; and specificity in the approval criteria that apply to landmarks and districts without adopted district guidelines.</p>

	.aa, and .ab, 33.445.210.D.2.e, .aa, and .ab, Tables 846-1 – 4, 33.846.060.G.8	Staff support increased incentives and other programs to encourage seismic upgrades, however, staff have not identified any additional opportunities for these code amendments to achieve resilience goals beyond what has been proposed.
14. 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)	Pages 45-55, 63-71, 89-105, 115-129 33.445.100.D, 33.445.110.D, 33.445.200.D, 33.445.210.D	In addition to the issues identified above, staff are receptive to revising and expanding the proposed exemptions, provided that significant and character-defining historic integrity is not lost without application of historic resource review. Paint is proposed to be exempt from historic resource review with the exception of painting a previously unpainted surface on an individual landmark. Alterations “not visible from the street” proves challenging in different contexts, however, staff are receptive to further changes in line with the considerations provided in issue #4 above
Proposal 3.c. Refine historic resource review approval criteria		
1. Consider mimicking 33.825.035 for historic reviews to establish height and FAR as entitlements. (Spevak)		<p>Historic resource review applies to alterations, additions, and new construction for Historic and Conservation Landmarks and Districts. Under the proposals, historic resource review will not apply to resources listed in the National Register that have no City Historic or Conservation status. Similarly, historic resource review does not apply to activities that are exempt from review or for activities affecting Conservation Landmarks and Districts that choose to follow the clear and objective Community Design Standards.</p> <p>In recent years, the Planning and Sustainability Commission, Historic Landmarks Commission, and City Council have each approached concerns about scale compatibility in historic areas through numerous legislative projects and public discussions. Among them, the Mixed-Use Zones Project, Central City 2035 Plan, and Better Housing by Design Project each refined the maximum scale allowed in specific historic districts to bring the mapped height limits and floor area ratio allowances into closer conformity with the historic building stock found in the specific districts. These actions have codified a greater degree of scale certainty to development teams, while still allowing the historic resource review process to consider site-by-site compatibility issues. The result has been the establishment of height limits in most of the city’s designated Historic Districts that have taken into account the historic building stock while allowing designers a modest amount of additional height to explore design strategies such as step-backs, changes in materials, or application of belt courses that could exceed the heights of neighboring historic resources on a case-by-case basis. The application of historic resource review is intended to preserve and enhance the unique qualities of historic resources—in districts, those qualities include contextual attributes that serve to unify the significant storyline(s) of the district.</p> <p>In July 2020, the City Council re-adopted the Central City 2035 Plan after remand by the State Court of Appeals regarding height limits in the New Chinatown/Japantown Historic District. In their extensive findings on the topic of height, FAR, and historic resource review, the City Council found the following:</p>

Historic and Conservation Landmarks and properties within the boundaries of Historic and Conservation Districts are also subject to Historic Resource Review, a discretionary land use regulation that applies to most exterior alteration and new construction proposals. Historic Resource Review ensures the protection of designated historic resources by considering resource-specific factors such as the repair, alteration and replacement of historic materials; the compatibility of architectural features, massing, and height of additions and new structures; and the continuity of design patterns, cultural associations, and structural resilience. The approval criteria for Historic Resource Review is provided in Chapter 33.846, Historic Resource Reviews. Within the Central City Plan District, the applicable approval criteria are described in Chapter 33.846.060.F, Approval Criteria in the Central City Plan District. Alterations, additions, and new construction are allowed within the boundaries of designated historic resources to allow for the evolution of the city’s urban fabric, with development activities subject to the Historic Resource Review approval criteria.

In general, alterations to Historic and Conservation Landmarks are subject to the approval criteria provided in the code; alterations and new construction in Historic and Conservation Districts are subject to district-specific guidelines, the Central City Fundamental Design Guidelines, subdistrict design guidelines, the approval criteria provided in the code, or a combination of the above. On a site-by-site basis, Historic Resource Review can limit allowed building height, massing, setback, materials, details, or other features to ensure the protection of historic resources. City Council recognizes the discretionary nature of Historic Resource Review as an integral part of ensuring the protection of Historic and Conservation Landmarks and Districts.

BPS staff have several concerns about narrowing the applicability of historic resource review:

- First, recent changes to height and FAR in existing Historic Districts were predicated on the fact that historic resource review allows for sculpting the design of new buildings when contextually required. Changing the applicability of historic resource review now would undermine the balancing act considered in those previous decisions.
- Second, recent legislative changes to height and FAR in Historic Districts acknowledged the opportunity of mapping extra “headroom” in Historic Districts to allow design teams to explore strategies to mitigate the appearance height beyond what might normally be found approvable. Amending the applicability of historic resource review now would suggest a review of the map to reevaluate that recently mapped extra “headroom.”
- Third, many adopted district design guideline documents provide district-specific approval criteria that would need amending if height and FAR were by-right entitlements on all sites in Historic Districts.
- Fourth, City Council’s recent action on Central City 2035—including findings made against the comprehensive plan in response to remand by the Court of Appeals—provides precedent on the City’s approach to historic resource review under the comprehensive plan.

		<ul style="list-style-type: none"> Fifth, the hierarchy of historic resources provides a gradient for protecting historic resources at the different levels, allowing National Register Landmarks/Districts to be exempt from historic resource review and Conservation Landmarks/Districts to select the Community Design Standards in lieu of historic resource review. Should any particular Historic District no longer be appropriate for protection at the Historic level, these code amendments would provide a venue for reconsidering the its status in the future. Additionally, the 2017 changes in State Administrative Rule and these code amendments end the practice of applying historic resource review automatically upon a resource’s listing in the National Register, thereby reducing the potential for future conflicts. Sixth, unlike the design overlay, protection of historic resources is required by statewide land use Goal 5. <p>BPS staff would appreciate the opportunity to assemble additional research—including maps of all Historic and Conservation Districts with current height limits—for consideration by the 3x3 group and/or full PSC if commissioners remain interested in this issue following discussions at the February 9 work session.</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., height and FAR entitlements are by right but building massing and design features could be adjusted by the HLC. (Smith)		See issue 1
3. Include clear, objective standards in terms of maximum height and FAR for affordable housing developments in historic districts. (Bortolazzo)		See issue 1
Proposal 3.d. Improve demolition delay to apply only at the time of demolition application		
[No issues raised]		
Proposal 4.a. Exempt all landmarks and districts from parking requirements		
1. Go further for Landmarks: Drop loading zone requirements? Flex on bike parking requirements? (Spevak)		Staff have received policy feedback regarding loading standards citywide and would prefer approaching these issues holistically instead of through historic resource code changes. Staff recognize that the changes to bike parking regulations occurred so recently that there is not yet evidence of their impacts on historic resources.
Proposal 4.b. Increase zoning code incentives allowing for adaptive reuse of certain designated resources		
[Hold issues until March 9]		

Proposal 4.c. Streamline requirements and applicability for FAR transfer

1. FAR transfer for noncontributing resources in districts. (Routh)

Staff do not support expanding the list of properties eligible to transfer floor area due to the recent nature of the code changes that allow for transfers in the Central City, Mixed-Use Zones, and Multi-Dwelling Zones.