

## HRCP Issues Table for March 9 Work Session

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

PSC Issue	Code Citation(s)	Staff Response
<b>Proposal 3.a Apply demolition review to all designated historic resources and expand demolition review approval criteria.</b>		
<b>Demolition Review Applicability (Discussed by "3x3" on 2/24)</b>		
<p>3. 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>Page 59 33.445.100.E.2.e 33.445.110.E.2.d 33.445.200.E.2.d 33.445.210.E.2.d</p>	<p>The proposal allowing certain alterations to "bypass" otherwise-required demolition review was discussed by the 3x3 work group on February 24. Bureau of Development Services staff participated in the discussion. The primary area of concern identified by Historic Landmarks Commission members and Bureau of Development Services staff was the threshold for demolition review provided in 33.445.100.E.1.c, which would allow removal of &lt;100% of a street-facing façade without requiring demolition review. Several attendees at the "3x3" work group suggested that lowering the demolition review threshold from removal of &lt;100% of a street-facing façade to removal of &gt;50% of a street-facing façade would resolve concerns about the demolition review bypass. Upon further review, staff have found that such a change would affect a very small number of proposals annually and would better align with other thresholds included in the code proposals, including thresholds for use of the Community Design Standards in Conservation Districts.</p> <p><b>BPS staff support amending the demolition review threshold in 33.445.100.E.1.c and corresponding sections to read "...removal of more than 50 percent..."</b></p>
<b>Demolition Review Approval Criteria (Discussed by "3x3" on 1/27)</b>		
<p>8. 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)</p> <p>9. 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>Page 247 33.846.080.D.2</p>	<p>Demolition review approval criterion D.2 was discussed by the 3x3 work group on January 27. Bureau of Development Services staff participated in the discussion. The Proposed Draft criterion is a modified version of a criterion that has existed since 2005.</p> <p><b>BPS staff support refining demolition review criterion D.2 to 1) use balancing language that's more consistent with language found in the Comprehensive Plan and 2) restore a non-exhaustive list of factors that may be considered by the decision-maker in evaluating the proposals under this criterion.</b></p>

### Proposal 3.b. Increase exemptions to historic resource review

<p>4. Expand <b>window replacement</b> 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, 33.445.110.D.2.q and .v 33.445.200.D.2.q, .v, and .y 33.445.210.D.2.q, .v, and .y</p>	<p>The topic of window replacement was discussed by the 3x3 work group on February 24.</p> <p>Members of the Historic Landmarks Commission provided qualitative and quantitative arguments for the retention, repair, and improvement of historic windows found on landmarks and on contributing resources in districts. Historic Landmarks Commissioner members also described the commission’s interest in the type and placement of windows on non-contributing buildings in districts, especially noncontributing buildings that date to the historic period and new buildings that were approved through historic resource review.</p> <p>The Proposed Draft includes new and expanded exemptions to historic resource review for replacement of certain basement and non-historic windows. Because exemptions apply across-the-board to applicable situations, exemptions provide limited ability for nuance, including codification of energy efficiency standards and profile matching standards. Similarly, exemptions applying to subjective circumstances such as “not visible from the street” are rife with applicability and enforcement ambiguities.</p> <p>Staff do not support expanding window exemptions for Historic and Conservation Landmarks. Similarly, staff do not support expanding window exemptions for street-facing facades of contributing resources in Historic and Conservation Districts. Finally, staff do not support expanding window exemptions in zones where buildings taller than 35’ are allowed due to the visibility of taller historic and new structures from multiple vantage points in the public realm.</p> <p><b>BPS staff are receptive to expanding the proposed window exemption for proposals located in single-dwelling zones in Historic and Conservation Districts. In such single-dwelling zoned districts, staff offer the following two alternatives for PSC consideration:</b></p> <ol style="list-style-type: none"><li><b>1. Replacement of windows on rear-facing facades of contributing buildings with wood, metal-clad wood, or fiberglass windows; Replacement of windows on noncontributing buildings built ten or more years ago with wood, metal-clad wood, or fiberglass windows. (BPS staff preference)</b></li><li><b>2. Replacement of windows on rear-facing facades with any window type; Replacement of windows on noncontributing buildings with any window type.</b></li></ol>
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### Proposal 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>Page 153</p> <p>33.445.400.C</p>	<p>The sentence in question is intended to provided information regarding the applicability of other sections of the chapter. The sentence does not add any regulation that is not otherwise required by the chapter; therefore it is informational only.</p> <p><b>BPS staff support removing the sentence “Historic resource review may be required for development taking advantage of an incentive” as it is redundant with the other regulations of the chapter.</b></p>
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<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>Incentives are offered to historic resources for a variety of reasons, including but not limited to economic viability, housing and use opportunity, alignment with state and federal tax incentives, increasing public access, and lessening the likelihood that historically racist zoning and development patterns will be sustained by historic preservation regulations. While the staff report describes a variety of reasons why incentives are a critical component of protecting and reusing historic resources, the incentives in 33.445.400 do not differentiate based upon the history of individual buildings.</p> <p><b>BPS staff are receptive to amending the staff report language, but are hesitant to remove reference to such historical inequities.</b></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>Page 153 33.445.400.C.1</p>	<p>The CR zone was not included in the proposal due to the relative rarity of the zone.</p> <p><b>BPS staff support adding the CR zone to the list of zones where the residential infill incentive is allowed.</b></p>
<p>4. Please explain rationale for proposed max FAR in C.1.b. (Bortolazzo)</p>	<p>Page 153 33.445.400.C.1</p>	<p>In developing the historic resource residential infill incentive, staff sought to go “beyond RIP” in allowing internal conversions and sensitive new construction to expand the housing opportunities provided by designated historic resources. While staff support an unlimited dwelling unit count, staff did not want to undermine the viability of the deeper affordability bonus FAR that will soon be allowed in single-dwelling zones. The FAR caps included in the proposed historic resource incentive align with the standard bonus FAR for single-dwelling zones—development larger than these caps would need to adhere to the deeper affordability bonus provisions of the Residential Infill Project.</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>Page 153 33.445.400.C.1</p>	<p><b>Staff are receptive to refining this section of code, but support retaining the zone designations in the language of the incentive.</b></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 nonresidential use. (Spevak)</p>	<p>Page 153 33.445.400.C.6</p>	<p>Significant interest in this incentive was raised in testimony and in subsequent calls to BPS staff. The incentive is intended to allow for certain accessory commercial uses in districts and certain commercial uses in landmarks.</p> <p><b>To provide consistency with other policy approaches and clarity for property owners, BPS staff support retaining the qualifying language as proposed (with an exception of a supported change in the scope of the incentive as described in issue #7, below).</b></p>
<p>7. 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>Page 153; 199 33.445.400.C.6 33.846.050.</p>	<p>Testimony raised by numerous parties in the Alphabet Historic District identified a potential vulnerability of the proposed incentives that could allow for the loss of existing multi-dwelling housing located in Historic and Conservation Landmark buildings. BPS staff developed incentive C.6 with the intent of protecting existing dwelling units in Historic and Conservation Districts, while allowing for the de minimis loss of dwelling units in Historic and Conservation Landmarks. BPS staff erred in not fully considering the possible loss of significant numbers of</p>

		<p>residential units in multi-family Historic Landmark buildings, of which there are many citywide. BPS staff believe an amendment is necessary and appropriate to ensure better alignment of Comprehensive Plan policies.</p> <p><b>BPS staff support revisions to incentive C.6 and to the historic preservation incentive review approval criteria to limit the potential loss of housing located in Historic or Conservation Landmarks that today contain multi-dwelling housing.</b></p>
<p><b>Proposal 5.a. Refine purpose statements, procedure types, and associated language.</b></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>Designated historic resources are shown on the Official Zoning Maps, with public information on historic resource status available in the 'zoning' tab of PortlandMaps. Furthermore, a <a href="#">historic resources webmap</a> is available online that provides additional information on landmarks and districts citywide. BPS staff have worked to expand and better integrate the historic resource data available on the webmap and PortlandMaps over the past four years and intend to continue refinement in future years, subject to available staff time. Anticipated refinements would show the building footprints of contributing and noncontributing buildings in districts, better integrate with BDS permit activity, and ensure easier access to information for property owners and development teams.</p> <p><b>BPS staff do not support adding maps to the overlay zone or including links in the code text until such a time that a wholistic approach to hyperlinks in the code is advanced.</b> BPS staff support refining and expanding the public information available online and suggest PSC consider that opportunity at the March 23 future work discussion.</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>Pages 29- 35; 255-259  33.445.040; 33.910</p>	<p>The existing code provides descriptions of historic resource types in Chapter 33.445 and definitions of historic resource types and terms in Chapter 33.910. The Proposed Draft retained this approach, with lengthy descriptions of the types in the overlay chapter and definitions in the definitions chapter.</p> <p><b>For consistency and ease of readability, BPS staff support consolidating the two sections into the definitions chapter, 33.910.</b></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>Page 59 33.445.100.E.2.c</p>	<p>Four trees are specifically designated as Historic Landmarks, designations that occurred prior to the establishment of the Heritage Tree program. When the Heritage Tree program was established, these Historic Landmark trees became Heritage Trees, subject to regulations of the tree code (Title 11). Per State Administrative Rule, removal of the trees' Historic Landmark designation would require a process to demonstrate the trees are no longer appropriate for landmark status. Therefore, the Proposed Draft removes Title 33 historic resource protections from these four trees without triggering a designation removal process.</p> <p><b>BPS staff support retaining the Proposed Draft approach to avoid a designation removal process for these four trees, while ensuring the more appropriate protections (Title 11) are what apply to the trees going forward.</b></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>The Portland Development Commission is “doing business as” Prosper Portland, but the name Portland Development Commission is still the appropriate name for code references.</p> <p><b>BPS staff support retaining the language as proposed.</b></p>
<p>5. Technical amendments requested by BDS. (Routh)</p>		<p>On October 19, BDS Principal Planner Kimberly Tallant provided the PSC and BPS staff with a memo requesting amendments to the Proposed Draft. Several of the requested changes have been discussed at previous work session. Several technical amendments not yet discussed by the PSC are supported by BPS staff.</p> <p><b>BPS staff supports providing the PSC with a slate of supported BDS-requested technical amendments.</b></p>
<p>6. Remaining technical amendments. (BPS staff)</p>		<p>In addition to those technical amendments identified by BDS, BPS staff have identified a list of revisions that would improve readability and implementation of the code.</p> <p><b>BPS staff supports providing PSC with a slate of additional minor amendments supported by staff.</b></p>

**Proposal 5.b. Amend the role and makeup of the Historic Landmarks Commission.**

<p>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)</p>	<p>Page 167 33.710.060</p>	<p>The Proposed Draft amends the membership of the Historic Landmarks Commission to allow a broader slate of candidates to be considered for service on the commission. The code requires prospective commissioners to be appointed by the mayor and confirmed by the City Council. Considerable testimony was received on the topic of PSC membership, much of which expressed concern about the broadening of membership categories.</p> <p><b>BPS staff support retaining the Proposed Draft approach to membership on the Historic Landmarks Commission, allowing for a variety of personal and professional expertise to qualify for membership.</b></p>
<p>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)</p>		<p>The Historic Landmarks Commission performs quasi-judicial review of alterations, additions, and new construction in Type III historic resource review cases and appeals of Type II historic resource review cases. Where historic resource review is required in districts, the approval criteria are often district-specific design guidelines that have been adopted by the Portland City Council. Nine Historic Districts have adopted design guidelines and all six Conservation Districts rely on the Community Design Guidelines (an update to the South Portland Historic District Design Guidelines is underway, scheduled for consideration and adoption in late 2021). Because the Design Commission does not implement historic resource review, the Design Commission does not serve as a recommending body for design guidelines that would apply in Historic and Conservation Districts. BPS staff generally brief the Design Commission and</p>

		<p>Planning and Sustainability Commission when new Historic or Conservation District design guidelines are proposed.</p> <p>With the changes proposed in these code amendments, no new Historic or Conservation District can be established without first being considered by the PSC and then being adopted by the City Council. This change will ensure the PSC and City Council can consider the benefits and burdens of application of historic resource review to districts prior to designation. Therefore, because district-specific design guidelines serve as approval criteria only for areas subject to historic resource review, future adoption of or updates to design guidelines alone will not expand the area of the city subject to historic resource review.</p> <p><b>BPS staff do not support requiring the Design Commission hold an additional public hearing and make an additional recommendation to City Council when Historic and Conservation District design guidelines are proposed.</b></p>
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**Prep for March 23 Meeting**

<p>March 23 will be a discussion of possible historic resources program future work to inform the staff report and PSC letter that accompanies the recommended draft of the code proposals. In addition to the issues below that have already been raised, please come prepared with thoughts and suggestions regarding future work priorities:</p> <ul style="list-style-type: none"> <li>• 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>• Preservation of living resources, including legacy businesses and cultural districts. (Magnera)</li> <li>• Opportunities to advance justice in historic resource code/initiatives/program. (Magnera)</li> <li>• Ongoing collaboration with Historic Landmarks Commission.</li> </ul>		
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