

From: [Zachary Stocks](#)
To: [Council Clerk – Testimony](#)
Cc: [Adam, Hillary](#)
Subject: Historic Resources Code Project testimony - Oregon Black Pioneers
Date: Monday, October 4, 2021 4:36:01 PM
Attachments: [OBP Letter of Support_HRCP.pdf](#)

Good afternoon,

On behalf of Oregon Black Pioneers, I am writing to provide written testimony in favor of the proposed action on the Historic Resources Code Project ahead of the Nov. 2, 2021 Portland City Council meeting.

Thank you,
Zachary

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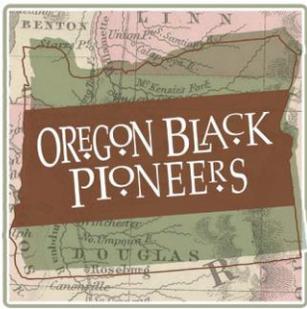
Zachary Stocks (he/him/his)
Executive Director
Oregon Black Pioneers
(703) 517-6698 - direct
(503) 540-4063 - office

*Note: My in-office days are Monday and Tuesday. I am available by email only Wednesday - Friday. Please excuse any lengthy delays in response.

Our mission is to research, recognize, and commemorate the culture and heritage of African Americans in Oregon.

Visit [our website](#) to learn more!





Dear Mayor Wheeler and Portland City Council,

As the Executive Director of our state's African American historical society, I strongly support the Historic Resources Code Project as a tool to preserve the physical infrastructure of Portland's historically Black communities.

Oregon Black Pioneers is Oregon's only historical society dedicated to preserving and presenting the experiences of African Americans statewide. Since 1993, our organization has illuminated the seldom-told stories of people of African descent in Oregon through exhibitions, public programs, original publications, and scholarship.

In our work, we often point out the spaces that have been vital to the development of Portland's Black community --businesses, gathering places, houses of worship, and more. In some cases, the remaining spaces we can point to are more than a century old. While the significance of these buildings are obvious to us, these spaces are so often left out of efforts to preserve Portland's historic spaces. This is a problem at both the local and federal level, and the National Register of Historic Places (NRHP) has consistently demonstrated a bias for providing resources to preserve only "beautiful" structures, and those which interpret a predominantly white history.

Historic preservation is a powerful action. It declares that a specific place and the historic events associated with it are an intangible part of city history. We are proud to have been a part of local preservation work in the past, including the approval of the recent Multiple Properties Document to more easily include sites with African American historical significance on the NRHP.

All over the state, structures where Black community leaders lived and worked are left unpreserved. These structures risk falling into disrepair or being demolished, meaning future generations will have even fewer physical landmarks to associate with our 400+ year history in Oregon. The Historic Resources Code Project is an opportunity to prevent that from happening. Your support will ensure the stories of Black Portlanders are finally given the attention they deserve, and are used to help Oregonians better understand and appreciate our state's diverse cultural heritage.

Best,

A handwritten signature in black ink, appearing to read "Z. Stocks", written in a cursive style.

Zachary Stocks
Executive Director

From: [Francene Grewe](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Rubio](#); [Commissioner Hardesty](#); [Commissioner Mapps](#); [Commissioner Ryan Office](#)
Subject: Testimony on HRCP: Support for Adaptive Re-Use
Date: Thursday, October 14, 2021 7:49:48 AM

Honorable City Council Commissioners and Mayor Wheeler:

I urge you to vote in favor of the Historic Resources Code Project, making sure the adaptive re-use provisions remain intact:

- I support as written the provisions in HRCP that relate to allowable uses of residential buildings in residential zones to include office, retail and other activities. Greater flexibility is essential to preserving historic resources as times change
- The range of flexibility allowed in Historic Districts should be, as HRCP defines it, broader than in Conservation Districts.
- It is very important that the provisions which ensure retention of housing units in re-purposed structures be retained, given our persistent housing shortage.

- Start engaging the words EMBODIED ENERGY and recognize that what we lose is not just an old building. These are riches from the past that can not be replaced.

- REUSE RECYCLE REPURPOSE. In everything we do, especially in our architectural landscape.

Francene Grewe
Volunteer Naturalist

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From: [James Heuer](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Rubio](#); [Commissioner Hardesty](#); [Commissioner Mapps](#); [Commissioner Ryan Office](#)
Subject: Testimony on HRCP: Concerns About Protection of Historic Places
Date: Thursday, October 14, 2021 10:50:25 AM
Attachments: [Goal5AlignmentAmendments_PCHR_Final2.pdf](#)

Honorable City Council Commissioners and Mayor Wheeler:

A major reason for the City to undertake the Historic Resources Code Project was to align City Code with the Goal 5 Rules adopted by the State Land Conservation and Development Commission in January, 2017. This change in rules provided the City with a once-in-a-generation opportunity to re-think how it identifies, designates and protects its most important historic places.

This is very important, because Portland, unlike many comparable western US cities, is an old city. Over 30,000 of our buildings are over 100 years old and many thousands more are between 75 and 100 years old. Not all of these are historically significant, by any stretch, but without a robust program of inventory and assessment, no sound judgments can be made on what to keep and what to let go.

As a former member of the Regulatory Advisory Committee that crafted the new Goal 5 Rules, I have watched the HRCP proposals evolve over the last 3 years with great interest – and ultimately with great disappointment! The events of the last 18 months have put on stark display the Planning and Sustainability Commission’s deliberate refusal to comply with the new rules in areas of demolition definition, designation and de-designation, and the role of the Landmarks Commission.

The Goal 5 Rules define many areas where local jurisdictions have broad latitude to identify, designate and protect historic resources. But there are some areas where no latitude is provided, and these relate especially to demolition protections for resources listed on the National Register of Historic Places and to de-designation of historic resources. Those parts of the Rules are prescriptive, not permissive, for local jurisdictions.

To be sure, the enforcement tools available to the State are weak with respect to Rules defined for its Land Use Goals, but willful disregard of those rules puts jurisdictions in a position where their local decisions are open to legal challenge, and property owners are left in a state of uncertainty relative to what ultimately might or might not be allowed. This is not a happy state of affairs for any city, let alone the Oregon city with the largest collection of designated historic resources.

Accordingly, several of my fellow participants in the Portland Coalition for Historic Resources (PCHR) and I have put together a set of amendments (copy attached to this testimony) to the current draft of HRCP that would correct the misalignment of the HRCP provisions in 4 areas:

1. De-Designation
2. Definition of Demolition
3. Demolition Approval Review
4. Evaluation of Significance

Of particular importance is #3, which removes from the approval review the language which

was used to justify the vote to demolish the Blanchet House (Yamaguchi Hotel) in a recent Council action. That decision flew directly in the face of a Goal 5 Rule which specifically disallows that language in isolation and which applied to all Oregon jurisdictions immediately upon adoption of the Rules in 2017, regardless of whether or not the jurisdiction has changed its local code to comply!

I urge the Council to request the HRCP team to draw on our proposed amendments to craft corrected language that properly aligns with the Goal 5 Rules that it has been intended to implement from the outset.

Thanks for your consideration of this important issue.

Jim Heuer

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James S. Heuer
1903 NE Hancock Street
Portland, OR 97212
(503) 284-8481 (Home)

Goal 5 Alignment Amendments to the Historic Resource Code Project Recommended Draft

Prepared October 4, 2021

Members of the Portland Coalition for Historic Resources

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Preamble

Oregon city and county land use ordinances are required to comply with rules published by the Oregon Land Conservation and Development Commission to implement Oregon’s 18 nation-leading Land Use Goals. While the Goals themselves are aspirational, the rules laid down by LCDC are not – they are prescriptive.

A key motivation for the launch of HRCPP and a multi-year effort by the Bureau of Planning and Sustainability and the Bureau of Development Services was the need to craft new Code language to comply with Land Use Goal 5 Rules for Historic Preservation that had been approved by LCDC in January, 2017. LCDC had conducted a 6-month-long review of the Goal 5 Rules starting in 2016 at the request of the Governor with the objective of bringing Oregon’s 20-year-old rules into alignment with national best practices and recent Oregon Supreme Court decisions. The LCDC’s Regulatory Advisory Committee (RAC) completed its work in December, 2016, and, with adjustments by LCDC and the DLCD staff, the final rules were published in January of 2017.

The Portland Coalition for Historic Resources appreciates the great work by BPS and BDS in crafting HRCPP as it is being presented to City Council in November, 2021, but we are greatly troubled by the incomplete alignment of HRCPP code language with the requirements of the new Goal 5 Rules. These Rules are not “advisory” or “recommendations”. They are requirements imposed on all jurisdictions, large and small, throughout the State of Oregon. Failure to adopt code language in HRCPP that complies fully with the Goal 5 Rules, would open

the City of Portland to legal challenges and expose the City's property owners to uncertainty about the stability of the regulations in HRCP. Neither consequence is desirable.

To address these concerns, we have drafted a set of 4 Goal 5 Alignment Amendments for consideration by City Council during the approval phase of HRCP. Each of these addresses one deviation from compliance with the Goal 5 Rules.

[Proposed Amendment 1 – To Correct Criteria for De-designation of Historic Resources](#)

Section 33.846.040 Historic Designation Removal Review departs substantially from what Goal 5 allows for consideration in such reviews. Goal 5 allows complete removal of City designation only in the case of defective owner consent processes or where it can be shown that there was professional error in defining the resource as "historic" or where physical disaster has destroyed all of the resource's historic significance. The HRCP draft further allows, contrary to Goal 5 Rules that "The goals and policies of the Comprehensive Plan are equally or better met... if the resource is listed in the National Register of Historic Places, by removing the City designation." We concur that the City may raise or lower the level of historic protection with a regulatory process, but Goal 5 does not allow this to occur except for the specific reasons enumerated in the Rule. Further, we argue, that while the Goal 5 Rule does not directly address changing levels of protection for existing resources, the message in the Rule is plain: reductions in protection and designation require rigorous justification rooted in the historic character of the resource and any changes that may have occurred since the original designation.

Given the substantial investments made by property owners contingent on the current status of their property in a historic district, we argue that complete de-designation of a historic district of any kind is a major action requiring broad inputs and justification that meets Goal 5 Rules. Accordingly, we propose that such de-designation be assessed first by the Historic Landmarks Commission, and if supported by that body, their finding is reviewed by the Planning and Sustainability Commission and finally by City Council in a legislative procedure.

Accordingly, we propose the following **Amendment 1**:

- 1) Replace 33.846.040.C.2 with the following language: "Change in level of protection for individual resources from Historic Landmark to Conservation Landmark or from Conservation Landmark to Historic Landmark is shown to better meet the historic designation review criteria in Sections 33.846.030.D.1 and D.2."
- 2) Add new paragraph 33.846.040.C.3 reading: "Change in level of protection for districts from Historic District to Conservation District or from Conservation District to Historic District fulfills the requirement that re-inventory and evaluation of all contributing resources in the District shows that sufficiently many contributing resources have gained or lost historic significance since the original designation, such that the review body determines application of Sections 33.846.030.D.1 and 33.846.030.D.2 dictates a change in level of protection."

- 3) Add new paragraph 33.846.040.C.4 reading: “Complete removal of protection from a Historic District designation or a Conservation District designation is supported by a finding by the Historic Landmarks Commission in a land use process that a sufficient number of the district’s contributing resources no longer meet the criteria for historic designation review in Sections 33.846.030.D.1 and D.2, with the result that the historic value of the district has been lost and that no alteration of the boundaries of the district or change in levels of protection can remedy the defect.”
- 4) Change 33.846.040.B.2 to read "All other historic resource designation removal reviews, including changes in level of protection between Historic and Conservation levels, except for de-designation of complete districts, are processed through a Type III procedure reviewed by the Historic Landmarks with appeal to City Council."
- 5) Add a new paragraph 33.846.040.B.3 which says: “Complete removal of a Historic District designation or a Conservation District designation, such that no City designation remains, is a legislative procedure. Criteria for initiating such a removal process are defined in 33.846.040.C.4 resulting in a finding by the Historic Landmarks Commission. Such finding will be considered by the Planning and Sustainability Commission and the City Council on its merits in a legislative procedure.”

Proposed Amendment 2 – To Correct Definition of Demolition Applicable to Resources Listed on the National Register of Historic Places

Goal 5 Rules require that all jurisdictions, state-wide, protect resources listed on the National Register of Historic Places with a demolition review process. While jurisdictions are granted latitude in levels of protection accorded to resources having only local historic designation, no latitude whatever is allowed for National Register-listed resources, either in the definition of demolition nor in the criteria allowed to be used by the jurisdiction’s legislative body in approving a proposed demolition.

The Goal 5 definition of “demolition” in 660.023.0200.1.a reads:

“Demolition” means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost. This definition applies directly to local land use decisions regarding a National Register Resource.

We acknowledge that applying this definition of “demolition” requires expertise such as is found in the Portland Historic Landmarks Commission or in BDS’ historic resource review staff, and will require the City to develop a process (covered in our proposed amendment) for engaging their expertise in making the determination that a “demolition” is being proposed.

As a result of this specifically prescribed definition, which Goal 5 Rules do **not** give Portland the option to alter, we propose the following **Amendment 2**:

- 1) 33.445.100.E Demolition of a Historic Landmark has the following appended: “Historic Landmarks which are also individually listed on the National Register of Historic Places are subject to 33.445.120.E instead of this section. Historic Landmarks which are not individually listed on the National Register of Historic Places but are contributing resources in National Register Historic Districts are subject to 33.445.120.E instead of this section.”
- 2) 33.445.110.E Demolition of a Conservation Landmark has the following appended: “Conservation Landmarks which are also individually listed on the National Register of Historic Places are subject to 33.445.120.E instead of this section. Conservation Landmarks which are not individually listed on the National Register of Historic Places but are contributing resources in National Register Historic Districts are subject to 33.445.120.E instead of this section.”
- 3) 33.445.120.E Demolition of a National Register Landmark has the following appended: “All National Register Landmarks are subject to this provision relative to demolition, regardless of any other designation applied by the City, including Historic Landmark and Conservation Landmark.”
- 4) 33.445.120.E.1 is modified by the following changes to 33.445.120.E.1.e and the addition of item f:
 - “e. For structure that are not buildings, an alteration that results in the removal of 50 percent or more of the structure; or
 - f. For structures or resources of any type, an alteration which, in the determination of the Historic Landmarks Commission, destroys, or removes, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost; “
- 5) 33.445.120.E is modified by the addition of the following:
 - “2. Any application for a building permit for modifications to a National Register Landmark such that the estimated cost of modifications exceeds a “demolition threshold value” the modification will be considered a potential demolition and will be subject to a Demolition Assessment Review. When the cost of modifications exceed \$200,000, that Review will be a Type II procedure, and above \$500,000, will be a Type III procedure. The demolition threshold value will be adjusted for inflation annually by the Bureau of Development Services.
 - a. The Demolition Assessment Review will be performed to determine if the proposed alterations meet the definition of Demolition as set forth in 33.445.120.E.1.f. The findings of the review entity must be one of three results: 1) The modifications constitute a demolition under the definition, 2) The modifications do not constitute a demolition under the definition, or 3) The modifications constitute a demolition under the definition, but an alteration of the proposal could result in determination that a demolition would not occur.

b. If the Demolition Assessment Review finds that the modifications constitute a demolition, a Demolition Review will be required unless exempt under 33.445.120.E.2.”

- 6) 33.445.200.E Demolition of resources in a Historic District is modified by substituting the following language: “Conservation Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.110.E. Significant Resources in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.330. National Register Landmarks in the Historic District are subject to 33.445.120.E. Contributing resources in a National Register Historic District contained in the Historic District are subject to 33.445.220.E. Demolition of contributing resources within a Historic District requires demolition review to ensure their historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.” Note that the key change in this paragraph is that all resources that are either National Register Landmarks or are contributing resources in a National Register Historic District are processed under the provisions for National Register resources, regardless of their City designation.
- 7) 33.445.210.E Demolition of resources in a Conservation District is modified by substituting the following language: “Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Conservation District are subject to the regulations of Section 33.445.120.E. Resources that are also contributing resources in a National Register Historic District are subject to the regulations of Section 33.445.220.E. Significant Resources in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.330. Demolition of contributing resources in a Conservation District requires demolition review to ensure the resource’s historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.” The effect here is that all resource listed in the National Register of Historic Places are processed the same for demolition review purposes, regardless of any City designation that might have been applied.
- 8) 33.445.220.E is modified by removing the sentence: “National Register Landmarks in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.120.E.” with the sentence: “National Register Landmarks in a National Register District are subject to the regulations of Section 33.445.120.E, regardless of their contributing status in the National Register District.”
- 9) 33.445.220.E.1 is modified by the following changes to 33.445.220.E.1.e and the addition of item f:

“e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure; or

f. For structures or resources of any type, an alteration which, in the determination of the Historic Landmarks Commission, destroys, or removes, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost; “

10) 33.445.220.E is modified by the addition of the following:

“2. Any application for a building permit for modifications to a contributing resource in a National Register District such that the estimated cost of modifications exceeds a ‘demolition threshold value’ the modification will be considered a potential demolition and will be subject to a Demolition Assessment Review. When the cost of modifications exceed \$200,000, that Review will be a Type II procedure, and above \$500,000, will be a Type III procedure. The demolition threshold value will be adjusted for inflation annually by the Bureau of Development Services.”

Proposed Amendment 3 – To Align the Criteria to Consider for Approval of a Demolition in a Demolition Review with Goal 5 Rules

Goal 5 Rules which set forth the criteria by which a jurisdiction may allow demolition of a National Register-listed resources read:

“review of demolition... considers the following factors: condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan”.

By contrast, for “significant historic resources” not listed on the National Register of Historic Places individually or in districts, Goal 5 merely says that local jurisdiction must simply “protect” them. The definition of “Protect” is spelled out thus: “‘Protect’ means to require local government review of applications for demolition, relocation, or major exterior alteration of a historic resource, or to delay approval of, or deny, permits for these actions in order to provide opportunities for continued preservation.” No further restrictions are placed by Goal 5 on how a jurisdiction might make the decisions to apply “protection”.

The City of Portland has long had demolition review of resources listed as Historic Landmarks or as contributing in a Historic District – either those specifically designated by the City or automatically designated prior to January, 2017, by Code which automatically added these properties to the “zoning map” for historic resource protection.

Both the current (pre-HRCP) code language and the proposed language in HRCP relating to demolition review fail to comply with the Goal 5 Rules and the criteria defined there for National Register-listed resources. We feel strongly that a single unified set of criteria should be adopted for all protected historic resources, with the exception of allowing mitigation

options to be considered for some protected resources not listed on the National Register of Historic Places.

As a result of the mis-alignment between Goal 5 requirements across the spectrum of resources covered by HRCP, we propose the following **Amendment 3**:

1) 33.846.080.D is replaced entirely with the following language:

“D. Approval criteria. Proposals to demolish a historic resource will be approved if the review body finds that the criteria specified for the category of resource have been met:

- 1) For National Register Landmarks, contributing resources in National Register Districts, Historic Landmarks, contributing resources in Historic Districts, Conservation Landmarks, and contributing resources in Conservation Districts the demolition shall be allowed by the review body after consideration of all of the following factors:
 - a) The condition, historic integrity, age, historic significance, and design or construction rarity of the resource as defined by its nomination to the National Register of Historic Places, or, if not listed on the National Register of Historic Places, by its nominating documents to support its designation by the City of Portland;*
 - b) The value to the community and economic consequences of the demolition or refusal to great such;*
 - c) Consistency of allowing the demolition with and in consideration of other policy objectives in the Comprehensive Plan and applicable area plans, taking particular note of the provisions of the Comprehensive Plan providing goals and policies for Historic Preservation and Housing Affordability.**
- 2) Demolition reviews under 33.846.080.D.1 for Conservation Landmarks and contributing resources in Conservation Districts, not also listed on the National Register of Historic places, may also consider the possibility for mitigation of the loss of the resource.*
- 3) If the demolition is approved wholly or in part on the basis of 33.846.080.D.1.c, the review body must provide complete explanation of the elements of the Comprehensive Plan or applicable area plans which were found to apply and what weighting was applied to them in making the decision.”*

Proposed Amendment 4 – To Recognize Goal 5 Rules for Evaluating the Significance of a Resource for Addition to the “Resource List”.

Under Goal 5 Rules, after January, 2017, “The evaluation of significance should be based on the National Register Criteria for Evaluation, historic context statement, and historic preservation

plan.” Notably this provision says “should be” not “must be”, however the City’s participation in the State of Oregon’s Certified Local Government program dictates that the City appoint a Historic Landmarks Commission with the necessary expertise to evaluate proposals for designating significance.

Moreover, Goal 5 Rules say that “Historic protection ordinances should be consistent with standards and guidelines recommended in the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior, produced by the National Park Service.” The latter says categorically in Vol 48, No. 190 of the Federal Register, dated September, 29, 1983: “Evaluation must be performed by persons qualified by education, training, and experience in the application of the criteria. Where feasible, evaluation should be performed in consultation with other individuals experienced in applying the relevant criteria in the geographical area under consideration...”

Between these two provisions, it is clear that Goal 5 Rules intend that if a jurisdiction has a Historic Landmarks Commission, that Commission should have the primary role in evaluating the qualifications of resources being considered for historic designation. This is true both of individual resources and for collections of resources being considered for district designation.

The writers of the HRCP proposal have assured us that the term “legislative procedure” dictates that one and only one Commission conduct a hearing on the matter and that one Commission must make a singular recommendation to City Council. However, 33.740.020.B.4 makes it clear that the drafters of 33.740.020, which defines legislative procedures, anticipated the possibility of more than one Commission engaging in a legislative procedure and a mechanism is provided for multiple hearings by more than one Commission.

Accordingly, in light of the Goal 5 requirement that evaluation of new designation proposals be evaluated by entities with the appropriate expertise we propose the following Amendment 4:

- 1) 33.445.200.A.2 (Designation of a Historic District) is modified by the addition of an item ‘c’ which reads:
“c. For purposes of 33.445.200.A.2.a, legislative designation shall follow the process defined in 33.740.020 except that the Historic Landmarks Commission shall conduct a hearing and make a formal recommendation to Council regarding evaluation of the resource as meeting all applicable criteria for historic significance and fulfillment of applicable goals and policies of the Comprehensive Plan relating to Historic Preservation; and the Planning and Sustainability Commission shall conduct a hearing and make a formal recommendation to Council regarding evaluation of how designation of the resource would affect the overall achievement of the goals and policies of the Comprehensive Plan. The two Commissions may in addition elect to conduct a joint hearing to arrive at a single recommendation to Council, but nothing in this section requires that.”
- 2) 33.445.210.A.2 (Designation of a Conservation District) is modified by the addition of an item ‘1.a’ which reads:

“a. For purposes of 33.445.210.A.2.a, legislative designation shall follow the process defined in 33.740.020 except that the Historic Landmarks Commission shall conduct a hearing and make a formal recommendation to Council regarding evaluation of the resource as meeting all applicable criteria for historic significance and fulfillment of applicable goals and policies of the Comprehensive Plan relating to Historic Preservation; and the Planning and Sustainability Commission shall conduct a hearing and make a formal recommendation to Council regarding evaluation of how designation of the resource would affect the overall achievement of the goals and policies of the Comprehensive Plan. The two Commissions may in addition elect to conduct a joint hearing to arrive at a single recommendation to Council, but nothing in this section requires that.”

To those who object to the possibility of City Council receiving two conflicting recommendations, one from the Landmarks Commission and one from the Planning and Sustainability Commission, we can only respond that the job of political leadership is to arrive at consensus and compromise when public sentiment, practical considerations, and City goals are in conflict.

From: [Steve McBride](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Rubio](#); [Commissioner Hardesty](#); [Commissioner Mapps](#); [Commissioner Ryan Office](#)
Subject: Testimony on HRCP: Support for Historic Inventory Provisions
Date: Thursday, October 28, 2021 8:25:26 AM

Honorable City Council Commissioners and Mayor Wheeler:

I urge you to vote in favor of the Historic Resources Code Project, especially as it relates to Inventorying and Identifying historic resources .

- I support an updated comprehensive inventory of Portland's historic resources as enabled by the proposed draft of the Historic Resource Code Project (HRCP)

- Expanding the inventory is essential to capture resources important to previously ignored, underserved cultural communities and those that have become historically significant over the 40 years since the last inventory

- I urge City Council to fund the necessary staff and technology resources to make this possible

- The 120-day demolition delay and other protections against "pre-emptive demolition" of potentially significant resources in HRCP is extremely important, and I support.

Sincerely,

Steve McBride
4254 NE Hassalo
Portland, OR 97213

From: [Fred Leeson](#)
To: [Council Clerk – Testimony](#)
Subject: Proposed HRCP amendments
Date: Monday, December 6, 2021 2:57:40 PM

Greetings –

The well-reasoned amendments proposed for the HRCP are encouraging. In particular, proposals 3, 5 and 6 reflect appropriate respect for historic resources while allowing opportunity for well-considered changes. Amendments 5 and 6 reflect a better approach to public administration, which should be on the minds of all diligent city officials.

I would love to think approval of these three are no-brainers...but in case they aren't, I would encourage all commissioners to lobby for at least three votes.

Thanks you.

Fred Leeson
2226 NE Hancock St.
Portland OR 97212

Sent from [Mail](#) for Windows

From: [TERESA MCGRATH](#)
To: [Wheeler, Mayor](#); [Commissioner Rubio](#); [Commissioner Ryan Office](#); [Commissioner Hardesty](#); [Commissioner Mapps](#); [Council Clerk – Testimony](#)
Subject: historic resource code
Date: Friday, December 10, 2021 4:08:29 AM

TERESA MCGRATH

Comment ID #331131 Dec 10, 2021

Testimony to **Portland City Council** on the **Historic Resources Code Project, Recommended Draft.**

Current Proposal Status: Historic Resources Code Project Recommended Draft at Portland City Council. Public record is open.

from the ahc "Amendment No. 3 from Commissioner Carmen Rubio would revise rules for deciding when to demolish a landmark by removing a current standard allowing demolition when a building has "no reasonable economic value." The "no economic value" standard can allow owners to ignore routine maintenance and intentionally neglect important historic structures to justify their demolition. Amendment No. 5 proposed by Commissioner Mingus Mapps would give the Portland Historic Landmarks Commission equal footing with the Planning and Sustainability Commission when considering creation or removal of historic district designations. If the two commissions reach differing conclusions on an issue, both commissions would offer their recommendations to the City Council. As currently written, the proposed rules would omit the Landmarks Commission from these important decisions. Amendment No. 6, also proposed by Commissioner Mapps, would retain Portland's longstanding qualifications for membership on the Landmarks Commission. Unless amended, the professional experience qualifications for appointment to the commission would be diluted, and it seems important that city commissions should benefit from best expertise available." restore oregon issues similar protections thx

From: [J R Merrick](#)
To: [Council Clerk – Testimony](#)
Subject: Re v2: PCHR Support for Council Amendments for the Historic Resource Code Project
Date: Monday, December 13, 2021 6:05:21 PM
Attachments: [PCHR HRCP Support for City Council Proposed Amendments final.pdf](#)
[PCHR Requested Amendments for HRCP final v1.2.pdf](#)

Corrected pdf files/file names to be submitted for the record (originals may be replaced). Also please include the cover email below. Apologies for any confusion.

Rod Merrick, AIA NCARB

Portland Coalition for Historic Resources

Portland, OR 503.771.7762

On Sunday, December 12, 2021, 07:03:14 PM PST, J R Merrick <jrm@merrick-archplan.com> wrote:

We thank Commissioners Rubio, Matts, and Ryan for proposing amendments which address the three most problematic elements of the HRCP and ask for your support. PCHR draws from those with expertise in the field of preservation as well as those with long term civic engagement, perspective, and concern about Portland's future.

Please see attached testimony to enter into the record:

1. **PCHR Support for Council Amendments to the HRCP**
2. PCHR Requested Amendments to the Draft HRCP

Rod Merrick, AIA NCARB, Co-Chair

Portland Coalition for Historic Resources

Portland, OR 503.771.7762

3. As a reminder.....

Dear Mayor and Commissioners,

Please carefully consider the thoughtful concerns highlighted in the **four point testimony submitted by PCHR and Do pass Amendments #3, #5, and #6**. PCHR draws from those with expertise in the field of preservation as well as those with long term civic engagement, perspective, and concern about Portland's future.

In this letter, I would like to focus on the importance of approving the Historic Resource Code Project, but with much needed amendments. As it stands the HRCP will cripple Portland's already weak preservation regulations compared to other cities. And there are those whose intention is to do exactly that. Our concern is grounded in **10 reasons why it is so important to have a strong local preservation program. Do pass Amendments #3, #5, and #6.**

1. Preservation *guides change* to protect historic resources -our architecture, landscapes, and culture.

2. Preservation is environmentally and ecologically the *most sustainable* form of development.
3. Preservation promotes local craft skills and the local business that supply products for those crafts.
4. Preservation of existing structures *limits demolitions* that are the largest volume of material that is trucked to landfills.
5. Preservation *protects the treasures of a city* for the education and enjoyment of visitors and fellow residents.
6. Preservation *promotes the sense of place* that builds community and civic pride.
7. Preservation *drives tourism world-wide*. Portland is very much in need of preserving its appeal beyond providing a landing place for exploration of the beautiful landscapes beyond the Metro boundaries.
8. Preservation *attracts investment* in unstable and declining neighborhoods.
9. Preservation is an expression of appreciation and *provides soul* to every place where it is practiced.
10. **All** Historic Preservation districts comprise less than 3% of Portland's buildable land area. Residential districts *contribute to housing affordability* by:
 - a. Preserving existing housing stock which is often the most affordable housing
 - b. Curbing speculative upmarket redevelopment
 - c. Discouraging demolition and displacement.

We need more, not less.

Thanks for your thoughtful consideration.

With Appreciation, Rod Merrick, AIA

Rod Merrick, AIA NCARB

Merrick Architecture Planning

Portland, OR 503.771.7762

Portland Coalition for Historic Resources

Subject: Support for HRCP City Council Amendments

Dear Mayor Wheeler and Portland City Commissioners:

We join with many other groups in supporting the purpose of the Historic Resource Code Project. In earlier testimony, we identified four critically important elements in the existing draft that *fail* to align with Oregon Administrative Rules (OAR) and will, in effect, cripple the HRCP for Portland. We thank Commissioners Rubio, Mapps, and Ryan for proposing amendments which address the three most problematic elements and ask for your support.

- **Amendment 3 clarifies criteria for demolition review based on the totality of the factors to be addressed under state and federal protections** for National Register resources and for local Historic and Conservation districts while adding additional considerations to the process. The single criterion in the draft HRCP compromises OAR standards and is demonstrably detrimental to the purpose of the code. We thank Commissioner Rubio. **Support!**

New State regulations place more responsibility on City Council for identifying and designating historic resources. Missing from HRCP is a framework to provide qualified, balanced advice to Council that takes into account the value of Portland's irreplaceable legacy of historic resources as well as the needs of the city to accommodate growth and change. Amendments #5 and #6 correct this problem. We thank Commissioner Mapps for recognizing and addressing this important issue. We ask for your approval!

- **Amendment 5 maintains the existing OAR standards for the role of the Portland Historic Landmarks Commission as the primary, not the only, advisory voice in advising City Council** on matters pertaining to the designation and preservation of historic resources including districts. The draft HRCP compromises established City code and OAR standards by reassigning such authority to the PSC. That conflicts with the purpose of the code. **Support!**
- **Amendment 6 restores to the code the existing standard of qualifications for service on the Portland Historic Landmarks Commission.** These include recognized, extensive professional experience in the areas in which the PHLC is charged to provide advice and have review authority. The draft HRCP severely compromises established OAR guidelines for the mix of qualifications and is clearly detrimental to the purpose of the code. **Support!**

In Amendment 4, Commissioner Ryan provides needed clarifications to remove procedural obstacles for unrelated work during the historic protection process.

Amendment 1 includes clarifications to address unintended consequences implicit in height bonuses including incentives for demolition and displacement. In Amendment 2, the review of deeply affordable housing is streamlined to address that need. Amendment 8 proposes a number of technical code changes for which we offer no comment.

In Summary, it's time to wrap up the HRCP. Amendments # 3, #5, and #6 offered by Commissioners Rubio and Mapps remove provisions that are fatally detrimental to the purposes of the Historic

Resources Code. And, while not every concern with the HRCP is addressed including the problematic definition of “Demolition”, these **amendments are bedrock to supporting the purposes of historic preservation**; the many benefits of which are absolutely essential to the health, equity, vibrancy, and future of the city.

Mayor Wheeler and Commissioners please support and approve the amendments.

With Regards,


Rod Merrick

John Liu

Co-chairs, Portland Coalition for Historic Resources

C: Council Clerk

Portland Coalition for Historic Resources

Dear Mayor Wheeler and Portland City Commissioners:

We join with many other groups in supporting the intent of the Historic Resource Code Project. However, we have identified four critically important elements in the draft that must be amended in order for the Historic Resource Code to be the success that Portland very much needs it to be.

PCHR is a committee of preservation professionals, advocates and community leaders who have substantive knowledge about the issues. Over a period of months, we have researched the legal background as well as the implications around each of the following requested amendments.

1. Historic Landmarks Commission must retain a primary role in historic district review and recommendations to City Council. (See Footnote 1) The Draft HRCP will make the Planning and Sustainability Commission (PSC) the sole review body that shall make recommendations to City Council on decisions to designate a Local Historic or Conservation District or to remove such a designation. HRCP excludes the city's Historic Landmarks Commission (HLC) from major decisions on historic districts.

The **HLC** is the only city advisory body required to have professional expertise and experience in evaluating the historic significance, condition, integrity, and preservation of Portland's places and structures. The **PSC's** mission is in land use and urban planning, not historic preservation. **PSC** as a body has no expertise or experience in assessing historical significance or making preservation vs demolition judgments and, we observe, does not value Portland's historic structures or districts. **PSC** members have even demanded that historic preservation groups and neighborhoods be excluded from its hearings. Now in the draft HRCP, **PSC** recommends that Council to exclude the city's own Historic Landmarks Commission from reviewing and advising Council on decisions that will inherently require HLC's expertise.

The HRCP must be amended to provide that the HLC, with advice from the PSC where applicable, remains the primary body that shall review historic district designation and removal, resource demolition requests, historic design review and such matters relating to historic preservation in providing decisions and making recommendations to City Council.

2. Historic Landmarks Commission members must have recognized subject matter expertise as required by OAR 660-023-0200 and the existing City code and the *Local Government Certification Agreement*. (See Footnote 2) HRCP dilutes the requirements for **HLC** members. Of its 7 members, two can be real estate developers, two are not required to have any specific experience or knowledge, and the remaining members' professional experience and knowledge may be in fields such as "finance", "law", or "urban planning". *This applies to National Register nominations and properties and should be the same for Local designations*

In short, the Draft HRCP permits a future **HLC** with little or no professional experience or expertise in historic preservation, local history, cultural anthropology, or architectural history. Whatever **PSC's** reasons for both excluding and diluting **HLC**, if this Council wants an expert advisory body on historic

significance and preservation issues, it should maintain current standards that require a *HLC with the requisite* subject matter expertise.

HRCP must be amended to be consistent with OAR and provide that at least 5 of 7 members have recognized, extensive professional experience and knowledge in local history, architectural history, historic preservation, and cultural anthropology. This applies to National Register nominations and properties and should be the same for Local designations.

3.1 Historic Resource demolition approval criteria for National Register resources must be consistent with state OAR 660-023-0200 (8) (“Goal 5”) rules. The rules require the city to protect National Register resources from demolition through a public hearing process that must consider all of these listed factors: “condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan”. The Draft HRCP lists *four other criteria* and would not require consideration of the required listed factors.

HRCP must be amended to direct the review body to make its decision based on the totality of the factors required by state and federal law for National Register resources.

3.2. Historic resource protection approval criteria for Local Historic Resources should be consistent with OAR 660-023-0200 (7). For locally designated historic resources, OAR states that “Historic protection ordinances should be consistent with standards and guidelines recommended in the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior, produced by the National Park Service.” This applies to local design protections in addition to demolition. In contrast, the Draft HRCP lists *four other criteria* and says that if any one of those criteria are met, the Historic Landmarks Committee *must approve demolition* of a listed resource regardless of any other factors that are considered.

HRCP should be amended to direct the review body to make its decision based on the totality of the factors required by state and federal law and ideally provide a single, uniform set of demolition approval criteria for both National Register and Locally Designated Historic Resources.

4.1 The definition of “demolition” with respect to National Register Listed Resources is covered by OAR 660-023-0200 (1)(a). Specifically: “Demolition” means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost. This definition *applies directly to local land use decisions regarding a National Register Resource*. The Draft HRCP definition attempts to substitute criteria that fundamentally undermine the intent, purpose, and letter of the law.

HRCP must be amended to be consistent with the OAR for National Register Properties.

4.2 For Locally Designated Historic Resources, the base definition of “demolition” should also align with OAR 660-023-0200 (1)(a) . The language in the Draft HRCP does not. This definition also applies *to other local land use decisions concerning a historic resource with an exception: unless the local comprehensive plan or land use regulations contain a different definition*. The Draft HRCP attempts to provide an objective definition: removal of 50% of the street facing façade and 50% of the volume of the roof structure. This definition is capricious, prescriptive, unworkable and inconsistent with the performance-based criteria specified in the OAR; *“any act that destroys, removes, or relocates, in whole*

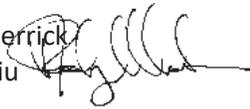
or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost."

The Draft HRCP should be amended to align with OAR 660-023-0200 (1)(a) with the requirement that the definition will be further defined by a committee of the HLC informed by a variety of expert knowledge and expert opinion in historic preservation, regulation, and application of best practices.

It should be clear that to meet the legal standards and to avoid weakening the purposes of the code amendments are needed. We appreciate your consideration and support for these amendments and would be happy to meet with you and your staff to discuss our concerns and learn from you as well.

Sincerely,

Rod Merrick
John Liu



Co-chairs, Portland Coalition for Historic Resources

Footnote 1.
Certified Local Government Program
Requirements

*The basic certification requirements for local governments are as follows:
Establish a historic preservation commission and appoint interested and qualified residents to serve. To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.*

Footnote 2.

State of Oregon Local Government Certification Agreement, April 25, 1996

Pursuant to the provisions of the 1980 amendments to the National Historic Preservation Act (P.L. 89-655), to applicable federal regulations 36 CFR 61, and to the State of Oregon procedure the City of Portland has agreed to:

(2) Maintain an adequate and qualified historic preservation review commission composed of professional and lay members.

*Per 36 CFR Part 61-Professional Qualifications:
Part 61 - PROCEDURES FOR APPROVED STATE AND LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAMS - Appendix A to Part 61 - Professional Qualifications
Standards: <https://www.dca.ga.gov/sites/default/files/pqstandards.pdf>*

Further: The Oregon State Historic Preservation Office provides this ordinance to our partners as a starting point. The document meets the requirements of the Certified Local Government (CLG) program by

establishing a commission; creating inventory, designation, and design-review processes; allowing for appeals of commission decisions; and requiring the commission to follow existing national and state preservation laws. The model also complies with Oregon's Administrative Rule for Statewide Planning Goal 5 (**OAR 660-023-0200**), addressing inventory, designation, and protection of historic resources; owner consent; removal of a historic resource from the resource list; and protection of properties listed in the National Register of Historic Places.

Footnotes for 4.1 and 4.2

Section 7, Definitions

Demolition is defined in **OAR 660-023-0200 (1)(a)**; however, a local government may adopt a different or use an existing definition when reviewing the demolition of a Locally Designated Historic Resource when the local comprehensive plan or land use regulations contain a different definition. OAR 660-023-0200(1)(a) establishes the definition of "demolition" for National Register Resources. The definition applies directly, regardless of the definition established in local regulations in this specific instance.

The definitions for Eligible/Contributing, Eligible/Significant, Non-Contributing and Not in Period are based on SHPO definitions for historic resource inventories and may not be changed.

The definitions for "Historic Context Statement," "Historic Preservation Plan," "Historic Resources," "Locally Significant Historic Resource," "National Register Resource," "Owner," and "Significant Historic Resource" are based in definitions provided in OAR 660-023-0200(1) and may only be changed after consultation with the SHPO.

Oregon Land Conservation and Development Department

Rule 660-023-0200 Historic Resources

For purposes of this rule, the following definitions apply:

- (a) "Demolition" means any act that destroys, removes, or relocates, in whole or part, a significant historic resource such that its historic, cultural, or architectural character and significance is lost. This definition applies directly to local land use decisions regarding a National Register Resource. This definition applies directly to other local land use decisions regarding a historic resource unless the local comprehensive plan or land use regulations contain a different definition.

The **SHPO Model Ordinance, October 2019**, contains several detailed citations surrounding demolition and DLCD OARs beyond our primary citation of OAR 660-023-0200 (1)(a) and OAR 660-023-0200 (8) as there are 18-demolition references that enhance the capabilities of the local gov't for protection. These include additional protection caveats that the HLC "could" stipulate as part of a demolition: **Section 14, Demolition and Relocation of Significant Historic Resources**

From: [Walter Weyler](#)
To: [Wheeler, Mayor](#); [Commissioner Mapps](#); [Commissioner Rubio](#); [Commissioner Hardesty](#); [Commissioner Ryan Office](#)
Cc: [Spencer-Hartle, Brandon](#); [Council Clerk – Testimony](#); [Rahm Wendy](#); [Czarnecki John](#)
Subject: Letter from the Downtown Neighborhood Association (DNA)
Date: Monday, December 13, 2021 5:35:05 PM
Attachments: [letter.2.pdf](#)

Mayor Wheeler and City Commissioners, this is a letter from the DNA regarding the Historical Resources Project.....all the best.....Walter Weyler DNA Board Chair

Date: December 15, 2021

To: Portland City Council

Mayor Ted Wheeler
Commissioner Jo Ann Hardesty
Commissioner Mingus Mapps
Commissioner Carmen Rubio
Commissioner Dan Ryan

Copy: Brandon Spencer-Hartle, BPS, Project Manager
brandon.spencer@portlandoregon.gov

Subject: Draft HRCP (Historic Resources Code Project) Suggested Amendments

Dear Mayor Wheeler and City Commissioners:

The Downtown Neighborhood Association (DNA) Board and its Land Use Transportation Committee (LUT) encourage you to support all amendments to the recommended Draft Historic Resource Code Project Proposal (HRCP) put forward by Commissioners Mapps, Rubio and Ryan. We thank these Commissioners especially for putting these amendments forward.

Although the current Draft HRCP includes some long-needed updates and efficiencies, these amendments would align the code with the State administrative rules implementing State Planning Goal 5. Not aligning the code risks affecting the current and future status of historic resource protection in Portland.

Amendments #3, #5 and #6 would enable the HRC Project to meet multiple requirements. They would allow Portland to preserve and protect its best historic resources while meeting the evolving needs of change.

1. ***Amendment #3—Demolition Review Approval Criteria:*** The proposed criterion for demolition review of a historic resource allows approval based on “loss of all reasonable economic use” alone, without evaluation of proposed alternative uses for the site. Amendment THREE would require such investigation and evaluation. Another vital benefit of Amendment #3 is that it should prevent continued benign neglect of a historic resource from becoming the dominant reason for de-listing.
2. ***Amendment #5 – Legislative Land Use Recommendations Concerning Establishment and Removal of Districts:*** Amendment FIVE would ensure Landmarks Commission retains the primary responsibility for advising City Council directly on the creation, modification or removal of Historic and Conservation Districts in legislative actions, thereby maintaining the *identification, preservation, protection and continued use* of Significant Resources to more comprehensively tell the stories of our city.
3. ***Amendment #6— Historic Landmarks Commission Membership Categories:*** The Draft HRCP language makes it possible for a majority of Commissioners to have *no* demonstrated professional knowledge or skills in Historic Preservation or related fields. Amendment SIX

maintains requirements for commissioners' expertise, thereby preventing a step backwards from best practices recommended by the Oregon State Historic Preservation Office and by the National Park Service that define standards for historic resource evaluation, designation, and protection.

In addition to these 3 recommendations, the DNA would also recommend Amendment #8, but calls out two sections specifically.

1. **Amendment #8E**, which retains the HLC as the body with the professional expertise to make recommendations to the State Advisory Committee on Historic Preservation and the National Parks Service's Keeper of the National Register.
2. **Amendment #8F**, which retains the HLC as the review body for historic resource appeals.

Finally, we endorse the recommendations and explanations made by the **Portland Coalition for Historic Resources (HRCF)** in a separate letter to City Council.

In conclusion, the draft proposal is not perfect, but these amendments address the most critical items that are essential to create the potential for a broader and more inclusive scope of understanding of our history. The city continues to grow in size, density and diversity of population. Potential resource numbers are also growing. We need to continue to vigorously support the identification, preservation, protection and continued use of our present and future resources. Thank you for your stewardship and forward thinking on behalf of us all.

We strongly encourage the Mayor and Commissioners to support these proposed amendments.

Sincerely,



Walter Weyler
Chair, DNA Board



Wendy Rahm
Vice Chair, DNA Board/Chair LUT Committee

CC: cctestimony@portlandoregon.gov

From: [Mark Takiguchi](#)
To: [Council Clerk – Testimony](#)
Subject: HRCP Community
Date: Tuesday, December 14, 2021 4:02:53 PM
Attachments: [HRCP community letter final vers Dec 13..pdf](#)

Please see the attached letter from a consortium of Japanese American Organizations.

Sent from [Mail](#) for Windows

December 13, 2021

Dear Mayor Ted Wheeler,
Commissioner Carmen Rubio,
Commissioner Mingus Mapps
Commissioner Dan Ryan
Commissioner Jo Ann Hardesty:

Re: Support for HRCP amendments: #3, #5, #6

As a coalition of Japanese American organizations, we agree and strongly support three amendments which would revise the current Historic Resources Code Project. (HRCP)

Amendment #3 will revise rules for deciding when to demolish an historic resource by removing a current standard allowing demolition when a building has “no reasonable economic value.” We agree that this standard promotes intentional neglect by an owner wanting to demolish a designated historic structure by ignoring routine maintenance and should not be the only criterion for demolition.

Amendment #5 would give the Portland Historic Landmarks Commission equal footing with the Planning and Sustainability Commission when considering creation or removal of historic district designations.

Amendment #6 would retain Portland’s long-standing qualifications for membership on the Landmarks Commission. Unless amended, the professional experience qualifications for appointment to the commission would be diluted. City commissions can provide the best expertise and understanding on these policies.

Our support for Amendments #5 and #6 reflects our appreciation of the Historic Landmark Commission's opposition to the Blanchet House demolition and its role in developing historic design review guidelines for New Chinatown-Japantown and opposing decisions that conflict with those guidelines.

We ask that this council leadership support these three amendments to preserve and mitigate any further loss of our historic buildings. These amendments acknowledge the importance of the Japanese American community as well as the other cultural communities affected.

We applaud and thank the advocacy and leadership of Commissioners Rubio and Mapps to support these amendments and for their understanding of the “value to community, and association with historically marginalized individuals or communities and the economic consequences for owners and the community.”

Sincerely



JAPANESE ANCESTRAL SOCIETY
OF PORTLAND

GRESHAM-TROUTDALE
JAPANESE AMERICAN
CITIZENS LEAGUE



Epworth United
Methodist Church



HENJOJI SHINGON
BUDDHIST TEMPLE



VELEDA
CLUB

HIROSHIMA
CLUB



From: [Mary Vogel](#)
To: [Clerk General](#)
Subject: Re: First of several for my testimony tomorrow
Date: Tuesday, December 14, 2021 4:21:07 PM

Keelan,
I didn't know what size you needed. That is way too large.
I had selected others of the same SW Hills house that is being torn down but I think they didn't go through because they were too large and I didn't wait long enough. I'll see if I can get to a re-do tonight.

I was hoping that YOU could do the screen sharing. These came from my iPhone which I was NOT planning to use during testimony.

Mary

On Tue, Dec 14, 2021 at 11:25 AM Clerk General <councilclerk@portlandoregon.gov> wrote:

Mary – will you be sharing your screen during your testimony to show the images? Do you want us to send the images to Council and staff today in advance of the meeting?

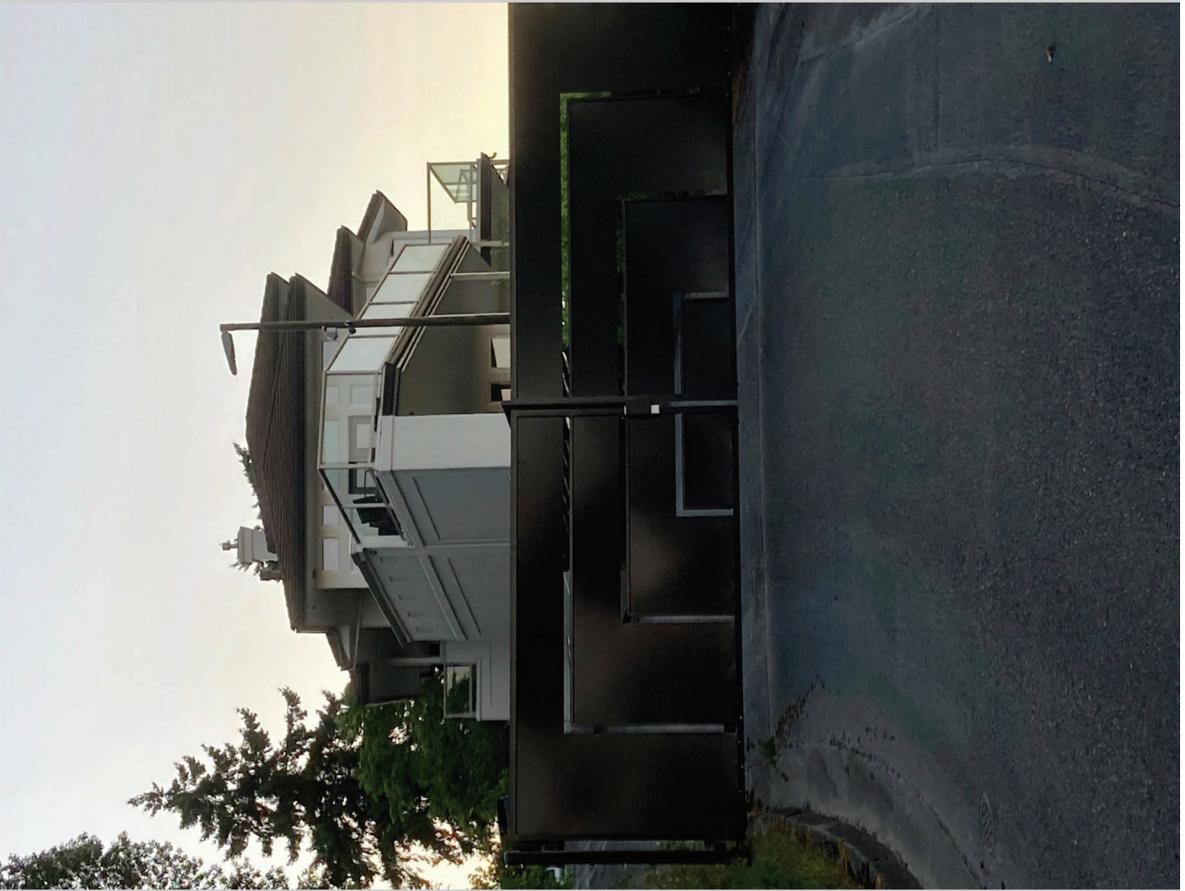
Thanks,

Keelan McClymont

Council Clerk

From: Mary Vogel <mvogelpnw@gmail.com>
Sent: Tuesday, December 14, 2021 9:45 AM
To: McClymont, Keelan <Keelan.McClymont@portlandoregon.gov>
Subject: First of several for my testimony tomorrow



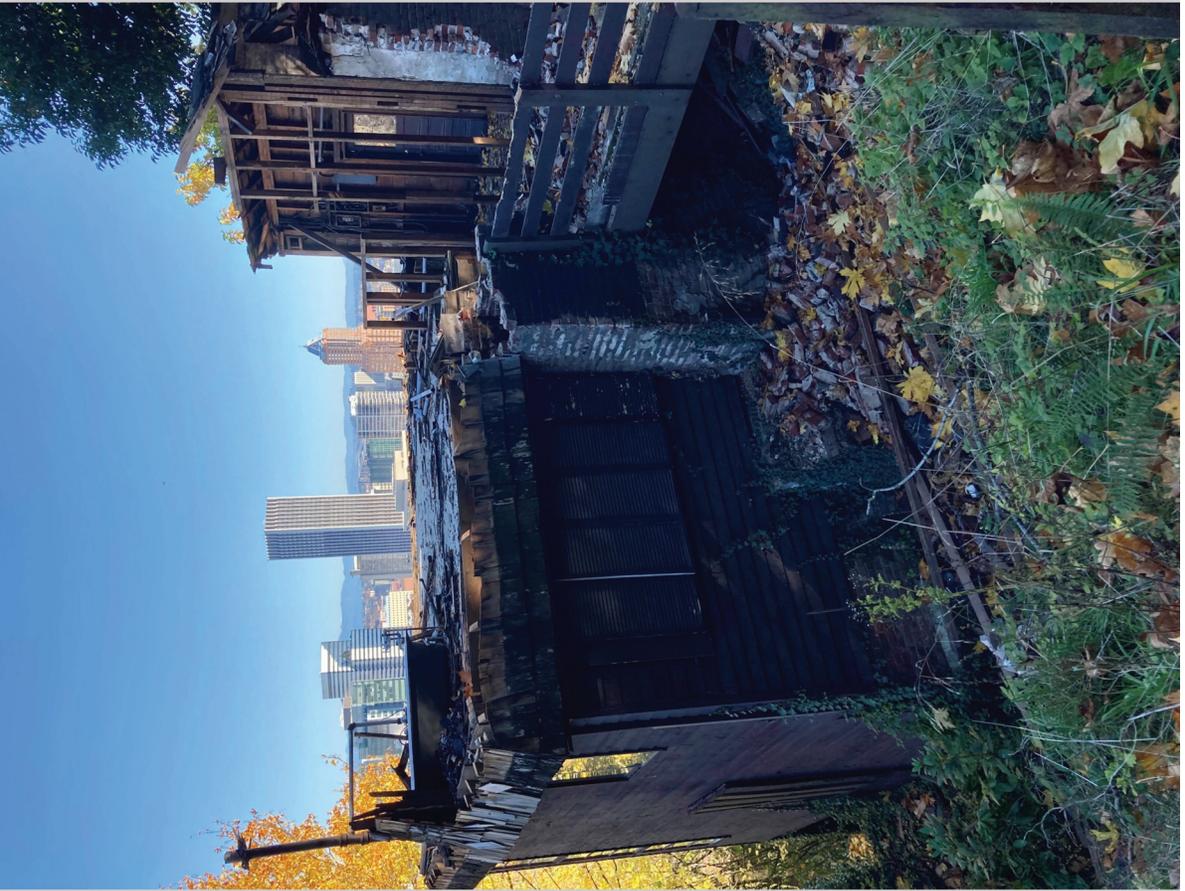












From: [Chisao Hata](#)
To: [Council Clerk – Testimony](#)
Subject: PUBLIC WRITTEN TESTIMONY
Date: Wednesday, December 15, 2021 12:12:01 PM
Attachments: [Chisao written testimonyDecember 15, 2021.docx](#)

Please submit this into public record.
Thank you.

Peace
Chisao Hata

December 10, 2021

Dear Mayor Ted Wheeler,
Commissioner Carmen Rubio,
Commissioner Mingus Mapps
Commissioner Dan Ryan
Commissioner Jo Ann Hardesty:

Re: Support for HRCP amendments: #3, #5, #6

As a community activist in the Japanese American community in Portland, Oregon, I am writing to ask that you support the following amendments.

Amendment #3 will revise rules for deciding when to demolish a landmark by removing a current standard allowing demolition when a building has “no reasonable economic value.” We agree that this standard promotes intentional neglect by an owner wanting to demolish an important historical structure by ignoring routine maintenance and should not be the only criteria for demolition.

Amendment #5 would give the Portland Historic Landmarks Commission equal footing with the Planning and Sustainability Commission when considering creation or removal of historic district designations.

Amendment #6 would retain Portland’s long standing qualifications for membership on the Landmarks Commission. Unless amended, the professional experience qualification for appointment to the commission would be diluted. City commissions can provide the best expertise and understanding on these policies.

The devastation of Nihonmachi over the years not only represents the omission of the Japanese American contributions to Portland, but the erasure of our history and is further evidence of the discrimination and racist laws that changed our community forever. These buildings represent more “than just bricks” as we were told during the July testimonies advocating for the demolition of the Yamaguchi Hotel, but these places are our IDENTITY. This is a time of reckoning and inclusion of histories that have been systematically omitted over time. The Nihonmachi or Japantowns remaining on the west coast are only a few of the pre-war places that acknowledge the vital contributions of Japanese Americans in building a true “AMERICA.”

This is a time of acknowledging and uplifting all of our histories. The American story and history of Japanese Americans continues to be represented in the Japanese American Museum of Oregon. I hope each of you on the commission will educate yourselves about this Portland history.

Sincerely,

Chisao Hata
Artist, Activist and Community Weaver

From: [Chisao Hata](#)
To: [Council Clerk – Testimony](#)
Cc: [Laura Lo Forti](#); [Laura Lo Forti](#)
Subject: Vanport Mosaic Written Testimony
Date: Wednesday, December 15, 2021 12:49:47 PM
Attachments: [Vanport Mosaic Letter .pdf](#)

Please submit this letter into written testimony for today's City Council.

Thank you

2209 N.Schofield Street
Portland, OR 97217
www.vanportmosaic.org



December 10, 2021

Dear Mayor Ted Wheeler,
Commissioner Carmen Rubio, Commissioner Mingus Mapps
Commissioner Dan Ryan, Commissioner Jo Ann Hardesty:

Re: Support for HRCP amendments: #3, #5, #6

I am the co-founder and co-director of the Vanport Mosaic, a memory activism platform that amplifies, honors, presents and preserves the silenced histories that surround us. We work in collaboration and in solidarity with the many historically underserved communities of our city to remember, repair, reclaim and re-imagine our collective story.

In a recent City Council decision I was disappointed with the outcome that resulted in the demolition of a historic hotel, the Yamaguchi Hotel. The history of this hotel and its subsequent loss affects the history of Japanese Americans' life in Japantown, formerly in the historic district of Old Town. The loss of Japantown and its history is a loss for our city and our community. The issuance of Executive Order 9066 eliminated the heart and vitality of the Japanese community. This historic decision forever affected their presence, ownership and community and we never fully recovered economically and emotionally. As a city we have a responsibility and opportunity to preserve those buildings that still remain and protect them from further development and demolition.

For these reasons, I support amendments (particularly #3, #5, #6) being voted on to substantially improve city rules for regulating Portland's designated landmarks and historic districts. Vanport Mosaic stands in solidarity with the Japanese American community and all the other cultural communities affected. We urge this council to support these amendments to mitigate any further loss of our historic buildings, and acknowledge the contributions of communities of color whose talents have built our city.

History is now.

Sincerely,

Laura Lo Forti
Vanport Mosaic Co-Founder and Co-Director
510.717.2441
laura@vanportmosaic.org

From: [Chisao Hata](#)
To: [Council Clerk – Testimony](#)
Subject: Written Testimony from Vanport Mosaic
Date: Wednesday, December 15, 2021 12:53:31 PM
Attachments: [Vanport Mosaic Letter .pdf](#)
[ATT00001.htm](#)

Please submit this to the written record for today's City Council meeting.

Thank you
Laura Lo Forti
Executive Director
Vanport Mosaic

2209 N.Schofield Street
Portland, OR 97217
www.vanportmosaic.org



December 10, 2021

Dear Mayor Ted Wheeler,
Commissioner Carmen Rubio, Commissioner Mingus Mapps
Commissioner Dan Ryan, Commissioner Jo Ann Hardesty:

Re: Support for HRCP amendments: #3, #5, #6

I am the co-founder and co-director of the Vanport Mosaic, a memory activism platform that amplifies, honors, presents and preserves the silenced histories that surround us. We work in collaboration and in solidarity with the many historically underserved communities of our city to remember, repair, reclaim and re-imagine our collective story.

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For these reasons, I support amendments (particularly #3, #5, #6) being voted on to substantially improve city rules for regulating Portland's designated landmarks and historic districts. Vanport Mosaic stands in solidarity with the Japanese American community and all the other cultural communities affected. We urge this council to support these amendments to mitigate any further loss of our historic buildings, and acknowledge the contributions of communities of color whose talents have built our city.

History is now.

Sincerely,

Laura Lo Forti
Vanport Mosaic Co-Founder and Co-Director
510.717.2441
laura@vanportmosaic.org

From: [Wendy Rahm](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony for item 911, December 15, 2021
Date: Wednesday, December 15, 2021 3:54:33 PM
Attachments: [2021.12.15.HRCP.oral testimony.Rahm.docx](#)

Attached is my oral testimony presented for item 911 on December 15, 2021.

Wendy Rahm

Wendy Rahm
1221 SW 10th Avenue
Portland, OR 97205

Mr. Mayor and Commissioners,

I'm Wendy Rahm, speaking on behalf of the Downtown Neighborhood Association (DNA).

First, I want to thank Commissioners Mapps, Rubio and Ryan for creating these amendments for the Draft Code Proposal and for working with constituents.

The Draft Proposal is not perfect, but the amendments address many critical items essential to keep the potential for a broader and more inclusive understanding of all our histories. Potential resource numbers are growing as the city's size, density and diversity of population grows. We need to vigorously support the identification, preservation, protection and continued use of our present and future resources.

The DNA urges you to support most amendments, but of particular importance is your support of **Amendments #3, #5, #6(A not 6B), #8E and #8F** to align Portland's code with State and Federal rules and best practices. They support the priorities DNA expressed earlier to

- 1) keep the lead role for historic preservation with the Historic Landmark Commission (HLC);
- 2) preserve the existing HLC membership requirements for specific subject matter expertise, expertise found only on HLC. It is critical this requirement not be diluted by 6B;
- 3) maintain protection approval criteria for *all* Historic Resources—both Local and National; and
- 4) clarify the definition of “demolition” with respect to National Register Listed resources.

Finally, the DNA also endorses the recommendations made by the Portland Coalition of Historic Resources, the Architectural Heritage Center, and the Northwest District Association with its discussion of affordable housing in Amendment 2.

Please vote yes to approve 3, 5, 6A and 8 as amendments to the Draft Code.

Wendy Rahm
1221 SW 10th Avenue
Portland, OR 97205
Oral Testimony at City Council
item 911, December 15, 2021
Historic Resource Code Proposal

From: foragedesigner@gmail.com
To: [Clerk General](#); [Johnson, Kristin](#)
Cc: [Commissioner Mapps](#); [Meyer, Katie](#)
Subject: [User Approved] FOLLOW UP: Hardesty Requested HRCP Slides from H. Flint Chatto
Date: Wednesday, December 15, 2021 8:25:40 PM
Attachments: [Full Slides - HFlint Chatto HRCP City Council Testimony12.15.21.pdf](#)
[Building In Balance Sustainability Initiatives 12.15.21.pdf](#)
[Affordable Design Strategies - HFlint Chatto HRCP City Council Testimony 12.15.21.pdf](#)

Submitting my full set of slides per Commissioner Hardesty's request. This was intended to go with my online testimony here:

<https://www.portlandmaps.com/bps/testimony/item.cfm#itemID=331265>

Many thanks to Staff and the Commission for this important policy work so far on the HRCP.

This is an excellent first step, and we encourage you to ensure it's success. Critical follow up items are to **Ensure adequate funding for staff and priority in work plans and budgets** to make the policy goals manifest and better integrate with cross-policy alignment:

- a. **Integrate "Future Work identified in the DOZA project that overlaps with the HRCP work,** and which appears is missing from the draft budget shared the PSC hearing yesterday
- b. **Support a Cultural Resources Master Plan (AMENDMENT NEEDED)** that will help us chart our future course with more strategic vision and leadership.
- c. **Add the financial and technical assistance toolbox to the HRCP implementation and RIP2 process (AMENDMENT NEEDED)** to ensure we make the policy goals promised prevail instead of incentive demolition due to lack of tools that advance adaptive climate strategies in the most affordable ways for all.

Included are my slides from testimony at City Council today on the Historic Resources Code Amendments. In the previous Council testimony on HRCP, I submitted the Walsh Construction white paper on design strategies for affordable housing and have today included an additional slide with a summary of important strategies that demonstrate why DESIGN LITERACY is such a critical element we must elevate for both City leaders, staff and communities to understand its health impacts and foster both affordability, sustainability, and culturally-sensitive planning.

WE NEED A NEW PATHWAY TO VISIONARY LEADERSHIP & RESILIENT COMMUNITIES

We can all value that our City government and community is working hard to address much needed new housing that is also affordable. At the same time we are also experiencing many challenging impacts from rapid redevelopment that have made some question if Portland has "lost its way." These difficult times require us to come together with leadership, compassion, and better tools that can lift us above emotional divides with data that helps us balance many competing goals.

Wise leaders know "you can't manage if you don't measure."

Portland, like many other cities, is often faced with trading one public good of adding housing with a cost to other public goods such as livability, demolition of historic and cultural resources (a significant impact of embodied energy) and loss of existing affordable housing/commercial space, as

well as loss of solar access, urban heat island impacts, loss of tree canopy, watershed health impacts due to increased pervious surfaces, loss of local businesses and neighborhood serving amenities, increased displacement and gentrification, etc.

As we consider these trade-offs, we need new triple-bottom-line tools and metrics to help us measure impacts to sustainability as whole for both current decision-making and long-range planning policy. Included in my slides is a platform of innovative sustainability initiatives proposed for Portland by Forage Design & PDX Main Streets. **Tools like our Sustainability Scorecard- a triple bottom line evaluative tool - can help community members and decision-makers transcend the divisive politics and growth debates raging throughout the city.** The Sustainability Scorecard is a simple to use tool with accessible sustainable community planning aligned with the Comp Plan values with metrics to assess social, economic and environmental impacts that can help us evaluate and balance tradeoffs.

This is one of several sustainability initiatives that we believe can help Portland continue to lead with innovation, resilience and strengthen our unity overall. We welcome an opportunity to share more with decisionmakers to foster a more informed, connected, and compassionate sustainable city.

Thank you,
Heather Flint Chatto, 541-915-0120
PDX Main Streets Design Initiative

Heather Flint Chatto, Owner, Urban Planner + Environmental Designer, LEED AP

FORAGE DESIGN + PLANNING, LLC | WBE & ESB Certified Firm

Sustainable Design for People, Places + Things

www.foragedesign.org | foragedesigner@gmail.com | [Follow on Instagram](#)

From: Clerk General councilclerk@portlandoregon.gov

Sent: Wednesday, December 15, 2021 3:25 PM

To: foragedesigner@gmail.com

Subject: Item 911 Presentation

Hi Heather,

Will you please provide the PowerPoint you shared during today's Council meeting so we may add it to the record for Item 911? Commissioner Hardesty also requested to view your presentation as well. Thank you!

Thank you,

Council Clerk's Office

Office of the City Auditor: Council Clerk: Keelan McClymont (she/her)

City of Portland | 1221 SW 4th Ave., Room 130 | Portland, OR 97204

[Council Clerk's Office](#) | [Auditor's Office](#) | [View the current Council meeting agenda](#)



HISTORIC RESOURCES CODE UPDATE

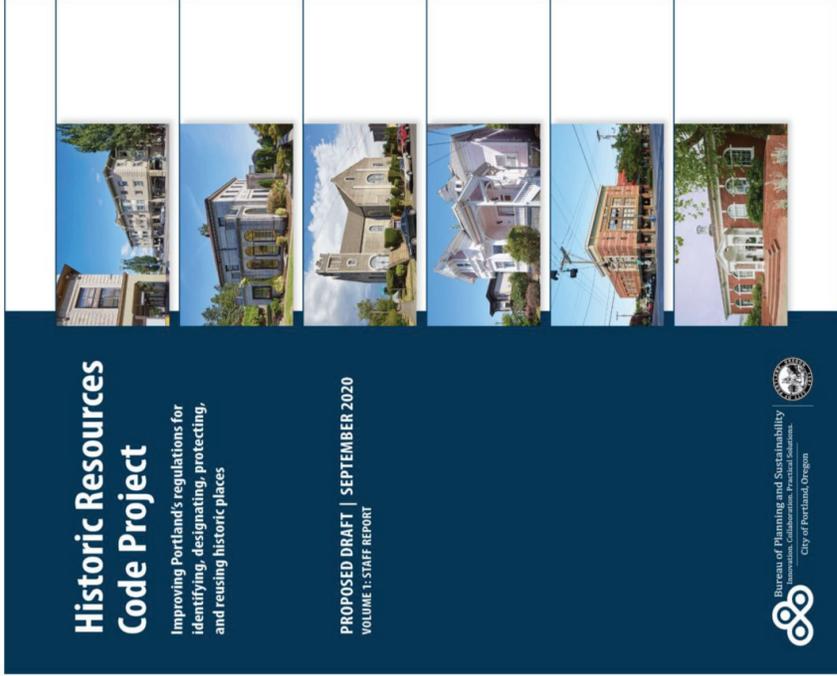
Heather Flint Chatto Testimony –
12.15.21

OUR Shared Stories



Streetcars were the most formative land use planning impact to shape our city thus are important culturally. Have narrow streets and small lots so redevelopment has big impacts.

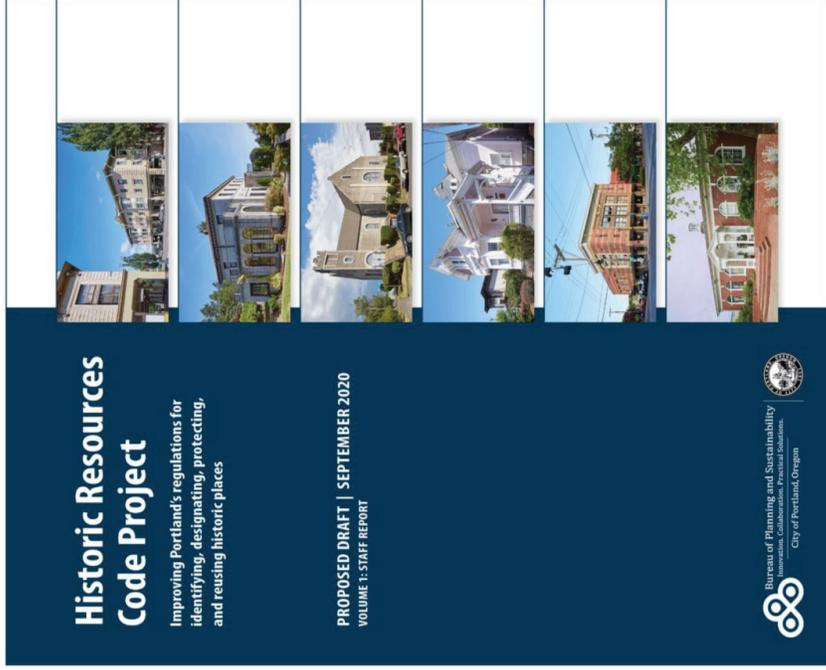
Historic Resources Code Update



1. **Support Amendment 3, 5, and 6**
Notably retaining the Landmarks Commission as an expert authority on future historic/conservation district designations
2. **Do not support** reducing the benefit of Design Review of housing for our vulnerable communities as this exacerbates a major issue that is missing in the affordability discussion:
Design is a key factor in Affordability. This has nothing to do with style. Best practices in design are not being addressed, and low-income and affordable housing should not be at the whim of fast fashion that often eschews time-tested cost saving practices. (see Affordability Memo from Walsh Construction)

Circumventing the checks and balances of Design Review often creates a lesser quality product, ignores durability, in favor of short cuts to quality that later impact many issues such as unconsidered high costs of maintenance, and investments in climate-responsive design, and livability and health for occupants. Many of our older buildings reflect those simple strategies for affordability that builders and architects around the world have used for centuries because they are cost-efficient.

Historic Resources Code Update



NEEDED AMENDMENTS:

3. Cultural Resources Master Plan - we need a plan, vision & strategic direction:

- a) Support & fund in staff budgets and work plans
- b) Use the BPS 2016 Low Rise Commercial (aka the Vintage Main St. Centers Study) of undesignated historic areas as priority for consideration of future districts.

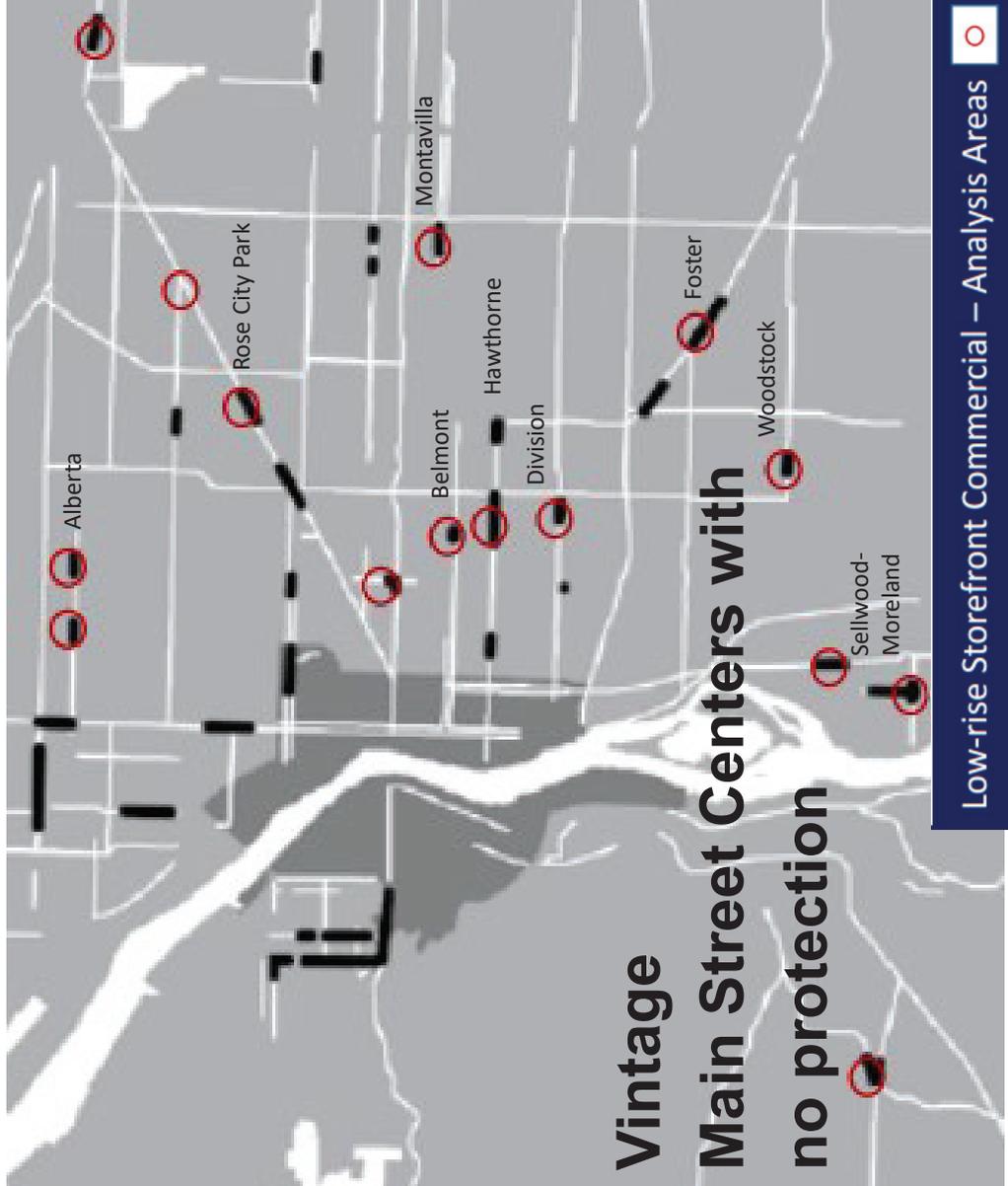
Vintage Buildings Study

[2016 BPS study mapped key areas](#) with important streetcar character that have no protections

This study has excellent information that should be considered - not for downzoning as originally proposed by the City - but for inclusion in a **FUTURE Cultural Resources Master Plan and possible mini-conservation districts.**

These small vibrant historic street-car era mixed-use blocks are unique and iconic centers in our city. They represent a time of transportation innovation, and are valuable assets for commerce, tourism, and our city's identity. **These are special to our whole city, they belong to ALL of us and are vulnerable to be lost.**

They can still evolve and grow but need better design, planning and conservation tools **NOW** to add density with sensitivity and grow better.



Historic Resources Code Update



SE Hawthorne, view east from SE 35th



SE Hawthorne, view east from SE 35th Place

SE Hawthorne

Percentage of lots with Streetcar Era storefront buildings: 73%

Percentage of street frontage with Streetcar Era storefront buildings: 68%

Existing zoning: Primarily Storefront Commercial (CS)

Notes:

The above percentages do not include several storefront-type buildings built in the 1950s. The analysis area does not include the Bagdad Theatre, which was left out because of its greater height. The analysis area includes several properties that are historic landmarks or are in the Historic Resources Inventory.

Staff proposal

Include as part of low-rise commercial storefront proposal (CM1 zoning), but do not include the analysis area block west of SE 35th Avenue (buildings built 1997).

Vintage Buildings Study Middle Hawthorne Main Street Core

SE Hawthorne



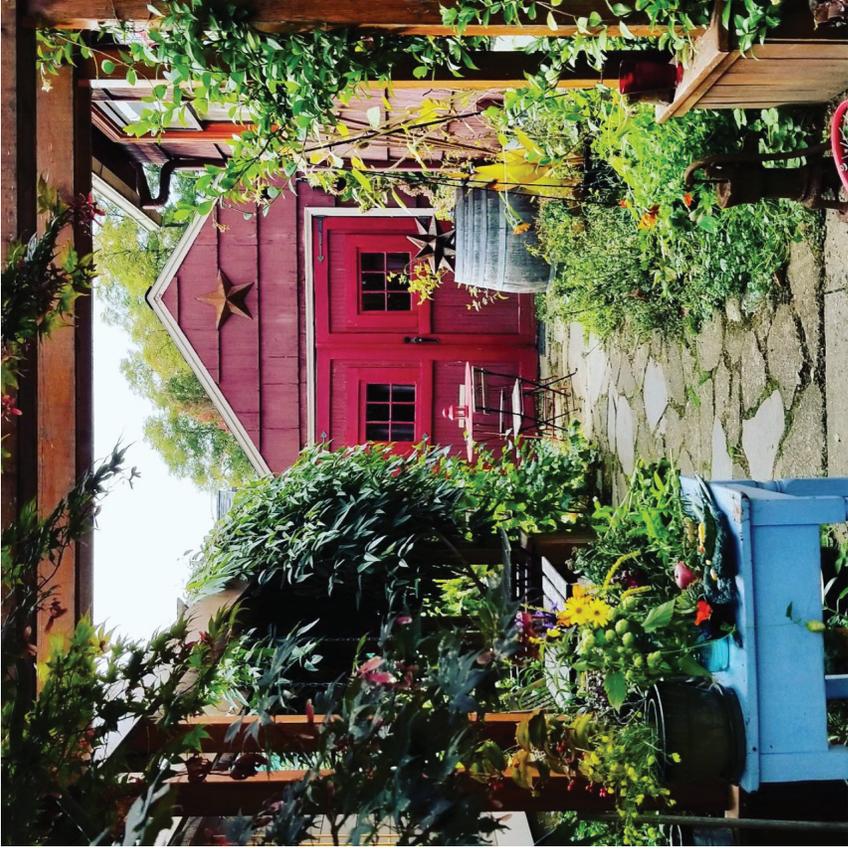
BPS Study already identified small mini-districts of importance without conservation on vintage main streets
(sample pages from the Low Rise Commercial Storefront Study by BPS in 2016)

Economic Survival of our Main Streets

**Our Unique
Neighborhoods are a draw
for small businesses,
locals and national tourists**

- **Hawthorne:** Many significant resources but 28th – 50th does not have an historic nor conservation district so no protections
- **Division:** Small Section around 35th Place to 37th is notable
- – 57 special buildings identified for Hawthorne (whole street) and 18 for Division





NEEDED AMENDMENTS:

4. Tools for adaptive reuse incentives of existing buildings & technical support to communities – Commercial and residential adaptive reuse (including conversions and additions can be much more possible, affordable, beautiful, contextual and climate-friendly density. However, we lack the tools both in HRCP and RIP 2 to operationalize our goals.

Please add the tools noted on the following slide.

Adaptive Affordability | Cost \$15,000 Conversion to Additional Living Space

(My Garattage. Provides low-carbon affordable living, context-sensitive density, and stability of not having to move to add more space as our family outgrew our small 1907 1,000 s.f. house, allowing us to stay in place and when we needed space for a home office in the pandemic. It has housed artists, students, and professors, family and friends. As designers we have the tools to do this, but most communities need supportive technical assistance, financial incentives, etc)



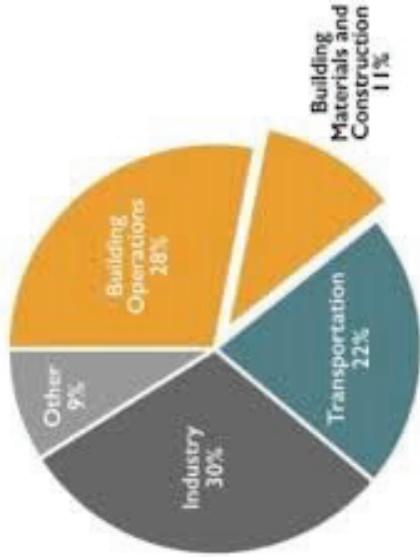
Preservation & reuse is critical part of decarbonizing cities.

We need the funding programs to make them real:

- 1) Adaptive reuse tools
 - Technical assistance
 - Low interest loans
 - Fee waivers, etc.
- 2) Funding for underserved communities to conduct inventories
- 3) Technical support for volunteers that are helping to conduct inventories

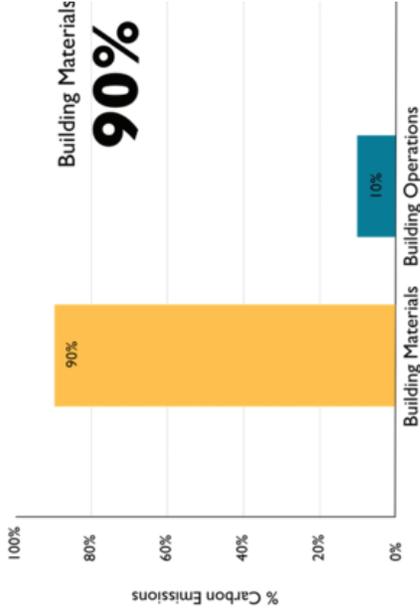
WE NEED A CARBON ASSESSMENT & INCENTIVES FOR LOWEST IMPACT HOUSING & INTERNAL CONVERSIONS + TOOLS TO MEASURE IMPACT

Global CO₂ Emissions by Sector



Source: IEA (2019) 2019, Int'l. J. Architecture 2020, All Rights Reserved.

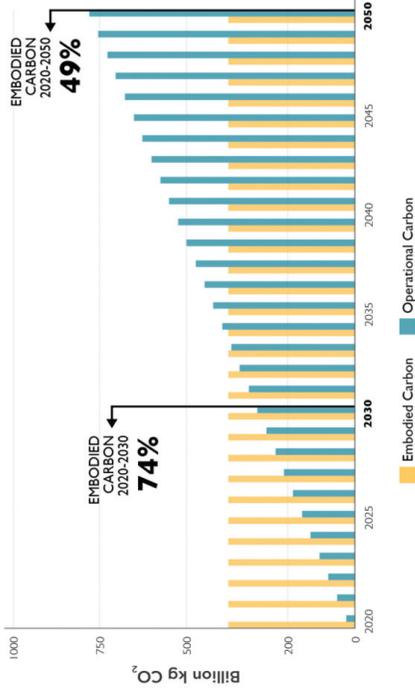
BUILDINGS USE NEARLY 40% OF OUR ENERGY



Source: © 2018-2020, Int'l. J. Architecture 2020, All Rights Reserved.

MATERIALS ARE THE SIGNIFICANT FIRST COST

Total Carbon Emissions of Global New Construction from 2020-2050 Business as Usual Projection



© 2019 2020, Int'l. J. Architecture 2020, All Rights Reserved.

CARBON/EMBODIED ENERGY IS THE GREATEST IMPACT WE MUST ADDRESS OVER THE NEXT 10 YEARS



SIGNIFICANT CLIMATE IMPACTS OF NEW DEVELOPMENT v. ADAPTIVE REUSE



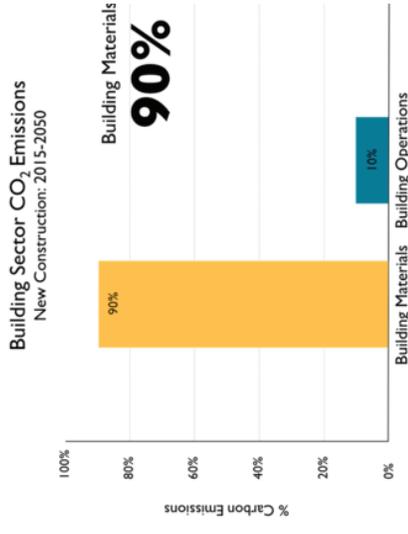
Buildings represent nearly half of all carbon emission impacts

Focusing on existing building reuse is essential for a commitment to a truly climate-responsive action strategy.

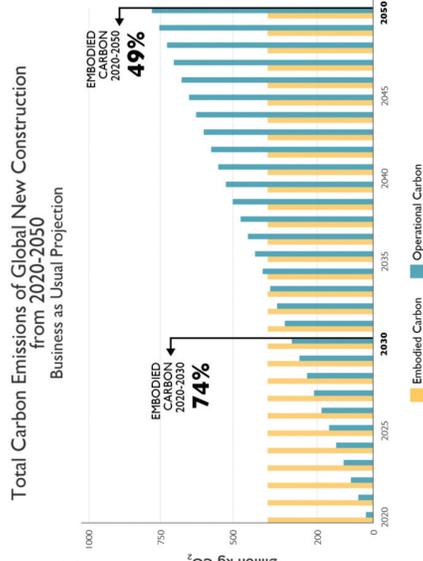
Operations is important, but reducing new impacts is most critical over the next 10 years so the actions we take now will be the most impactful or harmful. Carbon emissions (embodied carbon) from demolished buildings is significant source of emission then replacing these buildings is a further significant impact.

BE A LEADER IN INNOVATION

CARBON EMISSION TAX + INCENTIVES FOR ADAPTIVE REUSE IS A WIN FOR AFFORDABILITY, REDUCING DEMOLITIONS, AND CLIMATE



Source: © 2018 2030, Inc. / Architecture 2030. All Rights Reserved.
Data Source: ENR 2011, Richard Stone, CBCE (2003), McKinsey Global Institute



© 2018 2030, Inc. / Architecture 2030. All Rights Reserved.
Data Source: UN Environment Global Status Report 2017, EIA International Energy Outlook 2017

PDX Main Streets

Building in Balance Sustainability Initiatives



- Sustainability Scorecard Initiative
- Innovative Housing Demonstrations Policy (IHDP)
- Community Based Planning Policy (CBPP)
- Sustainable Community Design Center (SCDC)
- Toolkit for Neighborhood Design
- Adaptive Reuse Incentives
- Solar Kiosks
- Innovative Building Review Committee (IBRC)



As we balance trade-offs and Comp Plan goals, we need new triple-bottom-line tools and metrics to help us measure impacts to sustainability as whole for both current decision-making and long-range planning policy.

Learn more: Heather Flint Chatto, Foragedesigner@gmail.com
FORAGE DESIGN & PDX MAIN STREETS DESIGN INITIATIVE

SUSTAINABLE DESIGN INITIATIVE

Sustainability Scorecard

A triple bottom line "Impact Assessment" tool to evaluate building performance and community development impacts.

- Simple, one-page tool
- Clarifies gains and losses with metrics
- Easily aggregated to track development impacts to many goals by neighborhood, district, or region

This tool would help community members and decision-makers transcend politics and divisive growth debates by providing a simple to use tool with accessible sustainability metrics to assess social, economic and environmental impacts.

Need for a Sustainability Scorecard | Oregon is working hard to address much needed new housing that is also affordable, while also experiencing many challenging impacts from rapid redevelopment that have made some question if Portland has "lost its way."

Cities are often faced with trading one public good of adding housing with a cost to other public goods such as livability, demolition of historic and cultural resources (a significant impact of embodied energy) and loss of existing affordable housing/commercial space, as well as loss of solar access, urban heat island impacts, loss of tree canopy, watershed health impacts due to increased pervious surfaces, loss of local businesses and neighborhood serving amenities, increased displacement and gentrification, etc.

PDX Main Streets

Building in Balance Sustainability Initiatives



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- Solar Kiosks
- Innovative Building Review Committee (IBRC)

Reduce cost in mixed-use buildings by:

- Striving for simplicity at all times...
- Limiting excessive form articulation...
- Minimizing structural cantilevers...
- Avoiding steel whenever possible...
- Stacking walls and unit plans as much as possible,
- Aligning openings within walls from floor to floor.
- Providing continuous structural load paths to the foundation.
- Keeping building massing simple and compact...
- Using repetitive components such as windows, doors.
- Developing and utilizing standardized and reliable systems that are functional, and durable yet cost effective

Poor design adds cost and quality impacts to affordability – we need better City design literacy and tools for this. Foundational Portland buildings in our downtown and east side main streets are important culturally and a guide to timeless, affordable and human-scale building patterns.

*Excerpts above from white paper on "Cost Efficient Design and Construction of Affordable Housing" (Walsh Construction Co.)



Structural gymnastics; cantilevering, complex geometries = cost...and lacks human scale + proportion



From: [J.R. Merrick](#)
To: [Council Clerk – Testimony](#)
Cc: [Portland Coalition for Historic Resources](#)
Subject: Testimony RIP 2
Date: Friday, December 17, 2021 4:02:51 PM
Attachments: [RIP2 PSC Hearing testimony final .pdf](#)

Please include the attached testimony

Rod Merrick, AIA NCARB

Merrick Architecture Planning

Portland, OR 503.771.7762

December 13, 2021

Subject: **RIP2 PSC Hearing Testimony**

Dear PSC Commissioners and Portland City Council:

Despite the pressure from 1000 Friends/PNW, home builders and allied PSC members to bring closure to the RIP project, you should make time to reconsider not just the aspirations and hopes you have for the outcome but what the long term downsides may be including widespread opposition from most of Portland's homeowners and the renters of single family houses.

Let's agree that the city needs a variety of housing types including that what is called "middle housing. Let's also appreciate that there is a shortage of single family housing and a substantial vacancy in multi-family housing.

Let's agree that, as the city grows, additional density is desired especially to anchor and reinforce the variety of planned and maturing "centers".

Despite the slow uptake, most Portlanders seem to accept that ADUs provide homeowner flexibility and housing options that should be allowed. Likewise side by side duplexes that take the form and scale of neighboring single dwellings are appropriate where demolition of viable homes is not part of the bargain.

The state has mandated some additional density be allowed in single family zones. It *does not* require that every single family neighborhood and zone be rezoned and redefined to "middle housing" standards as in RIP1 or the further untethering of standards proposed in the Draft RIP2.

In RIP 1 the PSC, BDS, and City Council backed themselves into an untenable and duplicitous corner by making all single family zones multi-family densities. Some of the advocates for RIP 2 are suggesting that the city drop the pretense and just call everything R2.5 to R20 multifamily and further increase the allowed densities and incentives.

There is nothing in the Comp Plan that envisions this form of random density or the elimination of single family zoning. That is one and perhaps the only reason that BDS is keeping up this disingenuous façade in the code designation.

And what might be the downside of these forms of random density middle housing?

- Introducing chaotic density as the model for our neighborhoods will hobble the evolution of centers and make the city increasingly auto dependent. It will destabilize communities and neighborhoods and result in dislocation for lower income residents.
- The RIP 1 random density approach is clearly intended to introduce chaos as a means to encourage redevelopment of stable neighborhoods. RIP 2 simply accelerates and introduces more chaotic land use patterns, lot sizes, and unpredictable urban form.
- Evidence that affordable or more affordable housing will result from these measures is lacking except for subsidized housing developers. The PNW/1000 Friends aspirational

December 13, 2021

claims are fervent but the evidence is speculative and without foundation that RIP1 or RIP2 will result in the promised benefits.

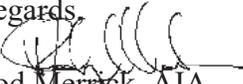
- The purpose of single family zoning as it appeared in the code for many years addressed issues of privacy, access to light, air, recreational space, and neighborhood stability. The RIP approach to planning flies in the face of the overwhelming desire of Portlanders to live in single family houses which under this code will be intentionally displaced as soon as investors find that they can get a predictable and generous return.
- It should be clear by now that the RIP justifications for fewer constraints and higher densities have no practical limits. What began as “social justice” demands to solve “housing shortages”, “housing affordability”, “lack of housing choices”, “access to all types of housing in every neighborhood”, retribution for past housing policy evils, etc. are now in the hands of investor/developers who argue for a free market with less regulation, less plan review, and structures that meet “market demands.”

There is a rational solution for the City to back out of this corner. Stop the train. Revisit the principles and goals of the Comp Plan. Rethink this "market" based approach to urbanization and urban form where developers demand more and more because the middle housing rezoning is not producing promised results. Make middle housing part of a continuum of housing types and densities as it was intended to be. Test the changes to the code in limited districts. Monitor the impacts.

Making war on single family dwellings will ultimately become a political football with unhappy results at the polls or simply abandonment of the City by middle income tax payers.

Thanks for your consideration.

Regards,


Rod Merrick, AIA

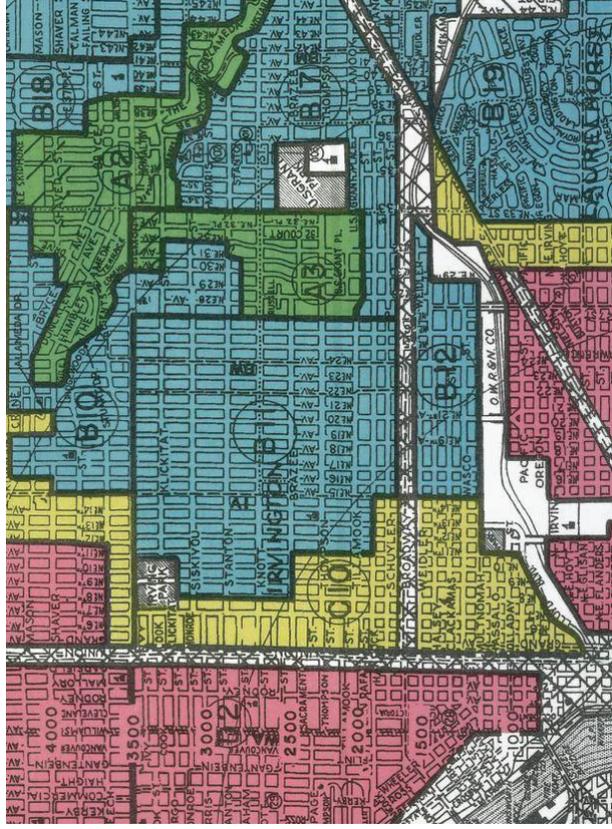
CC:

Mayor Wheeler
Commission Mapps
Commissioner Rubio
Commissioner Ryan
Commissioner Hardesty
Morgan Tracy



HRCP - Historic District Recommendations

Amendment 1: Include a history of racial covenants as a reason to resize, demote, or remove a Historic or Conservation district.



Some of Portland's most affluent neighborhoods have a history of racial covenants.



Portland needs to face and atone for our racist history – not protect it.



Revisiting the special privileges given to these neighborhoods is a small but necessary step to face our problematic history.



HRCP - Historic District Examples

Example: Irvington

Source: Irvington's 2010 National Register of Historic Places Registration Form

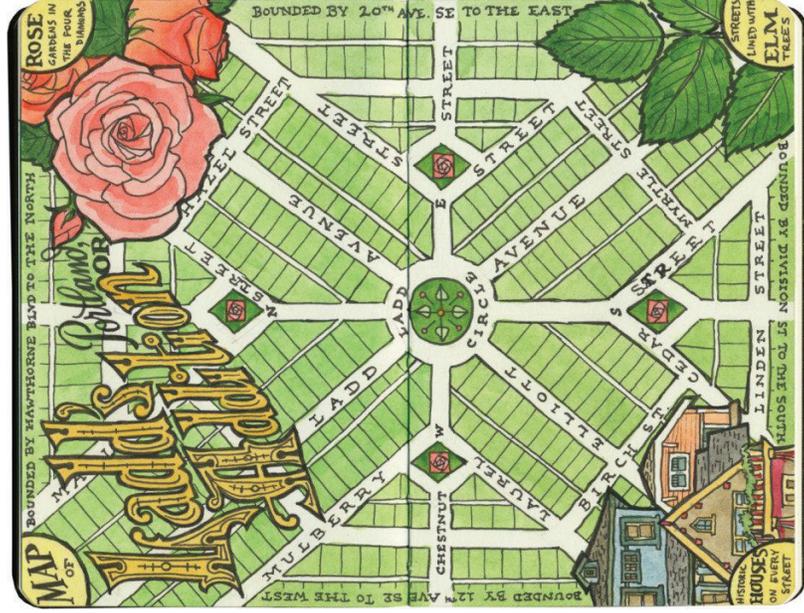
- ❖ “Irvington is significant as one of the earliest real estate developments in Oregon to use **privately imposed and enforced restrictive covenants**”
- ❖ “Deeds for property in Irvington typically included the following restrictions...**[not] be in any manner used or occupied by Chinese other than as the said Chinese may be employed by residents thereon as house servants**”
- ❖ “These restrictions ensured a degree of conformity to the **...socio-economic status of the neighborhood.**”





HRCP - Historic District Examples

Example: Ladd's Addition



Source: [Warranty Deed, Ladd Estate Company](#)

❖ “Nor be in any manner, form or way, used or occupied by Chinese or Japanese except that Chinese or Japanese may be employed by residents thereon as servants.”

❖ “In the event that...the said premises shall within the same period be occupied or used for any of the purposes or any persons of the races prohibited as aforesaid, then, and in either or any such case this conveyance shall be and become null and void.”



HRCP - Historic District Examples

Example: Laurelhurst

Source: [African American Resources, National Register of Historic Places](#)



“A Laurelhurst warranty deed, created by the neighborhood’s developers in 1913, reads:



‘ . . . nor shall said premises or any building thereon . . . be in any manner used or occupied by Chinese, Japanese or negroes, except that persons of said races may be employed as servants by residents.’”



HRCP - Historic District Recommendations

The effects of these covenants continue to this day but have taken new forms.

RESTRICTIVE COVENANTS OUTLAWED

THE AFRO AMERICAN
12th AND WORTH MARK
NATIONAL EDITION
24 PAGES
BALTIMORE, MD., MAY 8, 1948

5 AME BISHOPS FACE RETIREMENT
3 Over Age, 2 Under Charges
Segregation Big Methodist Issue
Bishop Oxxum Lashes Racists in Stirring Episcopal Address
By DOUGLASS HALL



Freedom to Buy, Live Anywhere Upheld
Supreme Court Ruling Had Been Requested by Solicitor General
ENTIRE NATION COVERED
Property in St. Louis, Detroit, Washington Involved in 4 Cases

WASHINGTON
By a unanimous decision of 6 to 0, affirmed President Truman's requested Fifth Freedom—the right for all white men to live anywhere in this country he chose.
By their unanimous vote, the six Supreme Court Justices today ruled that it is illegal to deny to any person the right to own or occupy property solely because of race, color or national origin.

❖ When Racial Zoning & Restrictive Covenants were outlawed, many cities including Portland turned to exclusionary zoning to continue segregation.

❖ Portland's exclusionary zoning began with neighborhoods opting into it, just like National Register districts now.

❖ In 2020, Portland acted to abolish our exclusionary zoning thru Residential Infill.

❖ But Historic District privileges allow these same districts to perpetuate exclusionary zoning.

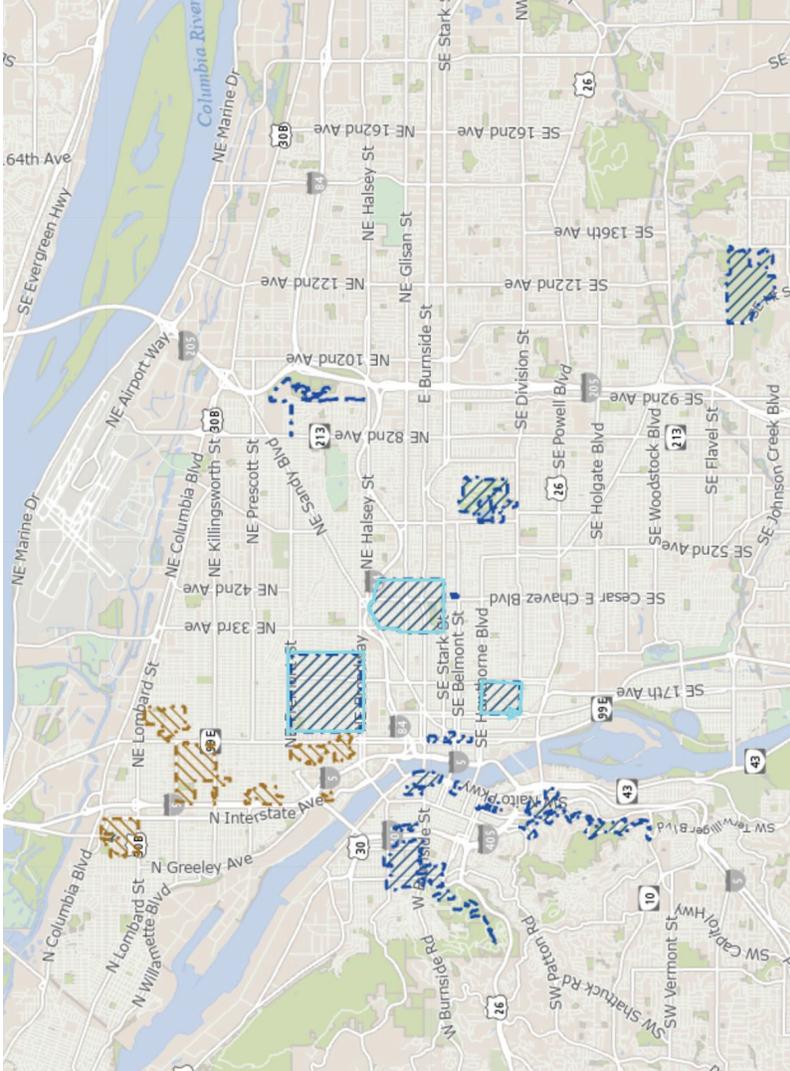


HRCP - Historic District Recommendations

Irvington, Laurelhurst, and Ladd's Addition cover a huge amount of land in high-opportunity areas

These neighborhoods are close to jobs, transit, and amenities and have complete streets and sidewalks, but historic district rules make it very difficult to build affordable housing or any multifamily housing whatsoever

According to the Anti-Displacement Action Plan Report, these areas should “encourage infill development through land use changes that incentivize higher density housing opportunities, especially affordable housing”



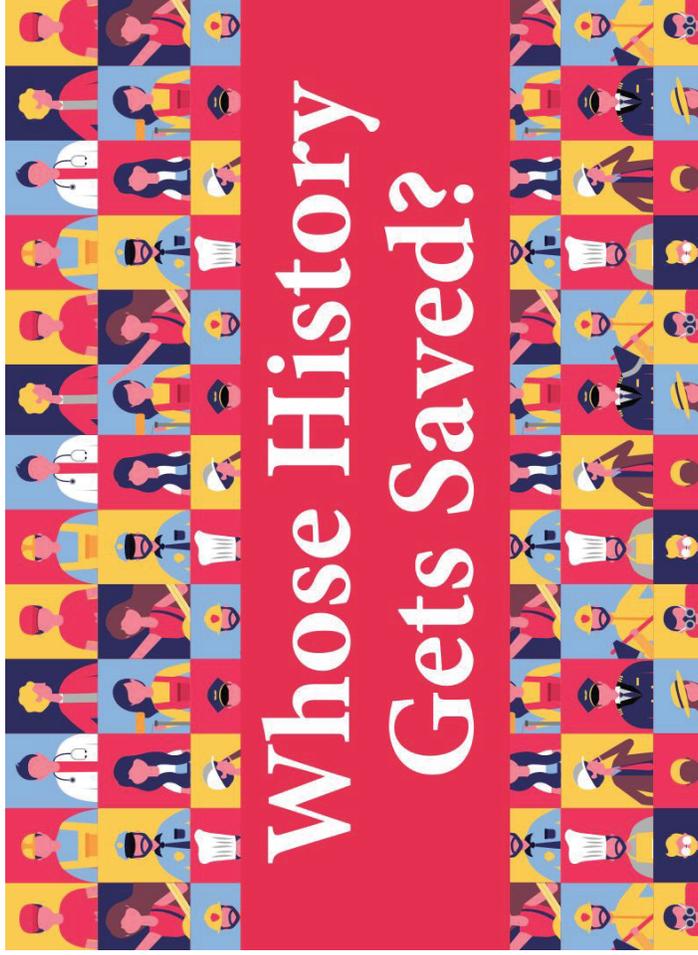


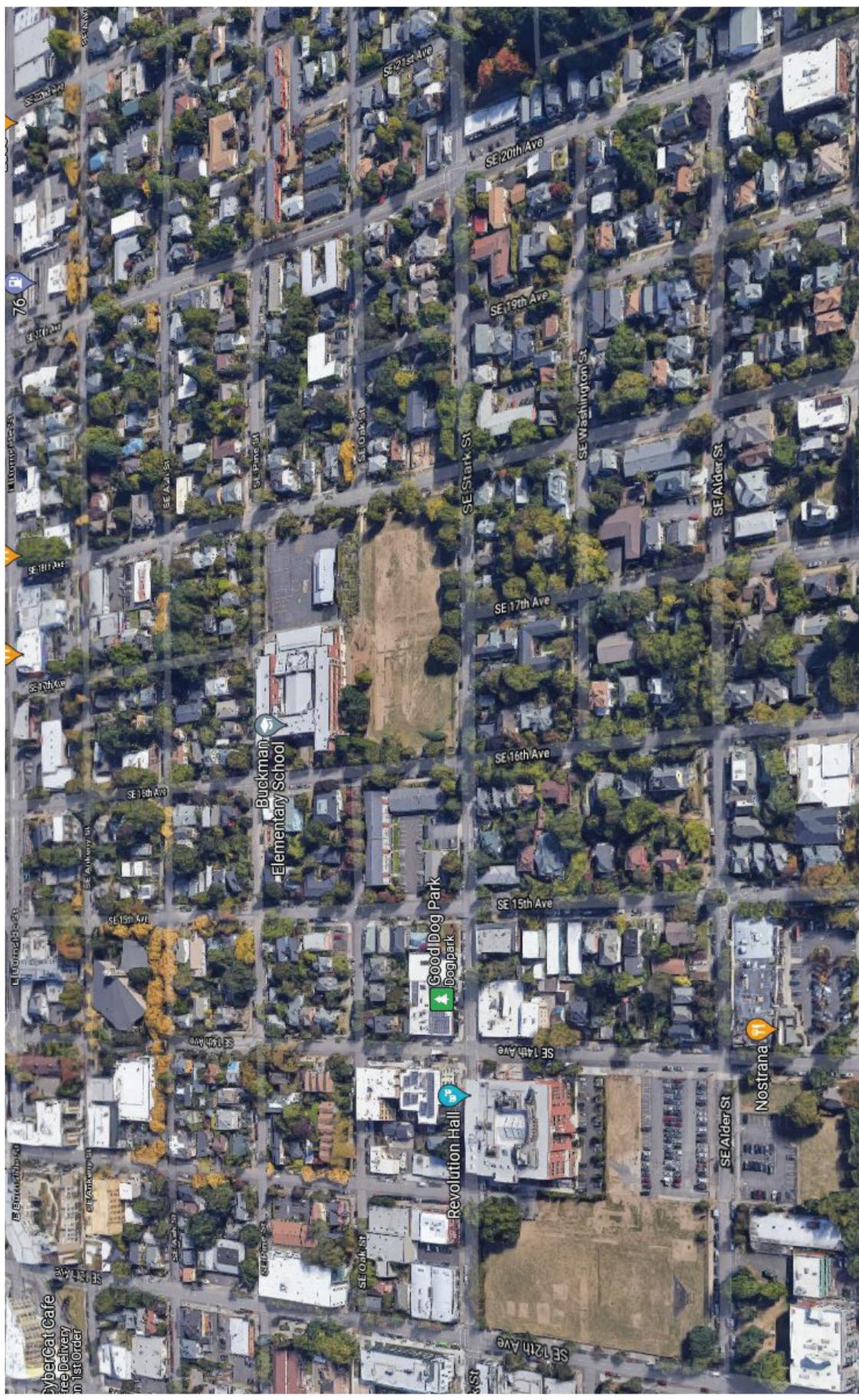
HRCP - Historic District Recommendations

*Is this how we want to **handle shameful history**? By **preserving its privileges**?*



Council should also fund a study to both protect places that reflect BIPOC, LGBTQ+, and other underrepresented communities and remove resources from overrepresented communities.





Google Street View

Census Tract 21, Multnomah, OR

Census Tract in: [Portland_OR](#), [Multnomah County_OR](#), [Oregon](#), [United States](#)

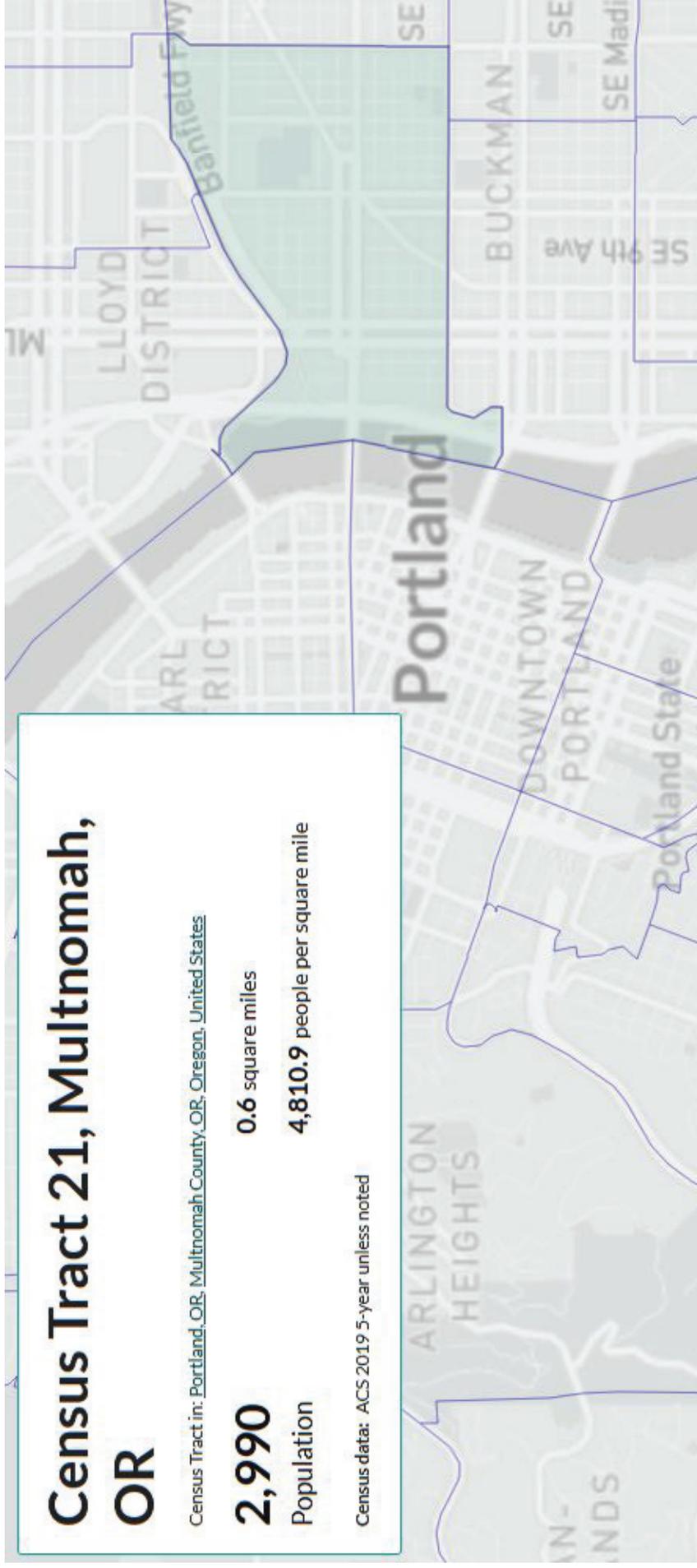
2,990

Population

0.6 square miles

4,810.9 people per square mile

Census data: ACS 2019 5-year unless noted



Income

\$37,225

Per capita income

about 90 percent of the amount in Portland: \$41,310

a little less than the amount in Multnomah County: \$39,245

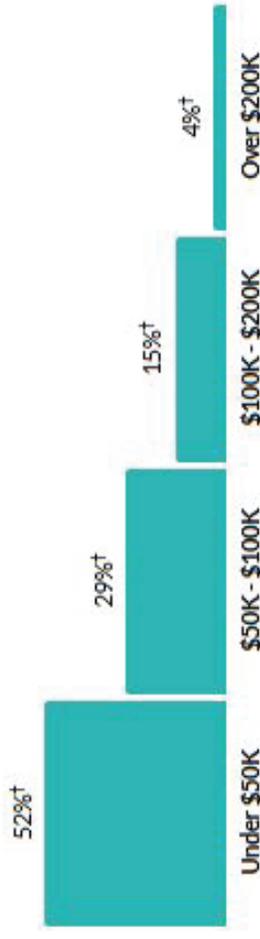
\$47,694

Median household income

about two-thirds of the amount in Portland: \$71,005

about two-thirds of the amount in Multnomah County: \$69,176

Household income



Show data / Embed

Poverty

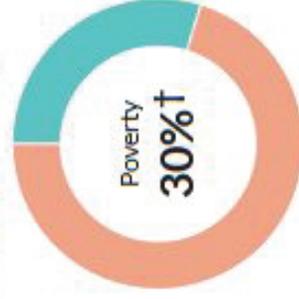
17.9%

Persons below poverty line

about 1.3 times the rate in Portland: 13.7%

about 1.3 times the rate in Multnomah County: 13.8%

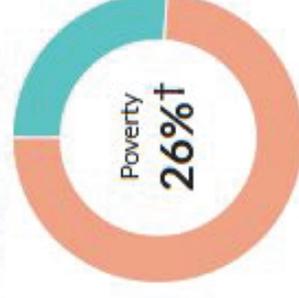
Children (Under 18)



Poverty
Non-poverty

Show data / Embed

Seniors (65 and over)



Poverty
Non-poverty

Show data / Embed

Income

\$37,225

Per capita income

about 90 percent of the amount in Portland: \$41,310

a little less than the amount in Multnomah County: \$39,245

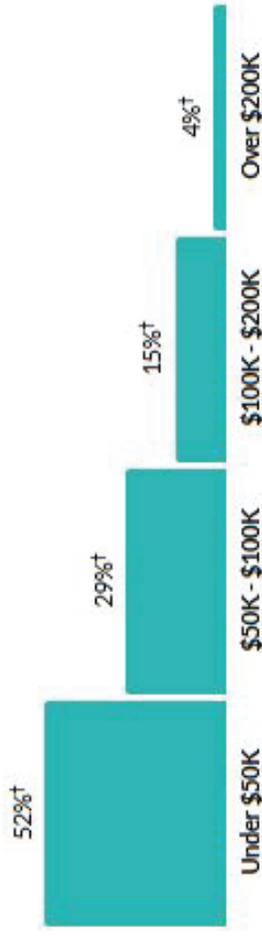
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Household income



Show data / Embed

Poverty

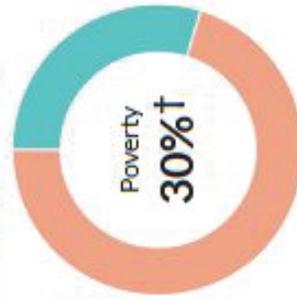
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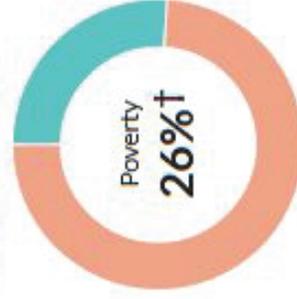
Children (Under 18)



Poverty
Non-poverty

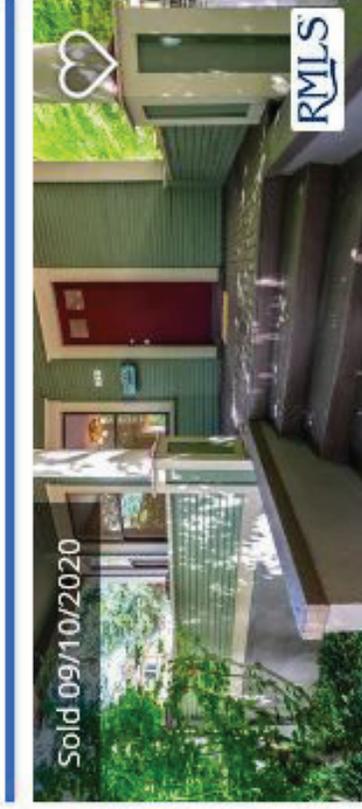
Show data / Embed

Seniors (65 and over)



Poverty
Non-poverty

Show data / Embed



\$590,000

3 bds 2 ba 2,238 sqft - Sold

1705 SE Pine St, Portland, OR 97214

MOXIE REALTY



\$299,900

2 bds 1 ba 700 sqft - Sold

1625 SE Washington St, Portland, OR 97214

RESIDENTIAL PROPERTIES



\$652,000

4 bds 3 ba 2,290 sqft - Sold

231 SE 17th Ave, Portland, OR 97214

WINDERMERE REALTY TRUST



\$595,000

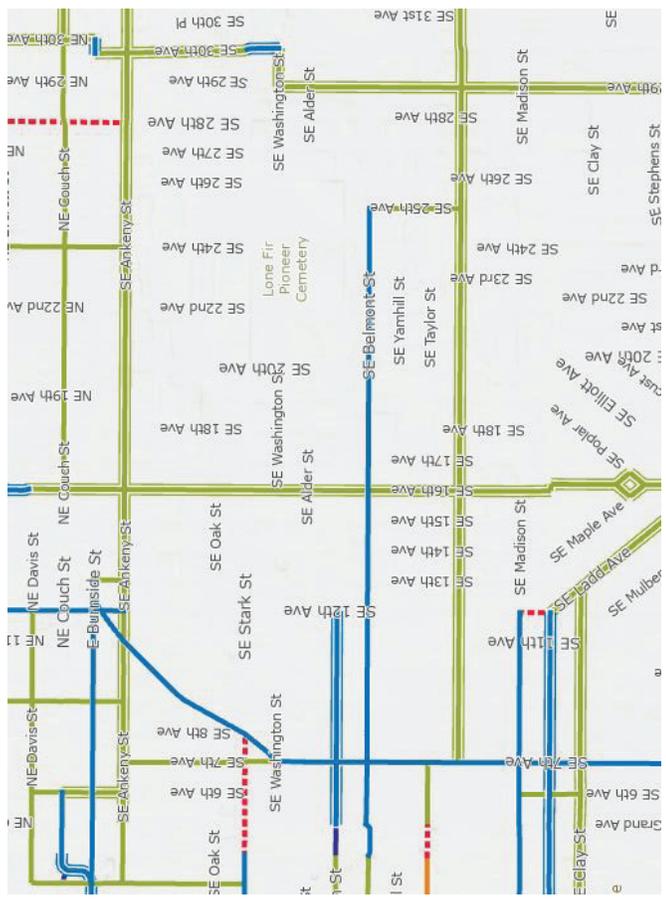
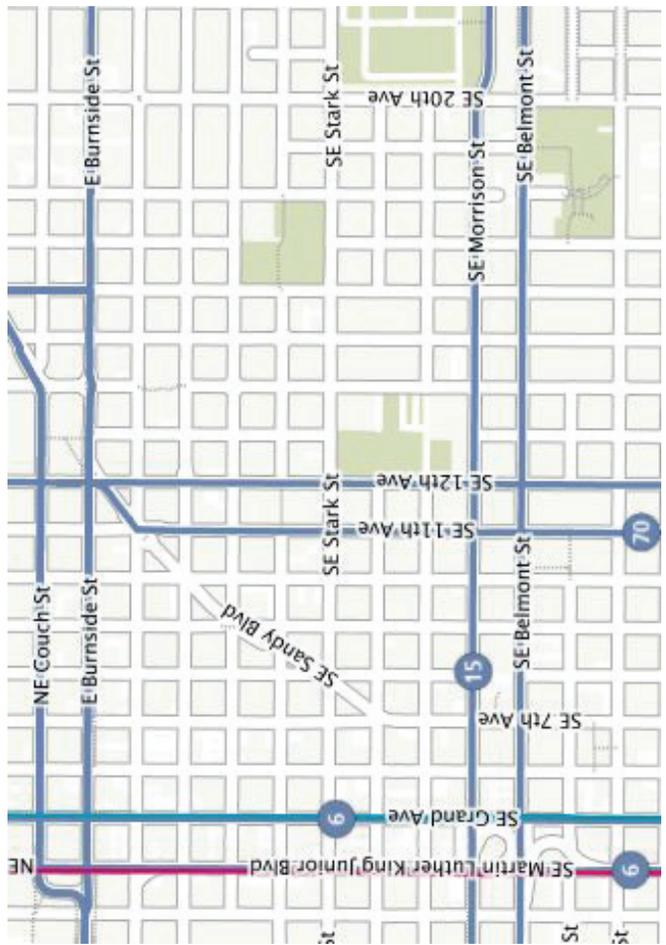
3 bds 3 ba 2,290 sqft - Sold

324 SE 18th Ave, Portland, OR 97214

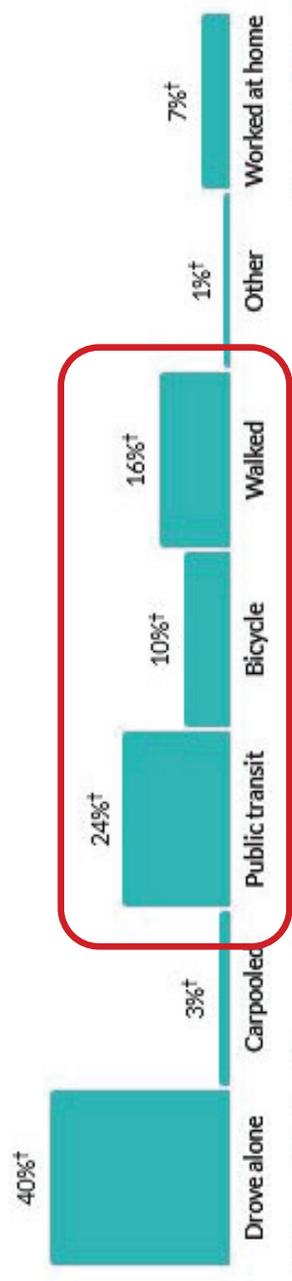








Means of transportation to work



* Universe: Workers 16 years and over

Show data / Embed





Google Street View



Google Street View



HRCP - Historic Resource Review Recommendations

P:NW Amendments 2 & 3: Increase certainty & decrease time and costs in Historic Resource Review



- ❖ **Amendment #2:** Mandate that Historic Resource Review can only reduce a building's height, FAR or envelope by 10%.
- ❖ **Amendment #3:** Change all Historic Resource Type III reviews to *Type II* staff reviews.



HRCP - Historic Resource Review Recommendations

Historic Resource Review must provide certainty to encourage the creation of more housing

- ❖ **Historic Landmarks Commission routinely shrink housing projects by implying they would not be approved.**
- ❖ **This 'informal downzoning' introduces substantial risk to building housing due to costly redesigns, delays and uncertain financing.**
- ❖ **This leads to fewer homes built, projects that fall through, and fewer projects proposed at all.**





HRCP - Historic Resource Review Examples

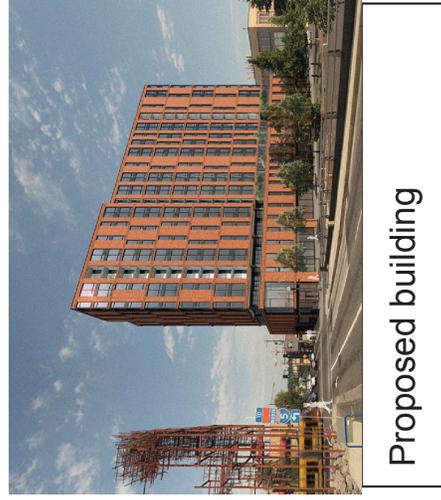


Example: Grand Belmont housing proposal

Council-approved height: 200'

Proposed height: 158'

(for reference: Weatherly Building one block away is 175')



Proposed housing: 193 units

Outcome after Historic Resource Review:

Reduced to 121 units

72 homes lost



HRCP - Historic Resource Review Examples

Example: Omni Tower housing proposal

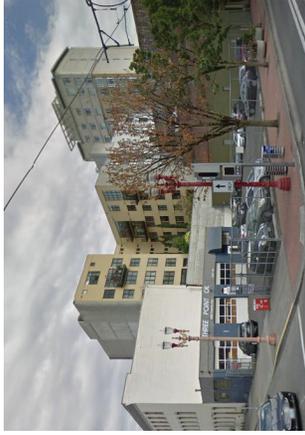
Council-approved height: 425'

Proposed height: 170'

Proposed housing: 135 homes (including 10% affordable at 60% AMI)

Outcome after Historic Resource Review:
Project mothballed

135 homes lost



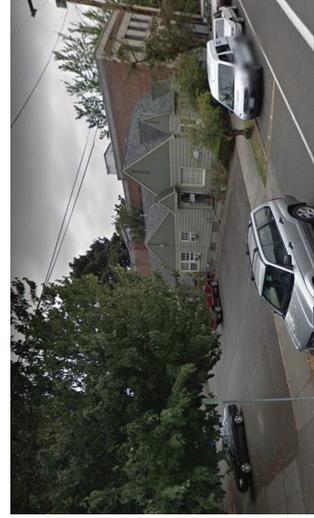
Parcel at time of proposal



Proposed building



HRCP - Historic Resource Review Examples



Parcel at time of proposal



Proposed building

Example: Susan Emmons housing proposal

Council-approved height: 65'

Proposed height: 65'

Proposed housing: 165 homes, all affordable at 60% AMI

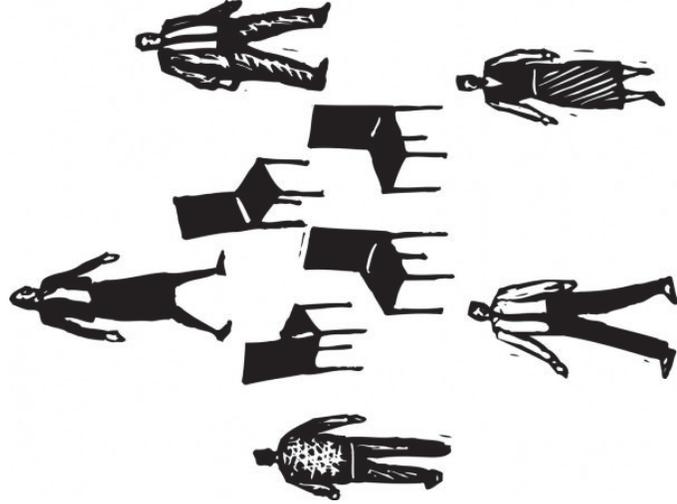
Outcome after Historic Resource Review:
Reduced to 149 homes

16 homes affordable at 60% AMI lost



HRCP - Historic Resource Review Examples

Lost homes = lost opportunities for families



Between just these three projects, the Historic Resource Review process led to the **loss of 223 homes.**

That means **223 individuals and families** who now must compete with other Portlanders, either driving up home prices further, or scrambling to find decent housing within their budgets, or both.

Most of the lost homes would have replaced surface parking lots.



HRCP - Historic Resource Review Recommendations

Portland can decrease the uncertainty, time, and cost of creating housing in Historic Districts

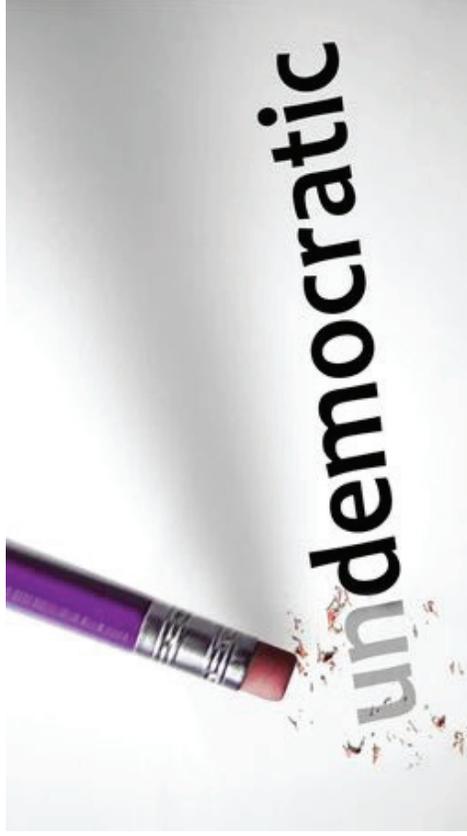
- ❖ P:NW Amendment #2: Mandate that Historic Resource Review can only reduce a building's height, FAR or envelope by 10%.
 - Preserves the ability of Staff or the HLC to sculpt a building and provide suggested changes to massing while maintaining certainty of what size can be built.

- ❖ P:NW Amendment #3: Change all Historic Resource Type III reviews to Type II staff reviews.
 - Preserves the historic resource review process and criteria while allowing trained city staff to review proposals – faster & less expensive, while preserving the discretion of the HLC if project is appealed.



HRCP - National Register Recommendations

Amendment #4: Empower Council by expanding approval criteria for demolition review in National Register Districts to the maximum allowed by state law.



- ◆ **National Register districts are inherently undemocratic**
 - Can be created by a small group of property owners - not necessarily a majority even of local landowners
 - Property owners don't opt in
 - Homeowners outside district have no say
 - Renters have *no say at all*, even residents
 - Council doesn't get to sign off & can never undo, but has to administer the demolition review process



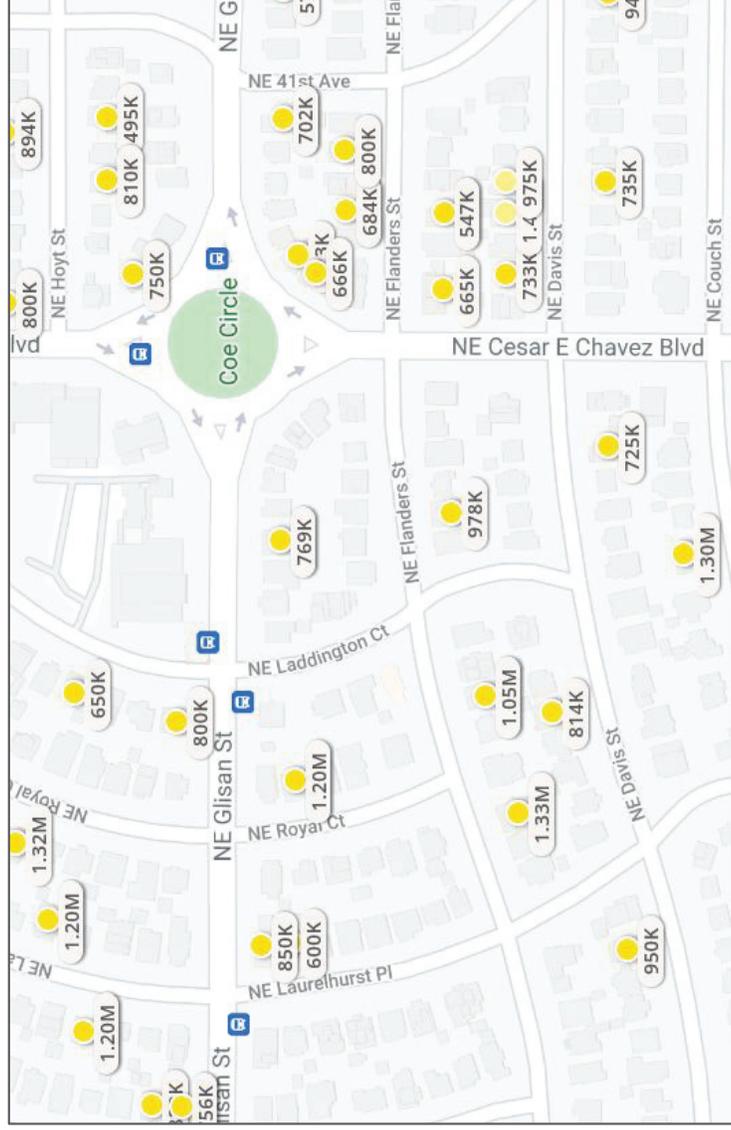
HRCP - National Register Recommendations

Historically exclusionary neighborhoods say they intend to use National Register district status to block infill housing.

- ❖ Demolition review all but guarantees that **no one will risk proposing a significant project that might be unpopular with vocal property owners nearby, as large new buildings often are.**
- ❖ Backers of National Register districts have **openly said this is their intent.**



HRCP - National Register Examples



Recent Laurelhurst home sales

Example: Laurelhurst

“In a Laurelhurst National Register Historic District ... infill developers will have a much harder time [building] quadplex apartment buildings.”

- HistoricLaurelhurst.com

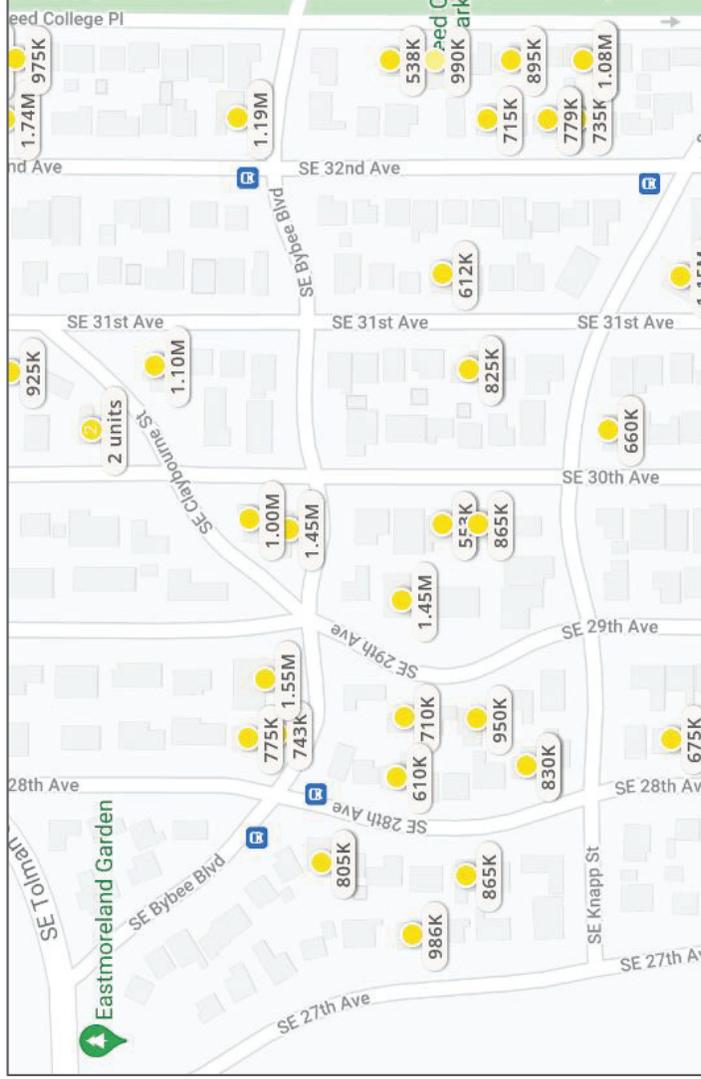


HRCP - National Register Examples

Example: Eastmoreland

"The City is permitting lot splitting and construction of multi-family housing.... With approval of a historic district, demolitions of contributing properties would virtually end."

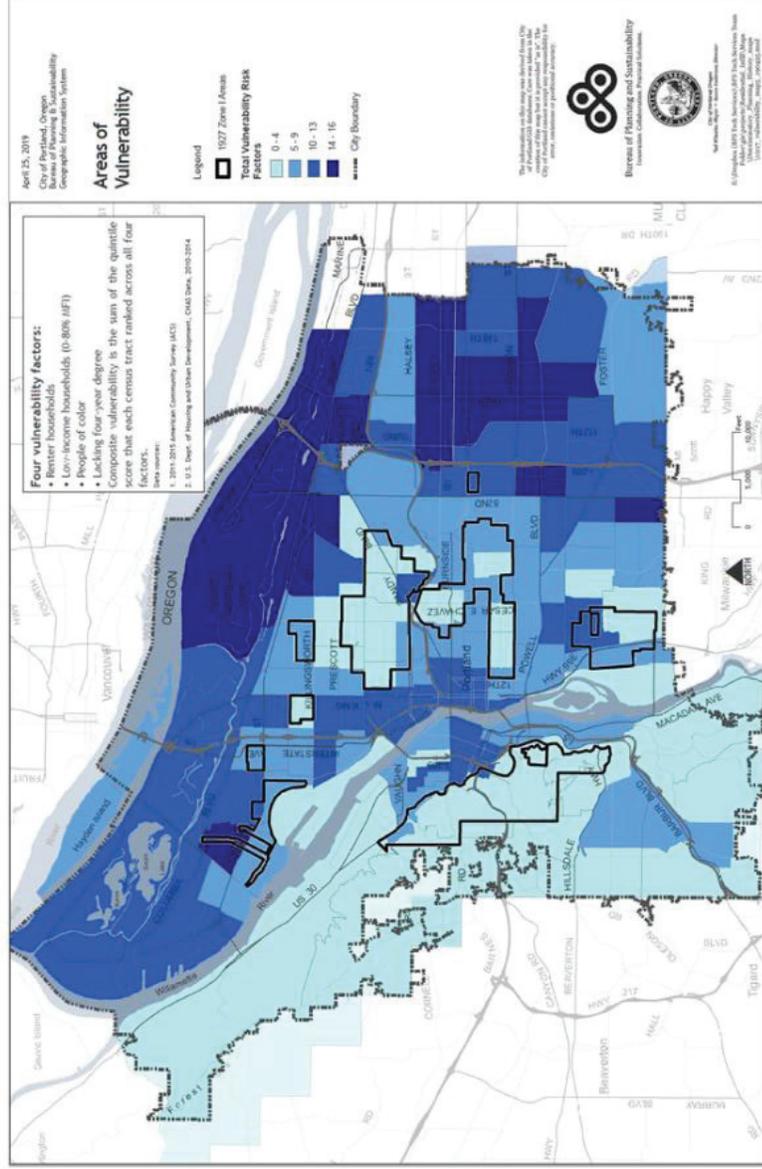
- *HistoricDistrict.
EastmorelandPDX.org*



Recent Eastmoreland home sales



HRCP - National Register Examples

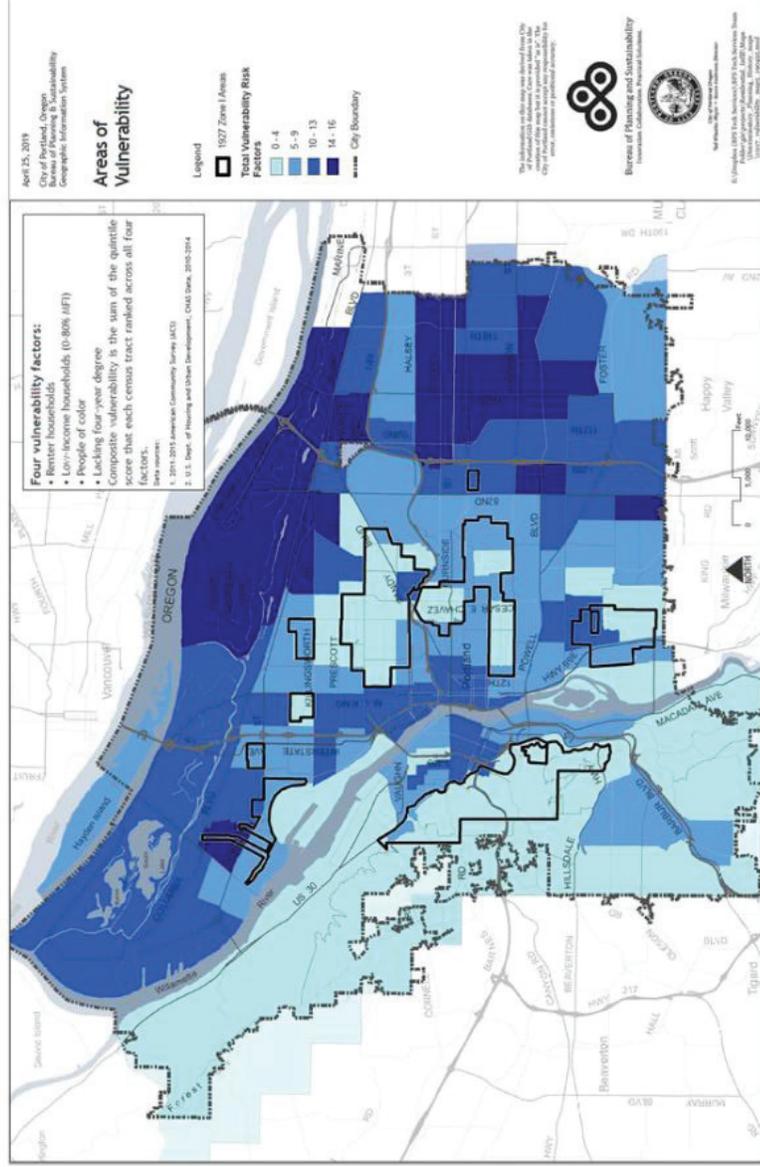


Infill housing is good, and all neighborhoods should do their part - especially those less vulnerable to change.

Social capital shouldn't be a way to opt out of a changing city.



HRCP - National Register Examples



"Since the 1920s, very little change has occurred in the original 15 single-family-zones. These neighborhoods have remained stable and demographically homogeneous with low levels of vulnerability to displacement."

- "Historical Context of Racist Planning," Portland Bureau of Planning and Sustainability, 2019



HRCP - National Register Recommendations

Do not allow affluent neighborhoods to exempt themselves from including more, smaller and lower-cost homes.

- ❖ **P:NW Amendment #4: Expand approval criteria for demolition review in National Register Districts to the maximum allowed by state law.**
- ❖ Demolition of a contributing structure should be approved if redevelopment will facilitate more people *living on site or more regulated-affordable homes on site*. Exception for uniquely significant structures.
- ❖ Neighborhoods that want strong demolition protections should pursue the local Historic or Conservation districts, which offer democratic oversight via Council, rather than the undemocratic, landowner-only National Register process.

City Council Meeting - Wednesday, November 03, 2021 2:00 p.m.

Agenda No.	First Name	Last Name	Zip
791.1	Kristen	Minor	97212
791.2	Mary	Vogel	97205
791.3	Mac	Cunningham	97214
791.4	Jennifer	Shuch	97211
791.5	Luke	Norman	97212
791.6	Doug	Klotz	97214
791.7	Johann	Hannesson	97217
791.8	Sam	Noble	97215
791.9	Jared	Morris	97212
791.10	M Sean	Green	97212-3865
791.11	Heather	Flint Chatto	97214
791.12	Rich	Roberson	97212-3217
791.13	Kay	Mosby	97312
791.14	Elizabeth	Deal	97211
791.15	Daniel	Hernandez	97212
791.16	Heidi	Hart	97214
791.17	Adam	Starr	97212
791.18	Matt	Kelly	97214
791.19	GREGG	BAKER	97212
791.20	Aaron	Brown	97203
791.21	Michael	Andersen	97218
791.22	Woody	Mosby	97212
791.23	Tony	Greiner	97212
791.24	Daniel	Vidas	97212
791.25	James	Heuer	97212
791.26	Katharine	Widdows	97214
791.27	Darrin	Amico	97212
791.28	Sean	Aaron Cruz	97220
791.29	Nicole	Possert	97202
791.30	Maya	Foty	97205
791.31	Patricia	Spencer	97213
791.32	Jonathan	Cohen	97209
791.33	Nick	Forrest	97045
791.34	David	Sweet	97218
791.35	Jane	Morse	97212
791.36	Jolynn	Mitchell	97212
791.37	Brian	Pietrowski	97103
791.38	Susan	Sater	97212
791.39	Zoe Lynn	Powers	97217
791.40	Bert	Sperling	97202
791.41	Henry	Honorof	97212
791.42	Taylor	Smiley Wolfe	97211
791.43	Eric	Lindsay	97227

791.44	Colin	Folawn	97202
791.45	Iain	MacKenzie	97214
791.46	Angela	Uherbelau	97212
791.47	Tom	Clark	97239
791.48	David	Binnig	97202
791.49	Greg	Raisman	97214
791.50	Daniel	Chandler-Klein	97217
791.51	Anna	Kemper	97211
791.52	Brandon	Narramore	97205
791.53	Stephen	Judkins	97227
791.54	Rob	Hemphill	97232
791.55	Tim	DuBois	97202
791.56	Adam	Zucker	97214
791.57	Peggy	Moretti	97201
791.58	Susan	Hathaway-Marxer	97212
791.59	Hillary	Wendroff	97212
791.60	Josh	Wendroff	97212
791.61	Esther	Westbrook	97212
791.62	Brooke	Best	97214
791.63	Paul	Falsetto	97211
791.64	Jonathan	Greenwood	97217
791.65	Richard	Mills	97212
791.66	Wendy	Rahm	97205
791.67	Walter	Weyler	97205
791.68	LaJune	Thorson	97201
791.69	Dean	Barnett	97201
791.70	Marian	Debardelaben	97201
791.71	Thomas	Ray	98201-5013
791.72	Paul	Weir	97205
791.73	John	Liu	97232
791.74	Eric	Von Hulha	97212
791.75	Trisha	Patterson	97206
791.76	Joan	Petit	97212-3040
791.77	Nora	Lehmann	97211
791.78	Micha	Sinclair	97214
791.79	Constance	Beaumont	97214
791.80	Carrie	Richter	97215
791.81	Sam	Stuckey	97214
791.82	Sarah	Iannarone	97206
791.83	Athul	Acharya	97232
791.84	Susan	Gisvold	97212
791.85	Dean	Gisvold	97212
791.86	Sarah	Gilbert	97209
791.87	Emily	Guise	97206
791.88	Fred	Leeson	97212
791.89	Louis	McLemore	97227
791.90	Carter	Ause	97213

791.91	Rick	Michaelson	97210
791.92	Patrick	Hilton	97220
791.93	Greg	Buss	97232
791.94	Steven	Cole	97212
791.95	Scott	Jones	97211
791.96	Rod	Merrick	97202
791.97	Andrew	Damitio	97232
791.98	Sean	Sweat	97209
791.99	Linda	Nettekovon	97214
791.100	Bill	Levesque	97231
791.101	Linda	McDowell	97232
791.102	Meg	Langford	97214
791.103	Julia	Metz	97202
791.104	connie	masuoka	97239
791.105	Tony	Jordan	97215
791.106	Regina	Winkler	97214
791.107	Michelle	Plambeck	97227
791.108	Lincoln	Tuchow	OR
791.109	Rebecca	Small	97217
791.110	Tim	Davis	97201
791.111	Chris	Marraccini	97232
791.112	Kiel	Johnson	97218
791.113	Simon	Apostol	97206
791.114	Roger	Jones	97214
791.115	Maureen	Andersen	97218
791.116	Matthew	Tucker	97206
791.117	Josette	Katcha	97205
791.118	Robert	Ball	97210
791.119	Neil	Lee	97202
791.120	Hongcheng	Zhao	97229
791.121	John	Czarnecki	97305

City Council Meeting - Wednesday, December 15, 2021 2:00 p.m.

Agenda No.	First Name	Last Name	Zip Code
911.1	Eli	Spevak	97201
911.2	Kristen	Minor	97212
911.3	Mary	Vogel	97205
911.4	Nicole	Possert	97202
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911.12	David	Sweet	97218
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911.14	Julia	Metz	97202
911.15	Constance	Beaumont	97214
911.16	Bradley	Bondy	97266
911.17	Johann	Hannesson	97217
911.18	Greg	Raisman	97214
911.19	Wendy	Rahm	97205
911.20	Michael	Andersen	97218
911.21	Athul	Acharya	97211
911.22	Preston	Korst	97211
911.23	Jared	Morris	97212
911.24	Woody	Mosby	97212
911.25	rick	michaelson	97210
911.26	Denyse	McGriff	97045-1944
911.27	Fred	Leeson	97212
911.28	Aaron	Brown	97203
911.29	Eli	Green	97212
911.30	Tony	Greiner	97212
911.31	Heather	Flint Chatto	97214
911.32	Robert	Ball	97210
911.33	kelly	lanspa	97202
911.34	Kay	Mosby	97312
911.35	Jonathan	Greenwood	97217
911.36	Rod	Merrick	97202
911.37	Lawrence	Kojaku	97210
911.38	Carrie	Richter	97215
911.39	MARY	SENATORI	97212

911.40	Linda	Nettekoven	97214
911.41	Mark	Takiguchi	97209
911.42	Zoe Lynn	Powers	97217
911.43	Jonathan	Cohen	97209
911.44	Jessie	Burke	97209
911.45	Hongcheng	Zhao	97229
911.46	Tamara	DeRidder	97213

Zoom Meeting Chat

Council Meeting December 15, 2021 2:00 p.m.

Item 912 Historic Resources Code Project

- 14:02:24 From 1. Comm. Rubio to Hosts and panelists : my apologies I was having internet connection issues
- 14:58:30 From 27. Jared Morris to Hosts and panelists : Thank you!!
- 15:18:25 From 3. Comm. Hardesty : Impressive presentation Heather Flint Chatto. I really appreciate your dedication to this issue.
- 15:19:10 From 3. Comm. Hardesty : Can we get your power point presentation Heather?
- 15:22:31 From 41. Alisan Peters to Hosts and panelists : I apologize that I can't take my opportunity to testify. I am in support of Amendments 3, 5, and 6A.