



City of Portland
Historic Landmarks Commission

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March 12, 2018

To: Bill Cunningham and BPS

Re: Better Housing by Design Discussion Draft

The Portland Historic Landmarks Commission (PHLC) received a briefing and reviewed the Discussion Draft of the Better Housing by Design (BHBD) code update project on February 12, 2018. The BHBD project addresses multi-dwelling zones and regulations throughout the City and works in tandem with the single-dwelling zone regulations being proposed concurrently through the Residential Infill Project, or RIP.

The PHLC does not have regulatory oversight for resources or areas of the City without formal designation (Landmarks or sites within Historic or Conservation Districts), but the Commission is interested in regulatory impacts on resources that are eligible to be historic, especially those already ranked on the 1984 Historic Resource Inventory. Our comments therefore in some cases apply to regulatory impacts to older buildings or concentrations of older buildings that are not (yet) designated.

As with the RIP project, the Commission wants to ensure that new regulations do not make it easier for historic buildings to be demolished. Several of the proposed regulations in the BHBD work to preserve historic buildings, including the provision that parking does not have to be provided on site for small sites, the provision that minimum density requirements may be waived for historic resources or for adding ADUs to existing houses, and the provision that FAR cannot be transferred into a Historic or Conservation District. The Commission also supports the idea that FAR should be measured by bulk for residential uses just as it is for all other uses in the City. We see this change as better enabling the internal conversions of what was a single-family house or unit into a multi-family, but even more important, it allows the code to better support the use of historic multi-family forms and building types in review for new construction in Historic or Conservation Districts. As long as the proposed form and massing are compatible with the contributing properties in an area, the number of units in the proposal should be less important.

The BHBD proposal does raise a concern, however, with the potential results of simplifying the side setback requirements. While it is true that the existing formula for deriving setbacks based on the plane of the wall is not always simple, it does have some unexpected benefits to the building's massing. When the side plane of a proposed development is quite large, an applicant sometimes has to break the plane of the wall into smaller pieces at varying depths from the property line in order to meet the setback regulation, creating interest, depth, and opportunities for more light and air towards the neighboring property. Eliminating this formula is likely to create flatter, larger wall planes.

Further, regarding the way the new RM4 zone relates to single-dwelling houses in immediate proximity, the PHLC is appreciative of the design review overlay being added to these zones. With code requiring a 35' height limitation within 25' of single dwelling zones, the resulting massing could be awkward and acontextual. Design Review or Historic Review would have the flexibility to require the more appropriate response to an existing older development, whether it is a larger setback, a smaller area of wall at the minimum setback, or a step-back in height.

Though historic or conservation districts are not yet located in East Portland, the PHLC has a comment regarding the East Portland provision for outdoor area location flexibility. Residential outdoor zones are important in any multi-family development, and the PHLC recognizes that flexibility is critical. However, we suggest that the code should prioritize or incentivize outdoor spaces that can be seen or experienced to some degree by the public.

Accordingly, an outdoor space along a sidewalk where the plane of the building is back quite a bit should be incentivized over a rooftop deck area which has no impact on the neighborhood. In this way the positive collective impact of the outdoor space is recognized.

Our most pressing concern overall in this proposal is the result of allowing new projects located in Historic or Conservation Districts to earn FAR that may be above the amount which could be approvable on that site. A project earning 50% more than the base FAR might be approvable with only some of that "earned" FAR added to the project, based on the compatibility criteria for that district. This is extremely important, because in some districts, the base maximum FAR and heights allowed by code are already sometimes more than would be approvable through Historic Resource Review. The PHLC strongly suggests that projects that earn bonus FAR and cannot achieve it within a site because of compatibility approval criteria should be allowed to market that unused FAR outside of the historic or conservation district.

Thank you for your attention to these issues.

Sincerely,

A handwritten signature in blue ink, reading "Kirk Ranzetta".

Kirk Ranzetta
Chair

A handwritten signature in black ink, reading "Kristen Minor".

Kristen Minor
Vice Chair

cc
Brandon Spencer-Hartle, BPS
Hillary Adam, BDS