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December 16, 2019

TO: Clark County Historic Preservation Commission

Alex Gall, Chair  
Sean Denniston, Vice Chair  
Julie Bohn, Member  
Andrew Gregg, Member  
Michelle Kapitanovich, Member  
Roch Manley, Member  
Donald Trost, Member

CC: Vancouver City Council

Eric Holmes, City Manager  
David Pearson, CEO, The Historic Trust  
Allyson Brooks, Ph.D., State Historic Preservation Office  
Jacqui Kamp, Clark County Community Development  
Jason Nortz, Development Review Division Manager

Dear Commissioners:

Thank you for your December 5, 2019 letter regarding the Commission's concerns with the design of the Aegis Apartment Development at Providence Academy (Phase I), which was approved by the City on October 18, 2018 following consultation with the HPC. While I agree with your statement that the Providence Academy is "one of the most significant pieces of historic architecture in the Northwest," I have reviewed the project file and must respectfully disagree with the assertion that staff did not appropriately apply the regulations as required in their review of the first phase, and I will respond to those concerns in this letter.

Additionally, I understand and appreciate that the HPC has concerns with the limitations of the current development code as it pertains to historically-sensitive buildings and properties. I further understand that these concerns have come to light recently with the anticipated second phase of the Aegis project on the Academy site. I will therefore offer my comments on the items contained the letter, and hope that this will lead to further discussion between the City, HPC, and Historic Trust.

#### Response to HPC Concerns Regarding Aegis, Phase I

As some of you will recall, the HPC reviewed and was consulted on the project design at their August 15, 2018 meeting, prior to City staff finalizing its land use approval. According to the written summary of the HPC's comments issued after this meeting, it is clear that there was a wide diversity of commissioner opinions on the project, from wondering "if there was some way to bring more historic design elements into the two new buildings," to "even more historic architectural elements to those buildings...would run the risk of creating false historicism." One member indicated that the proposal met zoning and code criteria, but was concerned by the removal of the restaurant as it would open up the site to more development, while another expressed that the plaza "offers up a view corridor of sorts." Two members expressed serious

concerns with the scale and impact of the new building on views of the Academy building from Evergreen Boulevard near C Street, and from C Street at 11<sup>th</sup> Street, while two other members indicated full support for the project as proposed. One member felt that while the codes were being met, the Heritage Overlay District should be amended to provide more specific guidance as well as more deference to the HPC. I refer to these comments merely to illustrate the broad spectrum of perspectives from the HPC members and certain degree of subjectivity involved in determining whether the project was consistent with the Heritage Overlay District One standards.

In the end, the *only motion* made by the HPC, which passed unanimously, was to recommend that the width of the planters in the plaza be at least 15 feet wide to allow for larger species. Further, despite concerns raised, no other changes to the project design were recommended by the HPC by formal vote.

Without a clear consensus from the Commission, the developer made several changes to the plans and building designs in an attempt to be responsive to a number of the HPC's suggestions. City staff reviewed the revised plans for compliance with all applicable development standards, including the requirements of VMC 20.510 Heritage Overlay District, and found that the development would comply (see findings contained in the October 15, 2018 staff report and decision, pp 11-18). I have reviewed the applicable standards and staff's affirmative findings and rationale as outlined in the staff report, and agree with the conclusion that the development, as proposed, did in fact comply with such requirements.

In the December 5<sup>th</sup> letter, three main issues with the City's approval of the Phase 1 development were raised, namely:

1. *The proposal was approved even though it deviates from sound preservation principles and standards and is incompatible with the Providence Academy site.*
2. *When approving Phase I of the Aegis development the City did not appropriately follow the cultural resource protections required in state and local law by the State Environmental Protection Act (SEPA).*
3. *Even the minimal preservation requirements of the Vancouver Municipal Code were not sufficiently enforced, and the City's interpretation of those requirements is at odds with the plain meaning of the code language.*

The HPC's primary concern appears to be related to the massing, size and scale of the proposed buildings in relation to the Academy Building, as well as the reduced views to Academy buildings from C and Evergreen Streets.

While there is no question the proposed buildings will be large in appearance, especially along C Street, staff found that there would be benefits from the proposed buildings, including will activating the site and complementing (but not copying) materials and design features of the main Academy Building. The removal of a non-contributing building at the southwest corner of the Academy Building in order to enhance views to the building from much of the Evergreen frontage was also seen as a mitigating factor. Taking these various factors into consideration, staff determined that, on balance, the proposed building is compatible with the main Academy Building and the applicable requirements are met.

I think most of the commissioners would agree that the field of Historic Preservation is not an exact science, as it involves a certain amount of informed judgment and allows for interpretations and exceptions. Even the Secretary of the Interior's Guidelines for Historic Preservation are recommendations (by design), as opposed to being prescriptive. I respect that the HPC disagrees with how staff applied the code to the first phase of the Aegis project, and it would be helpful if the Commission could identify the specific standards and regulations of VMC 20.510 that do not result in compatible design or consistency with sound preservation principles and standards, and propose any suggested revisions that would make them less subject to interpretation, including whether policy statements in the purpose section should be worded as approval criteria or as standards.

Regarding the SEPA review, an environmental impact statement (EIS) was completed for the Vancouver City Center Vision (VCCV) Subarea Plan in 2006 and adopted by City Council Ordinance M-3833 in June of 2007. The EIS considered impacts of anticipated development of the Vancouver City Center Subarea consistent with the subarea and redevelopment plan, and provides for mitigation measures and other conditions to ensure that such future development will not create adverse environmental impacts. As a qualifying Planned Action, the Aegis project is covered by the mitigation measures incorporated in the VCCV EIS (Section 8.3 of Ordinance M-3833, which includes mitigation measures for historic buildings). As detailed in the staff report and decision dated October 15, 2018 (see pages 6-8), the Phase I Aegis development was found to be consistent with the VCCV and required mitigation measures.

Regarding the view issue from the southwest corner of the site, development regulations imply that the most important views to the Academy Building are from the south and southeast near I-5, where a 0' building height restriction is placed to preserve a view corridor from that direction. No such restriction exists at the southwest corner of the site aside from a minimum setback requirement of not less than 15 feet from East Evergreen Boulevard between the freeway and C Street for open space and substantial planting. The developer agreed to move the proposed building approximately 58 feet from Evergreen Boulevard, based on city input. Due to only a minimal reduction in view to the west elevation of the Academy Building from the far west end of Evergreen (which was deemed less important), staff determined that the proposed building met the regulations.

Staff's role in their review of land use applications is to apply the specific design and development regulations to projects according to the approval criteria and development standards that are in Vancouver Municipal Code. It is staff's obligation to review the development that is proposed by the applicant and to determine if the applicant's proposal meets the development code. If it does, staff must approve the project within the timeframe mandated by the code.

The staff report and decision dated October 15, 2018 provides an explanation for staff's affirmative findings to each and every standard that applies to new construction in a Heritage Overlay District and as a Type I review, staff's approval of the first phase is final.

#### Response to Specific Recommendations by HPC

The HPC recommends that the City consider taking three steps to further protect the Academy site in anticipation of submittal of an application for the second phase of the Aegis project on the north side of the property, as follows:

1. *Fully enforce the existing preservation requirements in the Vancouver Code on all future permits including, but not limited to, fully enforcing the requirement to preserve views from Evergreen Boulevard.*

City Response: City staff will fully enforce existing preservation requirements in the VMC on all future permits, and will endeavor to bring the project to HPC for their input as early in the review process as possible. It is our understanding, however, that the second phase will not involve any changes to the south side of the Academy Building and because the first phase has been approved, there will not be any further impacts to views from Evergreen Boulevard.

2. *Revise the Vancouver Municipal Code to update the preservation requirements for the Heritage Overlay District that contains Providence Academy so that they effectively protect the building and site.*

City Response: The City recognizes that the code language could be improved, and that it has not been revised for quite some time. While it is possible to revise the VMC to update preservation requirements and make existing code language clearer, City staff would appreciate more specificity from the HPC regarding which sections are seen as being problematic, and how such sections could be improved. Typically, the City only amends VMC Title 20 (Land Use and Development Code) once

a year. Because Council just approved amendments this past month for the 2018 code update, more than likely the next set of changes would not be made until late in 2020, with an effective date in 2021. Such changes will involve a robust public process, and the City will seek input from stakeholders and the public, as well as the HPC. We welcome further discussion regarding particular sections or language that the HPC feels should be enhanced.

3. *Fully follow the SEPA process, including performing an adequate assessment of impacts and requiring full implementation of mitigation measures for those impacts, including:*
  - *Apply the Secretary of the Interior's Standards to all development on the site as an absolute minimum mitigation measure.*
  - *Place Providence Academy on the Clark County Heritage Register so that it can be afforded the fullest measure of preservation protection available.*
  - *Require the development and release of a comprehensive preservation plan for the site.*

City Response: The City will continue to apply the mitigation measures in the Vancouver City Center Vision Subarea EIS to future developments. Because it is impossible to know which recommendations contained in the Secretary of the Interior's Guidelines might or might not apply to proposed development until such a proposal is submitted, rather than treating the guidelines as minimum requirements, City staff will instead seek HPC's guidance as to how such guidelines should be applied to future development on the Academy site. Additionally, as currently written, the Heritage Overlay District does not give the City the authority to apply the Secretary of Interior's Guidelines to new development, but instead can apply them to exterior alterations of existing historic structures.

The City does not own or control the Academy property. Per the Clark County Historic Preservation Ordinance (CCC Title 40.250.030) there must be owner consent prior to any building, structure, site, object or district being placed on the Clark County Heritage Register. If the owner, The Historic Trust, consents to such nomination then the City would certainly support such a nomination.

The City does not currently have any code-based authority to require that a comprehensive preservation plan for the site be developed and approved. Such a requirement could be considered as a possible amendment to the Vancouver Municipal Code or offered by the property owner. However, projects that have either obtained a land use approval or for which a fully complete application has been submitted are considered vested to existing regulations and new regulations cannot be applied.

The City of Vancouver appreciates the HPC's commitment to its role and mission to "provide information, comment, and support to the public and agencies on matters related to historic preservation." As part of the land use process on applicable developments, the City will continue to rely on the Commission's expertise and seek their input and again, will endeavor to bring proposed projects that are within HPC purview to the HPC as early in the review process as possible.

Our staff looks forward to continuing to work collaboratively with the Commission in the review of development projects and welcomes the opportunity to discuss possible revisions to city codes that would enhance the protection of our community's historic resources. Please do not hesitate to contact me if I may be of further assistance.

Sincerely,



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**Attachments:**

1. HPC Letter Dated December 5, 2019
2. Phase I Aegis Development Staff Report and Decision
3. Summary of HPC Meeting, August 15, 2018