

F. Requests for extension of demolition delay period. Requests to extend the demolition delay period may be made as follows:

1. Who may request. Requests to extend the demolition delay period an additional 60 days may be made by a recognized organization whose boundaries include the site or any other interested party.
2. How to request. The request to extend the residential demolition delay period must be made in writing, on forms provided by the Bureau of Development Services. The request must be submitted to the Bureau of Development Services by 4:30 p.m. on the last day of the 35-day notice period. The request must be accompanied by an appeal of the demolition permit application submitted to BDS for a hearing before the Code Hearings Officer as provided in Subsection 24.55.200 H. below, along with the appeal fee or a waiver of the fee. A fee waiver will only be granted to recognized organizations whose boundaries include the site.

Comment [TN1]: Code Hearings Officer would like the packet to go to BDS; they don't process waivers and his staff doesn't have access to information necessary to screen the appeal application.

G. 12060-day extension of residential demolition delay period. If a signed request for extension of the demolition delay is received as provided in Subsection 24.55.200 F. above, issuance of the building permit for demolition will be stayed until the Code Hearings Officer has rendered a decision of an appeal filed as provided in Subsection 24.55.200 H. below.

H. Appeal of the residential demolition permit application. An interested party may file an appeal to the issuance of the demolition permit by completing a request for appeal on forms provided by BDS. The appeal application must be accompanied by the appeal fee or a fee waiver. Appeals will be forwarded to the Code Hearings Officer and will be governed by the provisions in Chapter 22.10, unless there is a conflict between Chapter 22.10 and this Section 24.55.200, in which case this Section 24.55.200 shall apply. The provisions of Chapter 22.03 shall not apply to appeals of residential demolition permit applications, except for Sections 22.03.050 (Hearing Procedure), 22.03.080 (Evidence), and 22.03.110 (Orders). All documents that either party wants in the record should be submitted to BDS within five days of the submittal of the complete request for appeal. The appeal may be filed any time within the initial 35-day delay period. The demolition permit may not be issued from the time BDS receives an appeal application and the fee or fee waiver, until the Code Hearings Officer has rendered a decision or the 60-day extension period has expired. The party filing the appeal has the burden of proving that it is actively pursuing an alternative to demolition and must demonstrate all of the following:

1. The requesting party has contacted the property owner or property owner's representative to request a meeting to discuss alternatives to demolition by sending a letter to the property owner by registered or certified mail, return receipt requested;
2. The particular property subject to the demolition permit application has significance to the neighborhood. Evidence of the significance may include, but is not limited to, architectural significance, the age and condition of the structure or other factors;

3. The requesting party has a plan to save the structure; and
4. The requesting party has a reasonable potential to consummate the plan by providing a pro-forma budget and either evidence of funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget.

Comment [TN2]: Hearings Officer was concerned about confidential information contained in these documents

- I. Moving as an alternative. If the applicant decides to move the residential structure instead of demolishing it, then the demolition notice period and/or extended delay period becomes moot. The demolition delay period is automatically terminated when a building permit to move the structure from the site and a building permit to relocate the structure to another site are issued.
- J. Findings of the Code Hearings Officer. If the Code Hearings Officer finds that the requesting party has demonstrated that it is actively pursuing an alternative to demolition and has met all of the criteria in Subsection 24.55.200 H (1 – 4) above, the Code Hearings Officer may grant an extension of the demolition delay for up to 60 additional days from the date the initial 35 day delay period has expired. If the Hearings Officer finds that the requesting party has not met its burden, then BDS may issue the demolition permit immediately upon receipt of the decision, provided that all other requirements for issuing the demolition permit have been satisfied.
- K. End of the extension period. If the Code Hearings Officer has not rendered a decision within the 60-day extension period as provided in Subsections 24.55.200 H and J. above, the building permit for demolition may be issued any time after 60 days have elapsed since the expiration of the initial 35-day notice period. In no event will the permit issuance be delayed more than 95 days from the date BDS received the complete demolition permit application if all other requirements for issuing the demolition permit have been satisfied.