

**Development Review Advisory Committee
Demolition Subcommittee
MINUTES
August 26, 2014**

DRAC Subcommittee Members Present:

Rob Humphrey (DRAC)
Steve Heiteen (DRAC)
Claire Carder (DRAC)
Maryhelen Kincaid (DRAC)
Jeff Fish (DRAC)
Gwen Millius (Portland Design Commission)
Jessica Engeman (Historic Landmarks Commission)
Caroline Dao (Historic Landmarks Commission)

City Staff Present:

Kareen Perkins, BDS
Terry Whitehill, BDS
Shawn Wood, BPS
Andy Peterson, BDS
Jill Grenda, BDS
Dora Perry, Commissioner Fritz's Office
Nancy Thorington, BDS
Tim Heron, BDS

Guests Present:

None

Handouts

- Agenda
- City Code Chapter 24.55 Building Demolition
- What Constitutes Demolition?
- DEQ Asbestos Information Fact Sheet

Convene Meeting

Nancy Thorington with BDS convened the meeting and welcomed DRAC Demolition Subcommittee members and guests. All present introduced themselves.

- I. **THE DELAY PERIOD** [Input and Recommendations]
 - a. How long should the delay period be before work can begin?
 - i. ***It was agreed that the delay period should be 35 days.***
 - b. Should the delay period be different for different situations, such as if developer plans to deconstruct/salvage materials?

- i. ***There was discussion regarding deconstruction and salvage of materials. Shawn Wood with BPS will draft a table of possible timelines for deconstruction and material salvage. It was determined that this issue should be addressed outside of the context of an amendment to the Demolition Delay Ordinance.***
- c. If “yes” to ‘b’ above, what should the delay period be, and why?
 - i. ***See (b)(i) above.***
- d. If there are different delay periods, how will compliance be monitored and enforced?
 - i. ***This issue was not discussed because the group determined that the deconstruction issue should be addressed later.***

II. **RESIDENTIAL DEMOLITION DELAY EXCEPTIONS** [Input and Recommendations]

- a. Should the exception in City Code section 24.55.200(K)(1) be deleted or just modified?
 - i. ***The group came to a consensus that the demolition delay exception should be deleted rather than modified and that the demolition delay period of 35 days agreed upon in I(a) above should apply to all residential demolitions. [Note: there was discussion regarding whether demolition delay should be applicable to residential demolitions in commercial zones because section 24.55.200 only applies to residential structures in areas with residential Comprehensive Plan Map designations. BDS will explore this option. There was also discussion about making demolition delay applicable to commercial structures, but Terry Whitehill, BDS Building Official, noted that the Oregon Structural Specialty Code governs commercial building demolitions and would preempt any City Code provisions on the same topic.***
- b. If it should be modified instead of eliminated, what should it say, and why?
 - i. ***Not applicable since the group agreed that the exception should be deleted.***

III. **EXTENSION TO THE DEMOLITION DELAY PERIOD** [Input and Recommendations]

- a. Should there be the possibility of an extension to the delay period?
 - i. ***The consensus was that there should be a possibility of an extension to the delay period, provided certain specified criteria are met (see (c) below).***
- b. Who should be eligible to request an extension? (Neighborhood Association representative? District Coalition representative? Individual neighbors? Abutting property owners?)
 - i. ***There was discussion regarding having the neighborhood associations and those within the immediate neighborhood (e.g., a 4 block radius of the house to be demolished) having the ability to request the extension.***
- c. What should the criteria be to get an extension?
 - i. ***The consensus was that there should be criteria that included at least a proposed plan outlining the requestor’s intent (e.g., purchasing the house, moving it, etc.) and some showing of good faith, including putting up a monetary deposit in an escrow account. It was suggested that there be a provision that allows the builder and requesting party to agree that the demolition could proceed without further delay if the requesting party had no objection (e.g., the requesting party, after further consideration, decided not to pursue saving the house).***
 - ii. ***Claire Carder will work with neighborhood associations to help develop proposed criteria.***

- iii. ***This was the last item discussed at the meeting before the subcommittee adjourned and will be the first item of continued discussion at the next meeting.***
 - d. What should the extension period be? Should it be broken down into smaller increments rather than a block of 120 days? (30-day increments? 60-day increments?)
 - i. ***There was some discussion regarding the extension period, but his item will be further discussed as the criteria are developed.***
 - e. Need to shift burden to requesting party.
 - i. ***The burden to show the need for the extension will be shifted from the current language in City Code (sections 24.55.200(F - H)), which allows a recognized organization to request a 120 day extension without any showing of intent or good faith, and places the burden on the demolition permit applicant to file an appeal with the Code Hearings Officer. The Code will be amended so the burden will be on the person or organization requesting the extension to meet the criteria discussed in (c) above.***
- IV. **NOTIFICATION ISSUES** [Input and Recommendations] ***This topic will be addressed at a future meeting of the subcommittee/task force.***
- a. Should notification be required, voluntary or not required?
 - b. How many days after a demolition permit application is received by BDS should the notice be sent?
 - c. Who should the notice be sent to? (abutting neighbors, neighborhood association, district coalition, other?)
 - d. How should the notice be sent? (US Mail? Email? Hand delivered door hanger? Other? Or some combination of these? BDS has the email addresses from ONI for the Neighborhood Associations and District Coalitions, so could send those via email to get there more quickly.)
 - e. Who is responsible to post/distribute/send the notice? (Applicant or BDS?)
 - f. If the applicant has indicated they intend to salvage materials or deconstruct all or some portion of the structure(s), should that info be included in the notice? Why.
 - g. What other info should be in the notice?
- V. **DEFINITION OF “DEMOLITION”** – what constitutes a demolition? (see attached) [Input and Recommendations]
- a. ***Discussion of what constitutes a demolition was tabled until the discussion of major remodels because the group determined that these issues should be addressed simultaneously. This discussion will occur at the next subcommittee/task force meeting.***
- VI. **MAJOR ALTERATIONS/REMODELS** [Input and Recommendations] ***This topic will be addressed at a future meeting of the subcommittee/task force.***
- a. BDS is in the process of creating a program guide that would distinguish major and minor alterations/additions.
 - b. Once this Task Force addresses delay period and notification for demolitions, we will address these issues with respect to major alterations/additions. BDS staff will then address types of permits required, staff procedures, system development charges and other issues relating to agency partners.
- VII. **OTHER ISSUES** [Informational]

- a. **DEQ asbestos requirements:** BDS will provide DEQ handout entitled, “Fact Sheet: Asbestos Information You Need Before Demolishing a Building” (see attached) with all residential demolition permit applications and “major alterations”
 - i. ***Concern was raised that the issue of asbestos is major concern for neighbors, and the DEQ Fact Sheet would not be sufficient to address these concerns. Jeff Fish will follow up with BDS Director Paul Scarlett on the possibility of having a demolition permit checklist that would require the developer or owner to sign, stating that the owner/developer is aware that asbestos must be addressed per DEQ requirements.***
- b. **How to file complaints:** BDS has procedures in place to address complaints. Those procedures are as follows: a call or email comes into BDS; it gets sent to the BDS Customer Service desk. The Customer Service representative routes the communication to the appropriate BDS division manager or staff for follow-up.
 - i. ***It was noted that BDS already has procedures in place for filing complaints.***
- c. **Tree protection:** how to address mature trees being lost as part of demolition – the new City Tree Code, which takes effect 1/1/15, will address this issue (see City Code 11.50.020, which will require a Tree Plan in conjunction with all development permits)
 - i. ***It was noted that the new Tree Code will address all of the issues raised regarding tree protection for residential demolition projects when it becomes effective January 1, 2015.***