

**Development Review Advisory Committee
Demolition Subcommittee
MINUTES
September 12, 2014**

DRAC Subcommittee Members Present:

Rob Humphrey (DRAC)
Steve Heiteen (DRAC)
Claire Carder (DRAC)
Maryhelen Kincaid (CRAC)
Gwen Millius (Portland Design Commission)

City Staff Present:

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

Guests Present:

Brandon Spencer-Hartle (Restore Oregon)
Jim Heuer (PCHR)
Margaret Davis (BWNA)
John Sandie (BWNA)
Barbara Strunk (BWNA)

Handouts

- Agenda
- City Code Chapter 24.55 Building Demolition
- Asbestos and Lead-Based Paint Language for Building Permit Application Form

Convene Meeting

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

The ***bold and italicized*** comments below reflect the outcome of the discussions on each topic at the 8/26/14 and 9/12/14 meetings. Items highlighted in **yellow** describe follow-up since the last meeting or items that still need to be discussed.

I. **THE DELAY PERIOD** [Input and Recommendations]

a. Deconstruct/salvage materials

i. ***There was discussion regarding deconstruction and salvage of materials.***

Shawn Wood with BPS drafted a "Deconstruction Delay and Program Proposal" that

he distributed. The proposed deconstruction program would add a provision to the Demolition Delay Ordinance that would shorten the initial delay period from 35 days to 21 days if the structure is being deconstructed. BDS will work with BPS to create a Program Guide with guidelines, specifications, procedures, etc. Sean proposed having prequalified deconstruction contractors. 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. Since the 8/26/14 meeting, BDS Director and staff met with BPS Director and staff. It was determined that BPS staff would draft proposed delay period for deconstruction and a definition of deconstruction.

- b. If “yes” to ‘b’ above, what should the delay period be, and why?
 - i. **21 days instead of 35 as an incentive.**
- c. If there are different delay periods, how will compliance be monitored and enforced?
 - i. **There would be one delay period; however, there was no discussion regarding what would happen if there was a request for an extension to save or relocate the structure. BPS would monitor compliance by random inspections and based on complaints. There was discussion regarding the proposed definition of deconstruction, which needs to be revised to ensure that enough of the structure is being salvaged to justify the shortened delay time.**

II. **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. The consensus was that the neighborhood associations should have the authority to request an extension and submit a plan, but not the abutting neighbors.**
- c. What should the criteria be to get an extension?
 - i. **The consensus was that the neighborhood associations would submit a proposed plan to either purchase the building, move it or deconstruct it. That plan must be submitted within the 35-day delay period. There would be increments of either two weeks or 30 days at which specified milestones must be met showing that good faith efforts to complete the plan. There may be some monetary showing of good faith, including putting up a monetary deposit in an escrow account. There would be a provision allowing 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. **Maryhelen Kincaid and others were going to discuss proposed criteria. Since the last meeting, some discussion occurred – see attached notes.**

- 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 consensus that the extension period should be for no more than 120 days, in increments of either two weeks or 30 days.***
 - 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.***
- III. **NOTIFICATION ISSUES** [Input and Recommendations] ***Discussion was commenced on the notification issues. No consensus was reached, so discussion will continue at this meeting.***
- 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?
- IV. **DEFINITION OF “DEMOLITION”** – what constitutes a demolition? [Input and Recommendations]
- V. **MAJOR ALTERATIONS/REMODELS** [Input and Recommendations]
- 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.
- VI. **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. BDS Director and staff met with members of the DRAC Demolition Subcommittee to discuss requiring applicants for demolition permits to acknowledge that they will comply with***

regulations. Language was added to the BDS Building Permit Application form stating that the applicant would comply with all regulations.