

**Development Review Advisory Committee
Demolition Subcommittee
MINUTES
October 13, 2014**

DRAC Subcommittee Members Present:

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

City Staff Present:

Shawn Wood, BPS
Terry Whitehill, BDS
Jill Grenda, BDS
Hillary Adam, BDS
Mitch Nickholds, BDS
Nancy Thorington, BDS

Guests Present:

John Hassenberg, Oregon Remodelers Association
Caroline Dao, PHLC
Brandon Spencer-Hartle (Restore Oregon)
Ken Forcier, Concordia Resident
Fred Leeson, Bosco-Milligan/AHC
Margaret Davis (BWNA)
Al Ellis (BWNA)
Barbara Strunk (BWNA)
Janet Baker (BWNA)
Sara Long
Rick Michaelson
Carol McCarthy, Multnomah
Lee Barrett, OUV

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, 9/12/14 and 10/13/14 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. 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 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.***
- c. If "yes" to 'b' above, what should the delay period be, and why?
 - i. ***21 days instead of 35 as an incentive was rejected because it was determined that 14 days was not enough of an incentive, it would be a burden on BDS staff to have different delay periods and 21 days would not provide enough time for Neighborhood Associations to seek other alternatives since deconstruction still results in taking down the structure.***
- d. If there are different delay periods, how will compliance be monitored and enforced?
 - i. ***There would be one delay period.***

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. 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:***
1. ***purchase the building;***
 2. ***move it; or***
 3. ***deconstruct it.***
- The plan must be submitted within the 35-day delay period. There would be increments of 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. ***The criteria need to be developed for each type of plan. That criteria will likely be developed outside of the code via an administrative rule or other non-legislative process that would allow modification of the procedures and criteria based on feedback from the building industry and neighbors as the process is implemented.***
- 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 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.***

- IV. **NOTIFICATION ISSUES** [Input and Recommendations] *Discussion was commenced on the notification issues.*
- a. Should notification be required, voluntary or not required? **Required.**
 - b. How many days after a demolition permit application is received by BDS should the notice be sent? **Keep the existing language in the Code that requires notice within 5 days of the receipt by BDS of the demolition permit application.**
 - c. Who should the notice be sent to? (abutting neighbors, neighborhood association, district coalition, other?) **Neighbors, Neighborhood Associations, Neighborhood Coalitions.**
 - 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.) **Mailed notice to neighbors by BDS @ \$100 per application; door hangar done by property owner/developer, with copies to Neighborhood Associations, so the NA's can also do door hangars if they wish; via email to the Neighborhood Associations and Neighborhood Coalitions by BDS.**
 - e. Who is responsible to post/distribute/send the notice? (Applicant or BDS?) **See IV (d) above.**
 - 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. **Notice of date of deconstruction should be included to make sure neighbors can address any hazardous materials concerns.**
 - g. What other info should be in the notice? **Possibly information regarding asbestos and lead-based paint.**
- V. **DEFINITION OF "DEMOLITION"** – what constitutes a demolition? [Input and Recommendations]
- VI. **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.
- 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. 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. BDS staff and DRAC subcommittee members had a meeting with DEQ and OSHA to discuss education,**

handouts and other possibilities for inter-agency cooperation. Another meeting is set for October 29th.

- 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.***