

**Development Review Advisory Committee
Demolition Subcommittee
MINUTES
October 24, 2014**

DRAC Subcommittee Members Present:

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

City Staff Present:

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

Guests Present:

John Hassenberg, Oregon Remodelers Association
Brandon Spencer-Hartle (Restore Oregon)
Rena Jones, Concordia
Margaret Davis (BWNA)
Ken Forcier, Concordia Resident
Ben Gates, Redside and Rebuilding Center
Jim Heuer, PCHR
Rick Michaelson

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.

- I. **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. 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;
 3. deconstruct it; or
 4. other proposal agreed on by the parties.

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). [The extension issue has been submitted to the City Attorney for review and comment. Further discussion on this issue continue after the input is received.]

- c. What if owner doesn't want to sell?
- d. Neighborhood representatives indicated they would be strongly opposed to removing the 120-day delay

II. **DEFINITION OF "DEMOLITION"** – what constitutes a demolition? [Input and Recommendations]

- a. remove first floor framing and typically the foundation and cap sewer and decommission septic, if any [technician looks at plans; calls senior plans examiner and senior planner to review] – current BDS practice
- b. The question was raised regarding why structure being saved:
 - i. time
 - ii. lending issues
 - iii. keep non-conforming building elements
 - iv. it was noted that calling the replacement "new construction" if have old foundation is deceptive to new buyer; new owner thinks has new house
- c. what about using the Zoning code definition of what was a building? Problem because when adding second story, would become a demolition; land use not in support of using non-conformity to keep definition of demolition; would have to build to current code if now a demolition

III. **MAJOR ALTERATIONS/REMODELS** [Input and Recommendations]

- a. Distinguish major and minor alterations/additions and demolitions. ***Criteria will be based on definition of "demolition."***
- b. Notice, delay and extension of delay. Major alterations would require the same 35 day notice and delay as demolitions, but there would be no requirement for an extension of that demolition delay for a major alteration, except as a result of negotiations between the property owner and an interested party. Information regarding asbestos and lead-

based paint would be provided to the permit applicant in the same manner as demolition permit applicants.

IV. **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. BDS staff and DRAC subcommittee members have had two meetings with DEQ and OSHA to discuss education, handouts and other possibilities for inter-agency cooperation. Another meeting is set for October 29th. OSHA, in cooperation with DEQ and with BDS review, will develop a handout focused solely single-family residential demolitions and outline regulatory requirements, pre-construction consultation options for developers, the scope of each agency’s regulatory and enforcement authority, and contact information for the various agencies. OSHA and DEQ will work with BDS to schedule training sessions first for contractors, then for the general public on the proper handling of asbestos and lead-based paint.