

DRAC DEMOLITION SUBCOMMITTEE/DEMOLITION TASK FORCE AGENDA

NOVEMBER 3, 2014

1:00 – 2:30 p.m., Room 4A

Time	Topic	Action
1. 1:00 – 1:05	Introductions	Informational
2. 1:05 – 1:10	Overview of What Has Been Accomplished	Informational
3. [covered]	I. Demolition Delay Period	Input & Recommendations
4. [covered]	II. Residential Demolition Delay Exceptions	Input & Recommendations
5. [awaiting input from City Attorney]	III. Extension to the Demolition Delay Period	Input & Recommendations
6. 1:10 – 1:35	V. Definition of Demolition	Input & Recommendations
7. 1:35 – 2:00	VI. Parameters for Major Alterations	Informational
8. 2:00 – 2:15	IV. Notification Issues – Types of Notice; Who Will Provide; How Paid For	Input & Recommendations
9. 2:15 – 2:20	Asbestos and Lead-Based Paint Update	Input & Recommendations
10. 2:20 – 2:25	Deconstruction Revisited	Input & recommendations
11. 2:25 – 2:30	Summary and Next Steps	Informational

The **bold and italicized** comments below reflect the outcome of the discussions on each topic at the 8/26/14, 9/12/14, 10/13/14 and 10/24/14 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. Further discussion with the Subcommittee resulted in a consensus that a delay incentive was insufficient to offset the cost and time of deconstruction, but that deconstruction would still be one of the possible alternatives to demolition. Also, because deconstruction still results in the building being demolished, the issue of hazardous waste (asbestos and lead-based paint) still exists.***
 - 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;**
 - 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.]

- 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 organization requesting the extension to meet the criteria discussed in (c) above.***

IV. **NOTIFICATION ISSUES** [Input and Recommendations]

- 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. ***Deconstruction would require the same 35 day notice and delay as demolition. Notice of date of deconstruction would be included on door hangars to make sure neighbors can address any hazardous materials concerns.***
- g. What other info should be in the notice? ***Information regarding asbestos and lead-based paint.***

V. **DEFINITION OF "DEMOLITION"** – what constitutes a demolition? [Input and

Recommendations] ***Discussion commenced on 10/24/14. A proposed definition is attached for discussion.***

VI. **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.

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 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.**
- 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.**