

**Development Review Advisory Committee  
Demolition Subcommittee  
MINUTES  
November 3, 2014**

**DRAC Subcommittee Members Present:**

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

**City Staff Present:**

Mitch Nickholds, BDS  
Andy Peterson, BDS  
Shawn Wood, BPS  
Fred Deis, BDS  
Kareen Perkins, BDS  
Terry Whitehill, BDS  
Jill Grenda, BDS  
Hillary Adam, BDS  
Nancy Thorington, BDS

**Guests Present:**

Brandon Spencer-Hartle (Restore Oregon)  
Jim Heuer, PCHR  
Barbara Strunk (BWNA)  
Margaret Davis (BWNA)  
Linda Nhekoven, HAND, SEUL  
Judy Parsons  
Rick Michaelson

**Handouts**

- Agenda

**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, 10/13/14, 10/24/14, and 11/3/14 meetings. Items highlighted in **yellow** describe follow-up since the last meeting or items that still need to be discussed.

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. 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. Given the difficulty within setting criteria, requiring property owners to delay development when they don't want to negotiate and having BDS involved, thus potentially creating a "discretionary action," it appears the recommendation will be to eliminate a required extension beyond the initial 35 day notice and delay period.]***

- 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. At this point, the focus is on limiting the code-required delay to the 35 days, then allow the parties to negotiate on their own, outside of the permitting system.***
- 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. [See comments to (c) above.]***
- 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.***

II. **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.***

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

- a. Criteria: floor and floor joists; ½ wall and ½ basement (see Building code for assistance and plans)
- b. Sean still wants "virtual demolitions" included
- c. New "construction date"; per Kareen, state scope of work on plans

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

- a. Exterior work as major alterations?
  - i. 15-20% involve porches, windows
  - ii. Some other exceptions – siding?
- b. What about PBOT trigger levels as basis?
- c. Steve H. thinks too many projects would get included that shouldn't be included
- d. No permit required to replace siding, windows in same hole, roofing not required to be permitted or porches up to 200 feet
- e. Front facade only?

- f. 35 day delay to run from notification date
- g. Additions – increase in square foot in envelope
- h. Alteration – anything within the existing envelope
- i. 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. Criteria was approved at the 11/3/14 meeting, which will be drafted and circulated for review.**

V. **DEQ asbestos requirements** [Informational]: 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 29<sup>th</sup>. 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.**