



The Demolition Ordinance

On February 12, 2015, Portland City Council amended Chapter 24.55.200 “Residential Demolition Delay – Housing Preservation” and associated sections of Title 24, Portland Building Regulations. Effective April 20, 2015, the amended demolition provisions and associated procedures require a 35-day delay period (with a potential appeal to extend for an additional period of 60 days) and notifications to neighbors and Recognized Organizations. Additionally, the applicant must submit a hazardous material certification to the Bureau of Development Services (BDS) before the permit may be issued. (See Demolition Permit Requirements at the end of the Guide for more information).

Where Do the Demolition Ordinance Requirements Apply?

- The demolition delay and notice requirements apply to all residential structures that have a residential Comprehensive Map Designation. They do not apply to accessory structures such as garages and additional dwelling units (ADUs) or residences in non-residential comprehensive plan map areas.
- The demolition delay and notice requirements do not apply to accessory structures such as detached garages or other outbuildings.

Key Definitions from Title 24

- **Demolition.** Demolition means removal of the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained. Demolition includes removal of all exterior walls. It also includes alteration, abandonment or removal of all of the existing perimeter foundation.
- **Subflooring.** Subflooring means the bottom-most structural floor laid as a base for a finished floor.
- **Superstructure.** Superstructure means the part of the building or construction entirely above its foundation or basement.

Defining “Demolition”

Whether a proposed scope of work is considered to be a demolition, rather than a major addition or alteration, is primarily determined by the status of the superstructure at any point in the work. As stated in first sentence of the definition, a project is a demolition if it involves the removal of the entire superstructure. In addition, the next two sentences of the definition identify changes to the perimeter foundation that will result in a demolition when these are done in conjunction with the removal of the superstructure.

The intent of this Guide is to clarify terms used to determine whether a project constitutes a demolition, and to illustrate how the Bureau of Development Services is interpreting the ordinance governing demolitions and major alterations/additions.

1 Determining the Superstructure

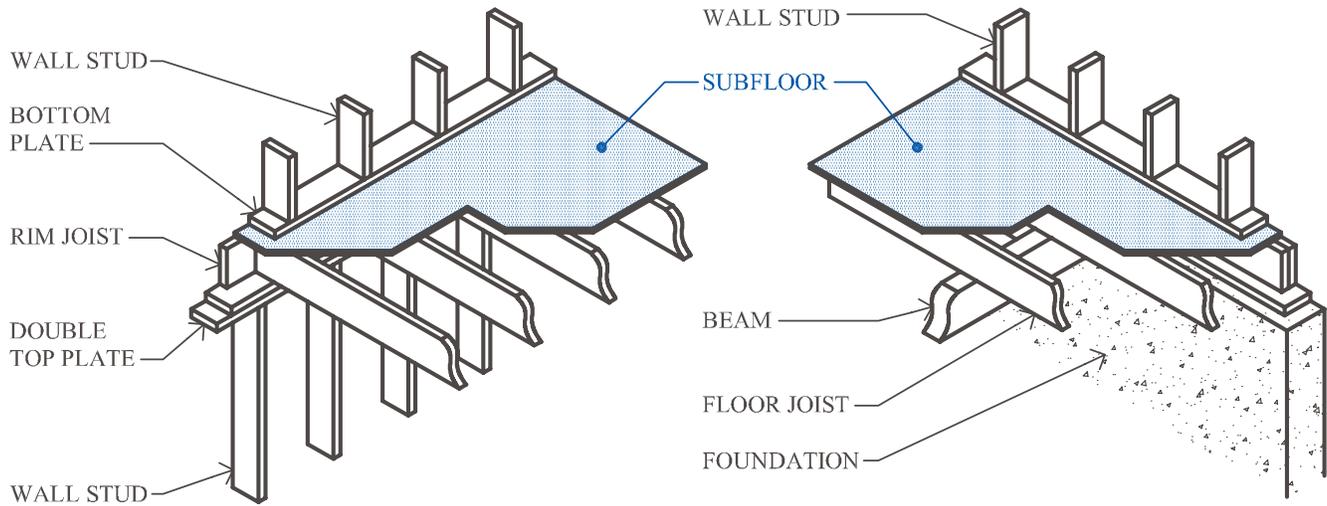
A. What is considered the “Superstructure”?

Whether a project is a demolition depends on the impact of the work on the superstructure of the house. To determine what constitutes the superstructure, first identify the subflooring of that structure. The superstructure is the portion of the structure above the subflooring. (See Figures 1 & 2.)

B. What is considered the “Subflooring”?

Subflooring is the horizontal material between the floor framing (such as 2x8 joists) and the floor finish (such as tile or carpet). Typically the subfloor material is plywood or 1x6 boards. For the analysis of a demolition project, the critical “subflooring” is located at the bottom-most structural floor laid over floor framing. (See Figure 1.)

Figure 1: Subflooring in conventional construction



C. Identifying the building’s superstructure

The superstructure is the portion of the building that is above and supported by the subflooring. (See Figure 2.)

D. What if there is no framed floor?

If a house was constructed with only a slab on grade instead of a crawlspace or basement, the bottom-most subflooring is the surface of the slab. (See Figure 3.)

Figure 2: Superstructure

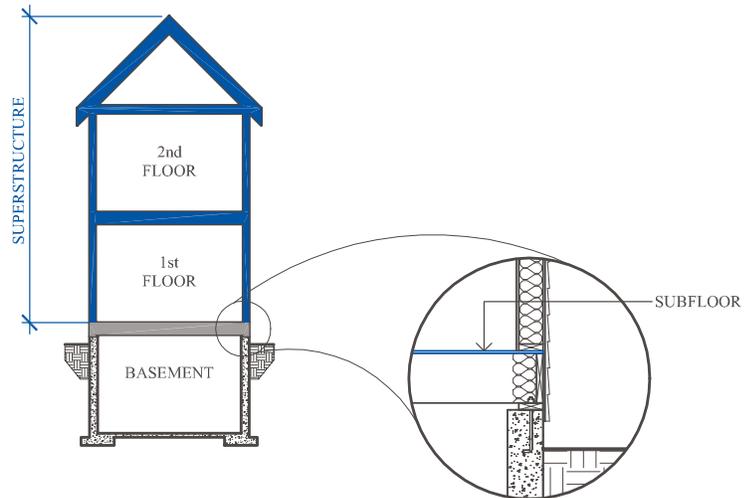


Figure 3: Slab on Grade

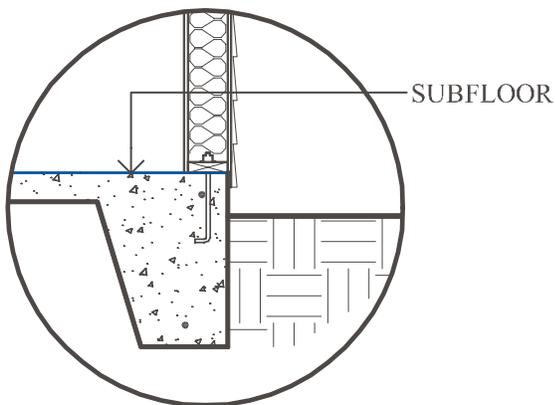
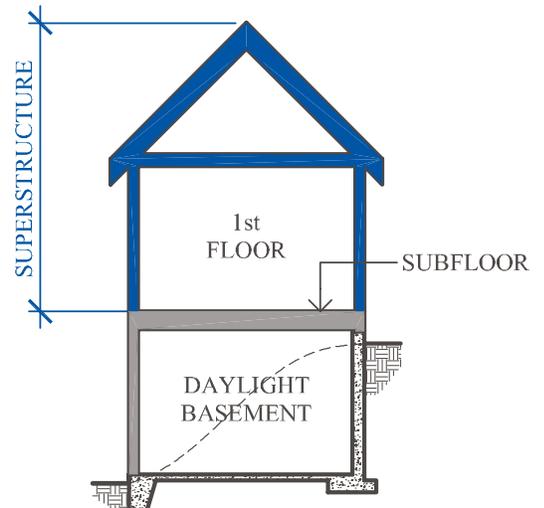


Figure 4: Daylight basement



E. What if there is both a slab on grade and a framed floor?

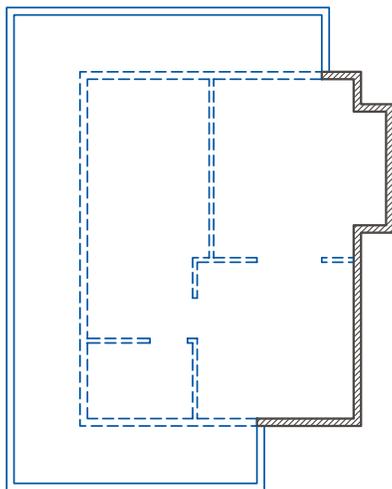
For cases such as a home with a daylight basement, there may be a basement slab and a framed floor on the story above the basement. The subfloor is defined as the bottom-most structural floor laid over floor framing; however, the bottom-most subflooring is considered to be at the main level framed floor, rather than the basement slab level. (See Figure 4.)

2 Determining the Extent of Superstructure Removal

A. What is the minimum amount of superstructure that needs to be kept in order to NOT be a demolition?

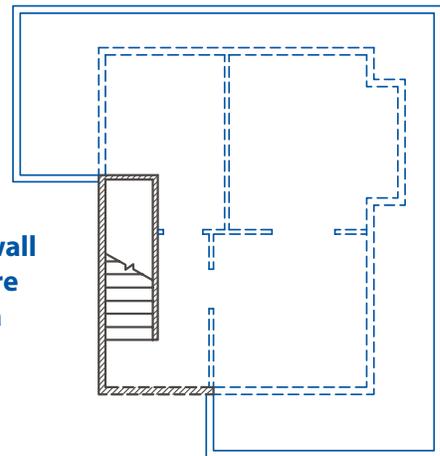
- The project scope must leave at least one full exterior wall line remaining in place. If less than one complete wall line remains, the project will be considered a demolition.
- Even if one full exterior wall line remains, the scope of work to the foundation must also be analyzed to determine if a project is a demolition. (See Section 3.)
- To qualify as a full remaining wall line, the remaining wall must extend the full width or length of the house, from corner to corner. The remaining wall line may include existing offsets or jogs. (See Figure 5.)
- Since the remaining wall must extend for the full width or length of the house, wall fragments that are kept do not count as qualifying remaining walls. (See Figure 6.) If only wall fragments remain, rather than a full wall line, the project will be considered a demolition.

Figure 5:
Remaining full wall line is not considered a demolition



 : EXISTING WALLS TO REMAIN
 : EXISTING WALLS TO BE REMOVED
 : PROPOSED WALLS

Figure 6:
Remaining wall fragments are considered a demolition



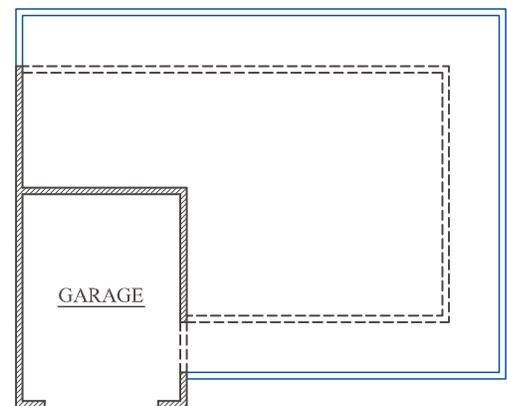
 : EXISTING WALLS TO REMAIN
 : EXISTING WALLS TO BE REMOVED
 : PROPOSED WALLS

B. How are garage walls counted?

- If the garage foundation is connected to the house foundation, its walls are included in the superstructure.
- If the garage is detached or it is supported by a foundation that does not connect with the house foundation, it is not included in the superstructure analysis to determine whether the proposed changes constitute a demolition. (See Figure 7.)

In Figure 7, the garage has a foundation attached to the house foundation. Therefore, the exterior garage walls are included in the analysis of the superstructure. The left exterior garage wall is part of a full remaining wall line, and the project would not be considered a demolition as long as no part of the foundation was removed under the subfloor.

Figure 7: Wall of attached garage is included in the determination of superstructure

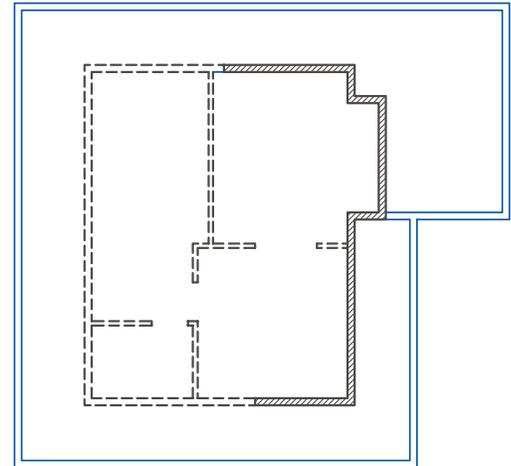


 : EXISTING WALLS TO REMAIN
 : PROPOSED WALLS
 : EXISTING WALLS TO BE REMOVED OR CHANGED TO INTERIOR WALLS

C. Can the remaining wall be absorbed into an addition?

An exterior wall can be reused in an enlarged house, but in order to qualify as a remaining wall for the purpose of not being considered a demolition, the wall must remain an exterior wall. If the wall becomes an interior wall, then it will be treated as if it were removed for the purposes of determining if the project is a demolition. (See Figure 8.)

Figure 8: Remaining full wall line becomes interior = demolition



----- : EXISTING WALLS TO BE REMOVED
————— : PROPOSED WALLS
————— : EXISTING EXTERIOR WALL BECOMES INTERIOR WALL

D. Can the remaining wall be altered?

- It is acceptable to add structural reinforcements to the remaining wall, but structural elements cannot be removed or replaced. The structural elements that must remain are the full wall studs and sheathing. (See Figure 9.)
- If dry rot or other damage is present that requires the remaining wall to be rebuilt, the wall no longer qualifies as an original remaining exterior wall. It is important to evaluate the strength of the remaining wall line when planning a project. If the remaining wall collapses during construction, the project will be halted and must be permitted as a demolition.
- All walls that are required to remain in place in order not to trigger a designation of demolition must remain in place for the full duration of the project until the final inspection is approved. If any part of the required remaining walls collapse during construction, the permit will be cancelled and reprocessed as a demolition permit.

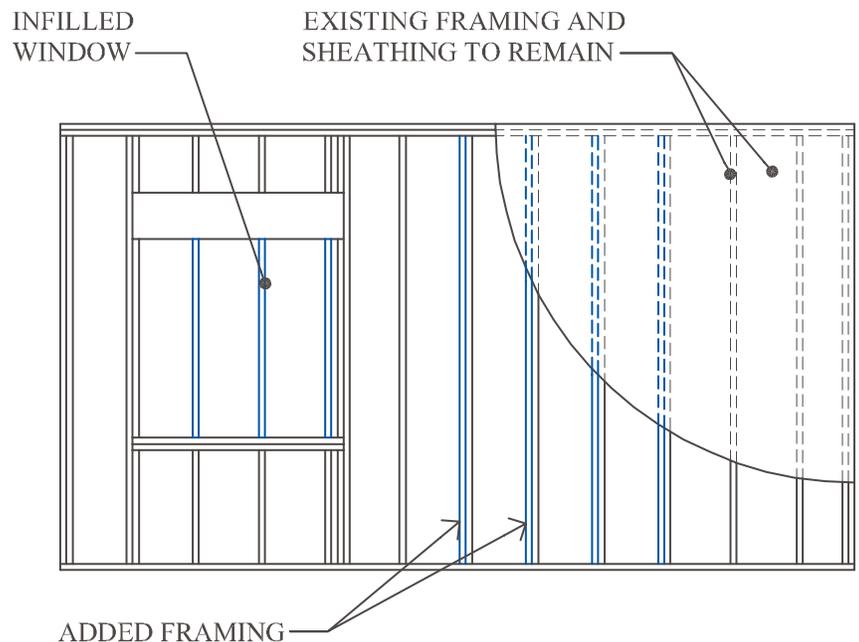
E. Can new openings be cut into the remaining wall?

No new openings can be cut into the wall. However, existing openings may be infilled. (See Figure 9.)

F. Can the remaining wall be temporarily supported while the floor is replaced?

No. If the subfloor below the remaining wall is removed, then the wall is also considered to be removed, and cannot count as a remaining existing wall. That wall is treated as a demolished wall.

Figure 9: Acceptable changes to a remaining existing wall



Determining the Extent of Foundation Changes

3 A. What is considered the foundation?

The superstructure is any part of the house above the subflooring of the lowest floor framing. The foundation is the portion of the structure below the subfloor and lowest floor framing. The foundation is usually constructed of concrete and may include wood framed portions, such as "cripple walls" or "pony walls." (See Figure 10.)

B. Can I replace a failing foundation without the project being considered a demolition?

If the scope of work is only to replace a failing foundation, and the house above remains unchanged, this would not be considered a demolition. This is because a demolition involves the removal of the superstructure.

C. I'm removing some of the superstructure. What is the minimum amount of foundation that needs to be kept in order to NOT be a demolition?

- If any portion of the superstructure above is removed, all of the foundation must remain intact. The remaining foundation must still support all the remaining floor framing, subfloor, and at least one exterior wall line as determined above. (See Figure 12.)
- If additional structural elements are added that remove the load from the existing foundation, this foundation is considered abandoned. (See Figure 13.) This is the equivalent of removing the foundation, and the project would be designated as a demolition.

Figure 10: Typical foundation with concrete stem walls and wood pony walls

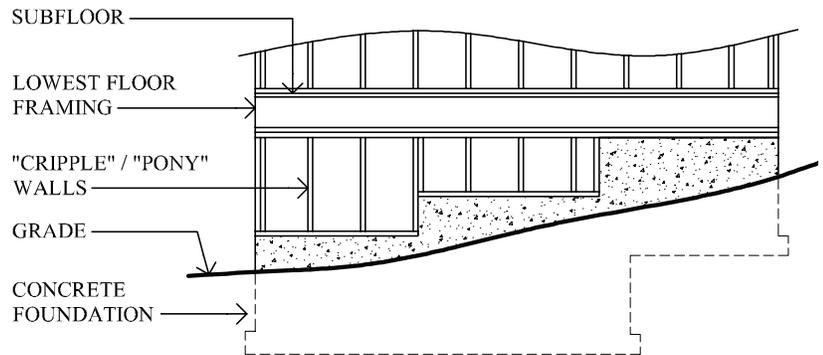


Figure 11: Foundation replacement without changes to the superstructure above.

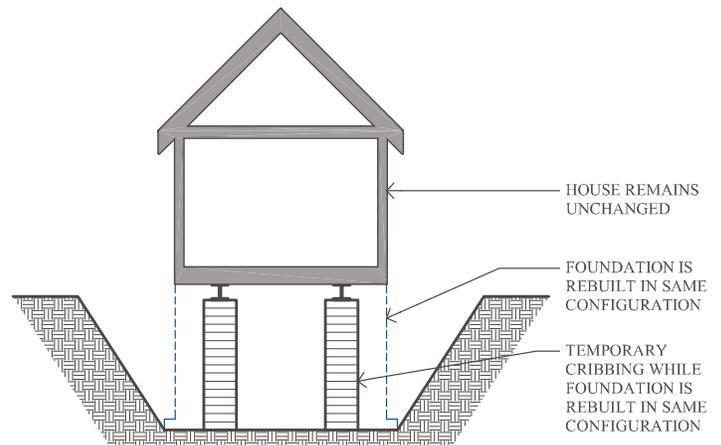


Figure 12: The remaining foundation supports existing structure

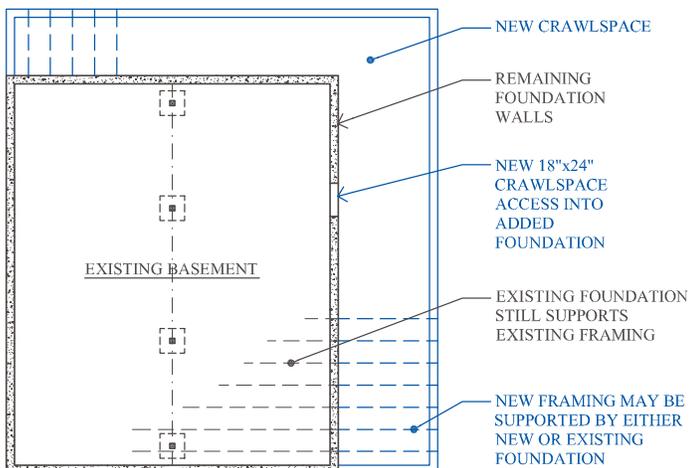
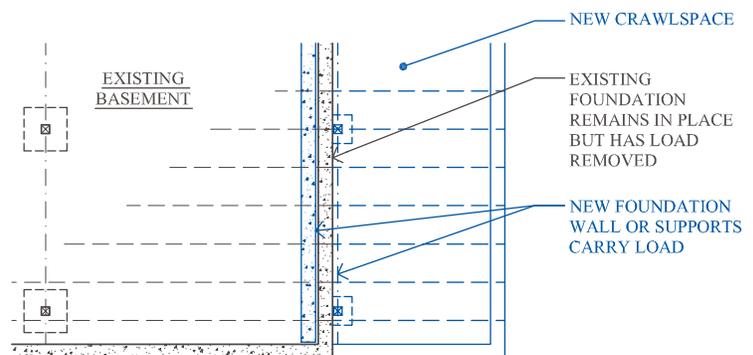


Figure 13: Existing foundation remains, but is abandoned



D. Can I leave the existing foundation but enlarge the house around it?

In order to not be a demolition, the existing foundation must remain, but does not need to be visible from the exterior when the project is complete. However, the criteria for remaining exterior walls of the superstructure above must still be met.

E. Can I make changes to the existing foundation?

Only minor changes may be made to the existing foundation without considering the foundation wall removed. For example, small new openings may be cut into the wall, such as a crawlspace access or vent opening. (See Figure 12.)

F. What if the existing foundation completely or partially collapses while the project is under construction?

- Existing foundations need to be carefully evaluated for condition and strength while planning the project. All foundations that are required to remain in place in order not to trigger a designation of demolition must remain for the full duration of the project, through final inspection.
- If any part of the required remaining foundation collapses during construction, the existing permit will be cancelled and reprocessed as a demolition permit.

Triggering a change to demolition status after the permit is issued.

Project changing from a major alteration/addition to a demolition: An increase in the scope of work may shift the project from a major alteration/addition to a demolition.

If the project changes from a major alteration/addition to a demolition, you'll need to stop work on the project. The Bureau of Development Services will cancel your existing permit and set up a new demolition permit in its place. Before issuance of the demolition permit, you must satisfy the 35-day delay and notification requirements. The project may also be subject to an extended delay of up to 60 additional days if a successful appeal is filed. Building Inspectors will issue a **stop work order** when they observe changes that shift the status of the project to a demolition.

Demolition Permit Requirements

There are specific delay periods, notification

requirements, and certification forms to complete prior to the issuance of a permit to demolish a one or two family residential structure. While the key requirements are listed below, there may be other forms or submittal requirements that apply to your specific project.

Demolition Delay

- **35-Day Delay:** The applicant must wait 35 days from the day BDS receives the complete permit application and all intake fees have been paid before the demolition permit will be issued.
- **60-Day Delay Extension:** Any person may request an extension of the initial 35-day demolition delay period for up to 60 additional days by filing an appeal to the Code Hearings Office through BDS. There are specific requirements for an appeal.

Notification

- **Notification to surrounding properties:** BDS will mail notice to the properties within 150 feet of the demolition site within 5 business days of receiving a complete application.
- **Notification to Recognized Organizations:** BDS will mail notice of the application to recognized organizations whose boundaries include the site, the Architectural Heritage Center and Restore Oregon.
- **Door Hangers:** The permit applicant must place door hangers on the abutting properties and properties across the street no less than five full days before demolition activity begins on the site.

Required Forms

- **Certification Regarding Asbestos and Lead-Based Paint:** The applicant must submit this form to BDS before their permit can be issued. By submitting the form, the applicant certifies that the site has been tested by a certified contractor and either does not contain asbestos or lead-based paint or that it does and the materials will be properly abated, handled and disposed of.
- **Owner Intent to Demolish Form:** The owner of the property must sign this form acknowledging that they are aware of the primary uses permitted under current zoning on the site.

Note: The Door Hanger, Certification Regarding Asbestos and Lead-Based Paint, and Owner Intent to Demolish are available online at the BDS webpage for Residential Demolitions - Overview and Criteria (www.portlandoregon.gov/bds/67326). Copies of these forms can also be obtained from the Development Services Center at 1900 SW 4th Ave. Call for hours 503-823-7310 or on www.portlandoregon.gov/bds.