



City of

PORTLAND, OREGON

Development Review Advisory Committee

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7308
FAX: 503-823-7250
TTY 503-823-6868
www.portlandonline.com/bds

DRAC DEMOLITION SUBCOMMITTEE – POST ORDINANCE IMPLEMENTATION

June 17, 2015, 3:00 – 4:30 p.m., Room 4A

Meeting Minutes

In attendance: Sean Wood BPS, Jeff Fish, Elliott Akwai-Scott BDS, Maryhelen Kincaid DRAC Chair, Nancy Thorington BDS, Al Ellis UNR, John Hasenberg Oregon Remodelers Assoc., Brandon Spencer-Hartle Restore Oregon, Constance Beaumont citizen, by phone _____, Mitch Nickolds BDS, Karen Perkins BDS, Robert McCullough SE Uplift & East Moreland NA, Tim Heron BDS, Caroline Dao Historic Landmarks Commission, Karen Tosey private citizen, Barb Kerr UNR, Barb Strunk UNR, Janet Baker UNR, Dora Perry BDS, Crystle Cowen BDS, Emily Sandy BDS

- I. **INTRODUCTIONS** [Informational]
- II. **DEBRIEF OF ORDINANCE AS ADOPTED BY CITY COUNCIL EFFECTIVE APRIL 20, 2015; PURPOSE OF SUBCOMMITTEE; MEMBERSHIP** [Informational]

Brief overview of main provisions of new Demolition/Major Alteration and Addition Ordinance (reviewed PowerPoint abbreviated from Lunch and Learn). Note: the PowerPoint presented at this meeting had a typo in it saying that emails were sent to the Neighborhood Associations by BDS notifying them of residential demolitions within their boundaries. It was clarified that letters are sent via USPS.

- Request from UNR to send email directly to Neighborhood Association (NA) Director or Chair in addition to mailed notice. Robert McCullough says ONI website information is out of date. Recommend sending email notifications to the president of neighborhood associations. Nancy suggested this request be made using the online comment tool in the BDS website. A question was asked whether BDS could also e-mail the NA demo notifications as well as MRAA notifications. (Note there was no discussion regarding the fact that it is the applicant's responsibility to e-mail notification to recognized organizations prior to MRAA permit issuance, per code).
- Discussion about ONI website and contact info for NA & Coalition. It was explained that ONI is where BDS will look for this info and will not keep a separate database. Note: City Code 3.96.060 Sec. C charges ONI with specific tasks in regard to Neighborhood Associations public information. ONI has a written procedure for updating the Neighborhood Directory. ONI staff person Paul Leistner is point of contact for questions on this.
- Nancy explained the mailing to 150 ft of site should start conversation about possible preservation between property owners and NA's. The notices say "if you have questions contact NA." This language was requested by neighborhood representative as a tool to get residents in contact with NA's. If a property is significant to the neighborhood, those residents can start talking to/working with NA to save them.

- Robert McCullough noted Permitting Services office on 2nd floor closes at noon on Thursdays and at 4pm weekdays, and you must ring a door bell for staff to allow entry. This door bell was broken when he went to file his appeal recently; Kareen Perkins has confirmed that is fixed.
- Nancy let the attendees know there is a process being worked out to allow a requestor whose demolition appeal application has been deemed incomplete by BDS, to request reviewed by the Director. There are issues to work out on this process before it can be rolled out. Nancy clarified this is NOT reviewing the CHO determination. BDS staff will notify a requestor of this opportunity at the time their application is deemed incomplete.
- It was noted that sometimes identifying the correct owner contact is difficult for recognized organizations (and BDS), since ownership records are from the County and not immediately updated, and also because there are often separate LLCs or other organizations (beyond the actual developer or builder) that own the property.
- Statement that check list for appeal isn't consistent (2 versions), especially in regard to the pro-forma budget, evidence of funds on hand, and fundraising plan items (and how the clauses are interpreted). It is noted that the checklist that was referred to is an internal BDS checklist to ensure all documents are provided. Nancy and Kareen clarified BDS does not review content of the documents; we simply check that they are provided with the appeal. The Code Hearings Office (CHO) will review content at appeal hearing. Nancy and Kareen committed to reviewing the BDS internal checklist and updating any language that has been abbreviated so it matches the appeal application.
- Statement that it is not possible for a budget to be created prior to meeting with property owner. Nancy clarified appealing party just needs to submit a "best-guess" budget and updated information can be provided to the CHO at the hearing as evidence to support their appeal.
- It was suggested that someone create an appeal application template/sample.
- Robert McCullough asked to be recognized to discuss his issues, because he has to leave for a meeting. He described his NA's appeal with appeal of 3030 SE Rex.
- Jeff Fish recommended that, if there might be an interest in an appeal, contact the owner/applicant ASAP, even before they decide to appeal, to at least get an idea of the price for purchase for the appellants to consider.
- Nancy reviewed asbestos and lead-based paint and reiterated that BDS does not regulate these items; the new form was at the request of the Mayor's Office. BDS is trying to engage owners/contractors to make sure they are cognizant of the regulations and observing them.

Purpose of Subcommittee – Report back to Council June 2016 ([link to website](#))

- Currently part of DRAC with BDS staff, Restore Oregon, Historic Landmarks, Design Commission, Al Ellis UNR, Robert McCullough, John (Architect), Justin Wood, and Rob Humphries.

Membership on Subcommittee

- i. Not sure if DRAC will vote on membership. Maryhelen said DRAC had already voted on a representative, but she had to step down because she was hired by BDS. Nancy announced this will be a public meeting and if persons are interested contact her, she will give you her card, and she will add you to the email list for notification of meetings.

III. **OVERVIEW OF BDS OUTREACH AND EDUCATION EFFORTS; REVIEW BDS MATERIALS**

There was insufficient time to go over this agenda item in full

[Demolition](#) and [MRAA Brochures](#)

[Lunch and Learn](#)

[Website](#)

[TrackIt](#)

Forms

[Demolition Appeal Form](#)

[Sample Letter to Owner for Appeal](#)

[Demolition Door Hanger](#)

[MRAA Neighborhood Notice Certification Form](#)

[Template/Sample Letter of Courtesy Notification](#)

[MRAA Door Hanger](#)

[Certification Regarding Asbestos and Lead-Based Paint](#)

BDS presentations at Neighborhood Association/Coalition meetings

- i. Maryhelen talked about this presentation and said it was very well received.
- ii. Restore Oregon said his group has been providing resources to NA's about historic significance and hope to develop more resources in terms of how to participate in the process (including appeals) effectively.
- iii. Discussion of information provided by NA in appeal, clarification that BDS doesn't review, CHO does, BDS is neutral.
- iv. Statement that there are equity issues with the appeal. Directed input to be made through the online comment form in the BDS website for these types of comments. Dora Perry was present and confirmed this is being looked at.
- v. BDS said more education coming for NA's and construction professionals.

IV. **HAZARDOUS MATERIALS UPDATE** [Informational/Input and Recommendations]

Certificate Regarding Asbestos and Lead-Based Paint

Meeting with agencies responsible for enforcing regulations

SB 705 – Asbestos (overview and status). Bill has not passed into law yet. It would require an asbestos survey which would be provided to BDS Permitting Services with building application.

Education for Contractors and Public ([current webpage](#))

V. **APPEALS** [Informational/Input and Recommendations]

Number of appeals filed to date and fee waivers

- i. 2 appeals accepted and one denied for completeness at time of submittal. First hearings June 24, 2015.

Review appeal packet

Appeal Instructions

- ii. Drafted and being reviewed by BDS staff

- iii. Request from UNR for pro-forma budget template and example with realistic expectations. Brandon from Restore Oregon and Maryhelen are investigating alternatives for funding to save houses from demolition and explained this is an ongoing process. Maryhelen said as advocates to save a home we should do this (research alternatives); the City should not figure out our alternatives for saving a home.

VI. **DECONSTRUCTION UPDATE** [Informational] Sean Wood DAG Deconstruction Advisory Group

Resolution to Council June 3, 2015 by BPS

- i. Incentivized approach January 2016 coming back with status and recommendations. The advisory group will continue to meet and review the pilot

Council pulse

- ii. Might be making deconstruction mandatory

VII. **DEMOLITION TAX/OTHER POTENTIAL ACTIONS BY CITY COUNCIL** [Informational]

- i. Mayor is looking at residential demolitions and might take action
- ii. CHO hearings 6/24/15 for Demo appeals

VIII. **NEXT STEPS**

- a. Kareen will ensure there is a sign on the Permitting Services door when they are in staff meetings (Thursdays from 2:30 – 4:30) that directs appellants to 5th floor reception. During these staff meeting times, the 5th floor reception will contact a permitting services staff person to come and accept the appeal. She also reiterated permitting services staff are available until 4:30 all other times, and the doorbell for Permitting Services has been fixed.
- b. John asked there be more time scheduled for MRAA discussion – he has feedback on this but there is insufficient time for him to share it. Kareen and Mitch N from BDS also have feedback on MRAA. It was suggested to possibly make a separate meeting to focus on this or make this priority with Demo secondary for a future meeting.
- c. Suggestion to make a separate subcommittee to discuss whether to encourage or discourage demolition of residential houses. Is the purpose to discourage the demolition of houses or regulate replacements? The Demo Subcommittee is not the correct forum to pursue this. Nancy suggested the efforts by the Mayor’s office to look at housing preservation which would be the best place to discuss this. Maryhelen said there is a Residential Infill Project with BPS and Morgan Tracy is leading that project to look at development/design standards for residential construction.
- d. An audience member who is a NA chair shared her experience filing an appeal. Explained they have multiple land use issues with competing deadlines. Nancy gave her contact information and offered to let her review the draft instructions. NA chair expressed concern with property values in her neighborhood and issues with “out of scale development” in her neighborhood and Portland.