



City of

PORTLAND, OREGON

Development Review Advisory Committee

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DRAC DEMOLITION SUBCOMMITTEE – POST ORDINANCE IMPLEMENTATION

MEETING NOTES

March 30, 2016

12:30 – 2:00 p.m., Room 4A

1900 SW Fourth Ave.

Portland, OR 97201

Time	Topic	Action
1. 12:30 – 12:35	Introductions	Informational
2. 12:35 – 1:10	Historic Resources Inventory	Input & Recommendations
3. 1:10 – 1:45	Definition of Demolition	Input & Recommendations
4. 1:45 – 1:55 [continued at next meeting if necessary]	Asbestos and Lead-Based Paint	Input & Recommendations
5. [next meeting if necessary]	Appeals	Input & Recommendations
5. 1:55 – 2:00	Follow-Up Meeting	Input & Recommendations

I. **INTRODUCTIONS** [Informational]

In attendance: Nancy Thorington BDS, Maryhelen Kincaid DRAC Chair, John Hasenberg ORA, Justin Wood DRAC, Al Ellis UNR, Claire Carder DRAC, Rod Merrick ENA, Emily Sandy BDS, Shawn Wood BPS, Brandon Spencer-Hartle BPS, Hilary Adams BDS, Kareen Perkins BDS, Andy Peterson BDS, Fred Deis BDS, Jill Grenda BDS, Michael Molinaro Sunnyside

II. **HISTORIC RESOURCES INVENTORY (HRI)** [input and Recommendations]

a. Loophole between Titles 24 and 33 that needs to be closed

Reviewed document – Title 33 Historic Resources Overlay Zone (provided via email prior to the meeting and also in print form at meeting). Jill Grenda gave an overview of the code language and possible issue with wording of code. Also reviewed Title 24.55.200 document (also provided digitally and in hard copy). The Title 24 document shows proposed language to prevent a property not being subject to the delay in either code. This will be presented as an emergency ordinance to the City Council.

b. Properties removed from HRI after demolition permit application is submitted

Clarify – Jill Grenda explained that, if the demolition permit is paid for and in process and the owner wants to THEN take their property off the HRI, they are still subject to the HRI delay (120 days). The owner would have to withdraw application and reapply after removing their property from the HRI.

c. How to know if a property is on the HRI

Jeff Fish expressed concern that neither portlandmaps.com nor title of property shows if a property is a “historic designated house.” There should be some way to tell. Also what is the definition of an HRI house? What defines it as having “historic value”?

Jill Grenda agreed there definitely needs to be information on portlandmaps. The entire HRI is not available on any public website.

Brandon (BPS) said it is on his work plan to get HRI properties on portlandmaps. He explained challenges and work that needs to be completed before this will be added. Brandon also explained the difference in “ranked” and “unranked” properties. The “unranked” properties have less data on their historic significance. The 1985 preliminary study of properties ranked properties that demonstrated historic significance, but there were some that didn’t demonstrate historic significance. Because they could be significant, they were listed on the HRI but are “unranked.”

Shawn Wood said “due diligence” requires an owner to research the City records to find out if they own an HRI house. Nancy noted an owner can request their property removed from the list quickly.

III. **DEFINITION OF DEMOLITION** [Input and Recommendations]

a. **Removal of all exterior walls – what qualifies as retaining one full exterior wall?** [See BDS Informational Guide #22 – Residential Demolitions]

Nancy explained why a definition was created. Informational Brochure #22 (provided digitally and in hard copy) was created by BDS staff to address technical questions about what constitutes a demolition. A Major Renovation, Alteration and Addition (MRAA) project recently removed the “top plate” (where the wall meets the ceiling). This project then added to the wall, and the inspector said the project was now a demolition based on Informational Brochure #22. Some of the information BDS put in the brochure is not in code. Nancy would like to incorporate some of the definition provided in the brochure into Title 24. She asked the group thoughts on this. She cited specifically information on pages 3 and 4. Mike M. said the diagram Figure 1 page 2 does not accurately represent balloon framing, which was widely used prior to WWII. Terry Whitehill (BDS) said he has not seen this as an issue. Mike M. also thought there should be additional inspections during different stages to catch any work beyond the permit scope. Kareen (BDS) suggested a subcommittee be formed to review the document. Nancy would like to work on adding to the definition.

Brad talked about definition other municipalities have of 50% of a building and perhaps relook at the Portland definition. Nancy and several others explained a lot of time was spent by this group creating that definition, and they did not want to revise parameters. Shawn Wood (BPS) suggested not changing code but creating an Administrative Rule. Nancy will look at pros and cons to see which is best. Nancy and Maryhelen would like to create a subcommittee to work on the definition of a demolition. Nancy asked for volunteers (Nancy took list of names). She also clarified they are looking to “flesh out” and explain a demolition not change the parameters. It would come back to this committee to review and discuss. This committee would then take this information to Council in June. Al Ellis asked about process, how an inspector would know if an MRAA became a demolition. Fred Deis (BDS) explained

the inspector looks at what is on the plans, BDS plan reviewers note what is to remain to be considered a major remodel and whether the construction site matches what is on the plans.

There was discussion regarding the Title 33 historic properties. Title 33 has specific requirements for certain historic resources or buildings within specific zones or districts. A project is considered a major remodel per Title 33 if more than 50% of the building is changed, but Title 33 doesn't have a definition of a demolition. There are different designations, but ranked resources don't have restrictions to alterations. If there was interest in changing Title 33, that change would be done through BPS, not this group.

Al brought up that leaving one wall standing up seems like a demolition to the general public. Nancy explained that is why the Major Alteration category was established. She also pointed out we have to be careful of creating rules that amount to a "regulatory taking." The City can create laws but not through the Building Code in a way that would deny property owners' rights to remodel or demolish. She also reminded the group the definitions that BDS develop in Title 24 cannot be inconsistent with the State Building Code. John H. reminded the group of past discussions that it is much more expensive to take a house to a wall and remodel, but there are sometimes outside considerations that make owners choose that route (financing, zoning, etc.). Terry Whitehill (BDS) said his staff let applicants know it is actually easier to demolish and rebuild than pursue an MRAA.

- b. **Other portions of Informational Guide that should be incorporated into definition?** [This item was not discussed; will be brought to the workgroup.]

IV. **ASBESTOS AND LEAD-BASED PAINT** [Input and Recommendations]

Nancy reviewed handout Asbestos Requirements (provided digitally and hardcopy) of redline by DEQ. Nancy noted she, Maryhelen, Justin Wood and John Sandie were on the advisory committee and requested DEQ require the asbestos survey be provided to the local jurisdiction with each demolition permit application, so it could be made available to the public. BDS could provide the survey digitally on portlandmaps.com with the permitting documents. DEQ declined to make this a requirement. Nancy asked the group if the City should add it to Title 24. At what point in the process would this be required? Pre-issuance? Does the City have authority to hold up the demolition permit? It was pointed out that BDS has no authority over the remediation, disposal of materials, etc. Nancy would like BDS to make the survey public – no other action. Kareen pointed BDS would not review content. Jeff Fish said that you cannot take the materials from a demolition to any type of dump or disposal facility without showing a copy of the survey. Nancy noted this requirement would only apply to demolitions (not MRAA). There was a lot of discussion about DEQ authority and whether to take this request to DEQ, which has jurisdiction over hazardous materials. It was also noted that this demo code is specific to residential demolitions only. Nancy said other jurisdictions have had the requirement to provide the asbestos survey for years. It was suggested there be the ability to provide the survey as a deferred submittal. It was noted that pre-issuance happens after the 35 day delay has lapsed, and once the permit is issued, the property could be demolished within a day. Terry explained the State has Commercial

Demolition Regulations; because they don't have residential demolition rules, the City can write additional requirements. A request was made to include DEQ on demolition notifications. BCD with State of Oregon is starting a group to look at adding demolition to the Residential Building Code. This will bring it under State purview, and standardize how it is regulated. Kareen pointed out BDS is notifying neighbors and NA/CA offices when demolition permits are applied for; these notices are mailed. She is meeting with ONI next week to discuss the progress on establishing a "Demolition" contact. Also Restore Oregon and the Oregon Heritage are mailed notices.

V. **APPEALS** [Input and Recommendations] [This topic will be discussed at the next meeting]

VI. **FOLLOW-UP MEETING** [Input and Recommendations]

- a. ONI update
- b. Notification issues