



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

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Report to Council

January 18, 2017

TO: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman

FROM: Paul L. Scarlett, Director
Bureau of Development Services

*Deborah Sweet Morrow for
Paul L. Scarlett*

**SUBJECT: Bureau of Development Services and Development Review Advisory
Committee Residential Demolition Ordinance Implementation Report**

The attached Residential Demolition Ordinance Implementation Report was prepared by the Bureau of Development Services with input from the Development Review Advisory Committee. The Report provides information on what has worked, what didn't work, and key recommendations for amending the Ordinance.

The City Council adopted a Residential Demolition Delay Ordinance ("Ordinance"), which became effective in April 2015. The Ordinance removed the one-for-one exception, expanded the notice provisions and completely amended the appeals process. It also included a new section requiring notice for major alterations and additions, which provides surrounding neighbors notice of construction activities that could affect them. From April 20, 2015 through October 31, 2016, BDS has accepted approximately 562 residential demolition permit applications that were subject to the Ordinance. Implementation costs, including staff, printing, mailing and appeal fees, totals approximately \$224,734.

Ordinance Successes:

Overall, the Ordinance implementation process has gone well, and the Ordinance has accomplished many of its intended goals, including:

- Standardizing the demolition delay period for all non-historic one-and-two-family houses in areas with a residential Comprehensive Plan Map designation
- Alerting neighbors that a nearby house will be demolished
- Providing an opportunity for any interested party to seek an extension of the demolition delay to try to save the house
- Providing notice to neighbors of major addition or alteration projects
- Conducting outreach and training to the building community, neighborhood organizations and City staff on the new Ordinance

- Developing implementation guides that have been helpful in addressing specific scenarios and interpreting the Ordinance

Ordinance Challenges:

Because the Ordinance significantly changed requirements for residential demolitions and added new requirements for major alterations and additions, stakeholders anticipated there would be some implementation challenges. These challenges included:

- Need for more clarity in some of the appeal language and criteria
- Lack of incentives for property owners to negotiate to try to save a structure
- Equity issues regarding who has the ability to file an appeal
- Need to determine whether the door hanger requirements should be amended to make them more effective
- Need to align the Ordinance language with new State Building Code provisions

Key Recommendations:

The Implementation Report contains several recommendations. The following are the most significant:

- Add a definition of “residential structure” that narrows the scope of the Ordinance to just 1-2 family houses
- Create administrative rules based on the BDS implementation guides to help clarify technical issues that have arisen while applying the Ordinance
- Make minor modifications to the definitions and appeal language for clarity
- Consider adding incentives for property owners to meet and negotiate with neighbors
- Consider expanding the scope of door hanger notifications

TO THE COUNCIL

The Commissioner of Public Safety concurs with the recommendations of the Director of the Bureau of Development Services and the Development Review Advisory Committee and

RECOMMENDS:

That the Council accepts this Residential Demolition Ordinance Implementation Report to City Council and the report as set forth in Exhibit A.

Respectfully submitted,
Commissioner Chloe Eudaly

Agenda No.
REPORT
 Title

Accept the Residential Demolition Ordinance Implementation Report to City Council from the Portland Bureau of Development Services and Development Review Advisory Committee (Report)

INTRODUCED BY Commissioner/Auditor: Commissioner Eudaly	CLERK USE: DATE FILED <u>JAN 10 2017</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly <i>Chloe Eudaly</i>	Mary Hull Caballero Auditor of the City of Portland By: <i>Susan Parsons</i> Deputy
BUREAU APPROVAL Bureau: Bureau of Development Services Bureau Head: <i>Paul L. Scarlett</i> Prepared by: Leanne Torgerson Date Prepared: 1/6/17 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN: JAN 18 2017 ACCEPTED
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 1/18/17, 9:45 TC	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: 9:45 TC Total amount of time needed: 30 minutes (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	