



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-6983
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Report to Council

February 26, 2020

TO: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Amanda Fritz
Commissioner Jo Ann Hardesty
Commissioner of Public Works Office

FROM: Rebecca Esau, Director *RE*
Bureau of Development Services

**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 and other stakeholders. The Report provides information on what has worked, issues identified, and recommendations for amending the Ordinance.

The City Council adopted a Residential Demolition Ordinance (“Ordinance”), which became effective July 1, 2018. The Ordinance added dust and site control requirements for demolitions on sites with one to four dwelling units and their accessory structures. The Ordinance requires a person with specified asbestos accreditation to be on site during mechanical demolition activities, removal of painted exterior materials prior to mechanical demolition, dust suppression, wind speed monitoring, and demolition debris containment. The Ordinance also added two required inspections to the existing one for a total of three inspections for every demolition covered by the Ordinance. The Ordinance authorized two new site development inspector positions to help implement the Ordinance.

From July 1, 2018, through December 31, 2019, BDS has accepted approximately 550 demolition permit applications that were subject to the Ordinance and taken 47 enforcement actions for violations of the Ordinance.

Ordinance Successes:

Overall, the Ordinance implementation process has gone well. It is the strongest of its kind nationwide for addressing asbestos and lead-based paint in residential demolitions. It has been effective in reducing the off-site impacts resulting from residential demolitions, reducing the number of complaints to BDS regarding dust from mechanical demolition activities.

Issues Identified:

After the first 18 months of implementing the Ordinance, BDS staff and stakeholders identified areas for improvement that can be categorized as “administrative” and “substantive.” The administrative issues include ordinance and administrative rule language that needs to be clarified, modified, and condensed based on BDS’s experience since implementing the program on July 1, 2018. The substantive issues are based on how BDS is implementing the Ordinance. Three key substantive issues identified are:

- How BDS conducts the second (“during demolition”) inspection
- Whether a person with the required asbestos credentials must remain on site during all mechanical demolition and deconstruction activities
- Whether non-contractors should be required to have lead-based paint certifications to conduct demolition activities

Summary of Recommendations:

The Implementation Report contains the following recommendations:

- Amend the Ordinance to remove much of the detailed language and move that language to the accompanying administrative rule
- Require any person conducting a demolition covered by the Ordinance to have the specified lead-based paint certifications, regardless of whether that person is a contractor
- Remove the requirement that a person with the specified asbestos accreditation be on site during mechanical demolition and deconstruction activities and instead require all covered demolition projects to have a comprehensive asbestos survey, as defined in the administrative rule

TO THE COUNCIL

The Commissioner of Finance and Administration 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,
Mayor Ted Wheeler

Agenda No.
REPORT
Title

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

<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED FEB 18 2020</p>
<p>COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fritz Vacant</p> <p>Position 3/Affairs - Saltzman Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL Bureau of Development Services <i>[Signature]</i> Rebecca Esau, Director</p> <p>Prepared by: Leanne Torgerson Date Prepared: 2/6/20</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan</p> <p>Council Meeting Date 2/26/20, 10:15 TC</p>	<p>ACTION TAKEN:</p> <p>FEB 26 2020 ACCEPTED</p>

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 10:15 TC</p> <p>Total amount of time needed: <u>35 min</u> (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	_____	_____
2. Fritz Vacant		
3. Saltzman Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	