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# 191236

Emergency Ordinance

## \*Waive 120-day demolition delay requirement for O'Bryant Square demolition project

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. O'Bryant Square is a City-owned property located at 800 SW Harvey Milk Street. It consists of a public plaza, operated by Portland Parks and Recreation (PP&R), and an underground parking garage operated by the Portland Bureau of Transportation (PBOT).
2. In 2018, PP&R and PBOT jointly closed the plaza and garage to the public, following a structural engineering assessment. That assessment recommended the closure due to "significant potential for facility failure during extreme loading conditions." The deficient structural elements included a century-old retaining wall in the SW corner of the property. This wall served as the foundation of a building demolished when the garage and plaza were constructed in 1973.
3. The structural assessment further identified ongoing water intrusion from the plaza into the garage, due to a failed waterproofing membrane, as a contributing factor leading to structural deterioration. The report concluded "that the structural components of the facility will continue to deteriorate at an accelerating rate if full replacement of the waterproofing membrane is not accomplished."
4. In the spring of 2021, installation of a fire hydrant on SW Washington Street severely damaged a joist supporting the garage ceiling, rendering it structurally non-functional. This portion of the ceiling is in the same corner as the deficient retaining wall. The hole in the ceiling created during the hydrant installation greatly increased the rate at which water infiltrates into the parking garage, potentially further accelerating structural deterioration.
5. Deficiencies and ongoing structural deterioration have resulted in repairs not being a feasible option, and have created a situation that threatens public health, welfare, property, safety, and commerce.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Transportation](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

April 12, 2023

Time Requested

5 minutes

6. On December 12, 2022, the City entered into contract 30008381 with Northwest Infrastructure LLC, to demolish the plaza and parking garage. Mobilization to the site began in January 2023.
7. On March 6, 2023, PBOT submitted a demolition permit application to the Bureau of Development Services. This application was assigned IVR # 4900788 and permit number 23-018966-000-00-CO.
8. During the review of the demolition permit, Bureau of Development Services staff determined that the O'Bryant structure was listed as a Rank 3 resource on the 1984 Historic Resource Inventory. Therefore, the structure is subject to a 120-day demolition delay as stipulated under Portland City Code 33.445.330.A.
9. The purpose of the 120-day delay is to allow time for consideration of alternatives to demolition, such as rehabilitation, reuse, relocation, or architectural salvage.
10. Further delaying the demolition of the structure creates an unacceptable risk to public health, welfare, property, safety, and commerce.

NOW, THEREFORE, the Council directs:

- A. Portland City Code sections 33.445.330 ("Demolition of a Significant Resource") and 33.445.340 ("120-Day Delay") are waived as they pertain to IVR # 4900788 and permit number 23-018966-000-00-CO.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the Bureau's ability to perform the activities in a timely manner; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
April 12, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

This ordinance will waive the 120-day demolition requirement in the Historic Resource Overlay Zone in the Zoning Code (Title 33) for the O'Bryant Square Demolition Project. The waiver will apply to a pending building permit application, IVR # 4900788 / permit number 23-018966-000-00-CO.

The demolition project will demolish the surface plaza and underground parking structure at O'Bryant Square, and backfill the property to match the

grade of the surrounding streets. The plaza and parking structure were constructed in the early 1970s and have structurally deteriorated beyond the point where repairs are feasible.

PBOT submitted a building permit application on March 6, 2023. During the review of the demolition permit, Bureau of Development Services staff determined that the O'Bryant structure was listed as a Rank 3 resource on the 1984 Historic Resource Inventory. Therefore, the structure is subject to a 120-day demolition delay as stipulated under PCC 33.445.330.A This historic resource designation was not discussed at an Early Assistance meeting that occurred earlier in the design engineering process.

The purpose of the 120-day delay is to allow time for consideration of alternatives to demolition, such as rehabilitation, reuse, relocation, or architectural salvage. Rehabilitation, reuse, and relocation are not feasible. PBOT, which manages the parking garage, has determined that there is nothing inside the garage that has salvage value. The Portland Water Bureau, which owns the decommissioned fountain inside the plaza, has determined that the fountain has no salvage value. Portland Parks and Recreation, which manages the plaza, has requested that an informational plaque attached to a former bus shelter be salvaged.

Based on the above factors and the structural deficiencies, further delaying the demolition of the structure creates an unacceptable risk to public health, welfare, property, safety, and commerce, which necessitates a Council ordinance to waive the 120-day delay requirement.

### **Financial and Budgetary Impacts**

The action will not create immediate or long term financial or budgetary impacts. The demolition project will eliminate an ongoing maintenance liability for PBOT. Construction of a new park on the property in the future will go through the regular city budgeting process.

### **Community Impacts and Community Involvement**

Since its closure, the plaza has become a blight on the neighborhood. Many local property and business owners have expressed support for the demolition. The Portland Parks Foundation has commenced a visioning and outreach program to develop concepts for the new park that will be constructed on the site in the future. There is no known opposition to the proposed legislation.

### **Budget Office Financial Impact Analysis**

No fiscal impact to waive this policy, the fiscal impact of the demolition contract is discussed separately for approval of the contract.

## Agenda Items

### 291 Regular Agenda in [April 12, 2023 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Absent

Mayor Ted Wheeler Yea