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FEB 9 1961

Re: Formation & purpose of Committee
Discussion by Mr. Yavno

- copies of National Housing Code to be sent to each member for study; **Portland**
- next meeting to be held within one month; **City Planning Commission**

Minutes of Meeting

Conservation Code Study Committee

February 6, 1961

The first meeting of the Conservation Code Study Committee was held Monday, February 6, 1961, at 10 A.M. in room 200 City Hall Annex. Those present were:

Stanley W. Earl, Chairman
 Wm. A. Bowes, member
 Ormond R. Bean, member
 Dale Gilman, member
 C.N. Christiansen, member
 Harry Herzog, member
 Craig Kelley, member
 John T. Merrifield, member
 Ray Hallberg, alternate
 John Murtaugh, member
 Roy F. Renoud, member
 John Kenward, alternate
 Harry Sroufe, member
 Earl Newberry, member
 Mrs. Kareen Vennewitz, member

Commissioner of Public Affairs
 Commissioner of Public Works
 Commissioner of Finance
 Fire Marshal
 Building Inspections Director
 Rep. Oregon Apartment House Assn.
 Rep. Portland Assn. Bldg. Owners & Mgrs.
 Rep. Oregon Technical Council
 Rep. Portland Home Builders Assn.
 Architect
 Housing Authority of Portland, Ore.
 Rep. Portland Development Commission
 Rep. City Planning Commission
 Rep. Oregon Building Congress
 Rep. League of Women Voters

Emil Yavno

Conservation & Rehabilitation Officer,
 Housing & Home Finance Agency
 Bureau of Buildings
 Public Affairs
 City Planning Commission
 Secretary

Al Clerc & C. C. Crank
 John Faust
 Lloyd Keefe
 Ruth Hannaford

Absent:

Richard G. DeDonato, member
 and/or his alternate
 Chas. K. Cummings, member
 (no alternate)
 H. H. Harrison, member)
 Harold Bork, member)
 Ervin Fox, member)

Rep. Portland Mtge. Bankers Assn.
 Rep. Portland Board of Realtors
 Rep. Bldg. Trades Section of Central
 Labor Council

Alexander G. Brown, member

City Attorney

The chairman called the meeting to order.

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The chairman read the following memorandum from Mayor Schrunk:

MEMORANDUM

From: Terry D. Schrunk, Mayor, City of Portland, Oregon.
TO: All Concerned
Subject: City Conservation Code Study

Considerable progress has been made in up-dating our city building codes, and additional studies are under way to modernize and improve other codes. However, it is my feeling that perhaps we have not been realistic enough, and that our codes have not been flexible enough, to encourage the improvement and change of use of many otherwise fine existing structures.

It has been my impression that because our codes have not been flexible enough to permit needed improvements and changes, building owners frequently have allowed what probably were sound structures to deteriorate. In some cases, this deterioration has brought about fringe usages that are frequently not in the best interests of either the business community or the city as a whole. Because of this, some of these older buildings do not return their potential revenue for real taxes.

As these older buildings continue to deteriorate, they cause a blight condition in the area in which they are located which often results in real or potential slums. Many of them become a serious problem to the city through sub-standard usage.

It is because of my belief that a problem does exist, which we as a city can do something concrete and positive about, that I am setting up by this Memorandum a special study committee to explore fully the community needs for new or improved codes, especially as they relate to building conservation.

The Committee will then recommend to me whether or not the City of Portland should have a conservation type of code dealing specifically with the modernization of existing buildings, and, if so, recommend specific changes, modifications, or additions to our present code.

This Committee should keep in mind that public safety is of paramount importance, and thus any suggested changes should be based on this premise. However, the Committee should also keep in mind that existing structures built years ago under different standards may continue to be used as at present, with certain modifications, provided they are not substantially remodeled, or the general use is not changed materially.

Thus, it would appear in the public interest that this Committee should think in terms of encouraging the improvement of such structures, in spite of the fact that it might not be financially feasible or possible to bring them to the standards set for new construction today.

It would appear to me that the test should be whether or not such remodeling or improvements make a substantial advance in safety and health factors over what they are in the existing structure and use.

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It is my basic philosophy that governmental codes should not be arbitrary, but should be created and enforced for the safety and health of the individuals directly involved, as well as for the general welfare of the community. Such codes must be flexible enough to meet the changing conditions of the introduction of new materials and new construction methods.

I am not proposing that this committee concern itself about changes in the codes regarding new construction, but merely the problem of existing buildings that through remodeling or change of use could improve the general community and increase the value and the financial return of such buildings.

Each year, the City of Portland, along with hundreds of other American cities which are in partnership with the Federal government in developing and carrying out an urban renewal program, must submit a "workable program", which has to be certified by the Federal government, in order to continue urban renewal programs.

The workable program is the community's plan for better living -- a practical plan through which people work together to banish slums and blight and block their return.

The Conservation Committee that I have established is a very important part of the workable program. In fact, its creation and operation is a requirement for recertification.

Under our urban renewal program, there are three significant phases:

1. The complete renewal program, in which existing sub-standard buildings are demolished and the land replatted and put to new or different use with new construction;
2. The rehabilitation program, in which parts of the given community are rehabilitated either through repair or remodeling, or through individual new construction throughout the area;
3. The conservation program, in which through code enforcement, business and residential property owners are encouraged to repair and maintain their property in order to raise the general physical level of the entire community and to fight pockets of blight that can seriously affect property values. This latter phase, in my opinion, is the most important part of the Urban Renewal Program, and one that we can use to the greatest advantage here in the City of Portland.

For a considerable time, there has been in operation a Housing Coordinating Committee, composed of representatives of the City of Portland, the Housing

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Authority, the Portland Development Commission, the Apartment House Association, the Portland Board of Realtors, and the Portland Home Builders Association.

A representative from my office has been meeting with this group, which attempts to create a better understanding and coordination among these agencies. This group has met at least five times under the leadership of M. M. (Sam) Wolsborn as Chairman, and, in my opinion, has made significant progress.

It was only natural that this committee should become concerned with the problem of rehabilitation of many of the existing structures within the City of Portland. I have been assured by the Chairman of this Coordinating Committee of its membership's complete cooperation in any study of the possibility of a conservation code for the City of Portland.

Based upon the work of the above-mentioned committee, studies made by this office, and various conferences held with both public and private organizations, I now, therefore, by this Memorandum, create a City of Portland Conservation Code Study Committee.

Commissioner Stanley Earl, who is in charge of the Bureau of Buildings, is hereby appointed Chairman of this Committee.

Commissioner William Bowes, in charge of the Department of Public Works and the City Planning Commission, is hereby appointed a member of this Committee.

Commissioner Ormond Bean, Commissioner of Finance, and an architect by profession, who has long been interested and active in code studies and planning of the City, is also appointed a member of this Committee.

By this Memorandum, directed to the Presidents of the following organizations, their organizations are requested to submit to Commissioner Earl, the Chairman of the Committee, their recommendations of a representative and an alternate from each organization to this committee:

1. Apartment House Association.
2. Portland Board of Realtors
3. Portland Home Builders Association
4. Portland Association of Building Owners & Managers
5. Downtown Portland, Incorporated
6. Building Trades Section of Portland Central Labor Council
7. Oregon Technical Council
8. The Mortgage Bankers Association

The City Fire Marshal, the Director of the Bureau of Buildings, and the City Attorney will serve on this Committee.

The Chairman of the Portland Housing Authority, the Chairman of the Portland Development Commission, and the Chairman of the Portland Planning Commission will each designate one of his organization members to serve on this Committee and will inform Commissioner Earl of the appointment.

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The Committee will meet on the call of the Chairman in a place designated by the Chairman. The Chairman may at his discretion use a city employee as secretary of this Committee, in order to insure that proper records are kept of the meetings, recommendations, and reports.

The Chairman may appoint special advisory sub-committees, as he finds necessary, of public employees, private organizations or individuals, or a combination of the foregoing.

I shall place in the hands of Commissioner Earl a concrete proposal for the remodeling of a downtown building involving a change of usage. This concrete example will provide the Committee an opportunity to get into specifics and thoroughly discuss and explore what can and should be done.

In presenting this example, this office makes no recommendation to the Committee as to whether the proposed change should or can be accomplished. It is offered simply as a specific example of what I was pointing out in the early part of this Memorandum, and will bring to the Committee a case in point with specific code requirements and specific problems of the application of those codes to such remodeling or conservation programs.

The active cooperation and participation of all parties and organizations named in this Memorandum in making this study should and can be a significant contribution to both the social and economic welfare of this community. I will appreciate your support in this important undertaking.

Yours truly,

M. A. Y. O. R.

TDS:1
October 26, 1960

Commissioner Earl asked Mr. Christiansen whether or not the reference in the Mayor's letter to a specific case concerns the Nortonia Hotel? Mr. Christiansen replied yes; He explained that the Nortonia people submitted typical floor plan for the conversion of a hotel building into an apartment dwelling. Inasmuch as they were in a hurry due to commitments, they were advised to file an appeal before the Housing Code Board of Appeal, which they did. Eight items were involved.

Mr. Christiansen further stated he has studied the information given by the Mayor as to what Los Angeles, Oakland, New York have done on a Conservation Code Committee; he found all they did was to adopt a housing code. The City of Portland has had a Housing Code for some 40 odd years; this housing code has always had an appeal board which can handle situations such as was presented by the Nortonia Hotel. The City of Los Angeles did not adopt a Conservation

code nor did New York nor Oakland; by adopting their housing code, with an appeal board, they can send these particular buildings to the appeal board for waiver of code requirements. Portland has been able to do that all of these years. The building permit will be ready to pick up tomorrow for the Nortonia Hotel.

The City of Portland in the past few years has granted appeals to 11 other buildings that were altered, most of them from hotels to apartments - the LeMarr Hotel, 11th & Alder, also building at 27 N.W. Trinity Place, also the Cornwall Hotel, 1033 SW Yamhill, which was changed to dental offices; also the MountClair Hotel at 10 N.W. 10th, which was changed to an office building; there was a garage building at 635 S.W. 18th altered to 138 apartments; the Chesterberry Hotel at 905 N.W. 20th was altered to 34 apartments; the Alexandria Court Hotel at 25 N. W. 20th was altered to 63 apartments; also the Taft Hotel and the Carlton Hotel were altered to old peoples homes. Now we have the example set before us by the Mayor to alter an existing hotel into apartments; so far as I know, this will be done.

Actually, we have the means at our disposal, we have had it for some 40 odd years, these other cities are just acquiring it; however, I think perhaps our code does need some study and perhaps more flexibility. As a matter of fact there is a requirement that this Code Conservation Committee be set up for re-certification of the Urban Renewal Program; we have asked Mr. Yavno, Conservation and Rehabilitation Officer, Housing & Home Finance Agency, to talk to us.

Mr. Christiansen introduced Mr. Yavno to the Committee.

Mr. Yavno said, first, he would like to ask Mr. Christiansen if in the improving of this old hotel, what happened in San Francisco 3 weeks ago will be prevented? Mr. Christiansen said, I hope so, they agreed to sprinkler the entire basement.

Commissioner Earl asked Mr. Christiansen to explain to Mr. Yavno to what useage they intend to put the building.

Mr. Christiansen said the Nortonia Hotel will be converted into an apartment house; there will be roughly 100 apartments, each apartment will be complete in itself - Pullman kitchen, 3-piece bath; to protect the people in the building they are going to completely sprinkler the basement area, all public areas, the lobby, the stairways, the corridor on the first floor and the corridors on the upper floors - this is a 6-story, old Type III building, masonry exterior walls, wood interior; they are extending the corridors to the outside walls and putting a fire escape on each end with doors opening onto it; they are also changing the wood frame sash, replacing them with aluminum frames; they are going over the entire interior with dry wall; originally it had wood lath and plaster, it had been covered with 1 layer 3/8" dry wall, and they are going to cover it with another 3/8" layer; they are bettering fire resistance to the building and improving conditions; they agreed to this. However, some of the rooms were deficient in area, which was waived by the Appeal Board.

Mr. Yavno: That is one of the problems which we usually find in alterations of this type; we - and I am including myself - seem to forget that what we are doing at this moment in approving a plan like this with deficient size bedrooms, are preserving this structure for the next 60 years, and maintaining this deficiency for the next 60 years.

These are even, I suspect, smaller than what the code calls for, and the code is a 40-year old code, so that the standard of the past 40 years is going to be perpetuated for another 60 years. That cannot, in any sense, be considered progress in providing decent, safe, and sanitary housing, for the occupants of a city.

The problem apparently is one of trying to produce all of the income that one can from a piece of property; it is not trying to increase the livability of these quarters in the next 60 years by reducing the size of the rooms, by reducing the other requirements that had been waived; this is not an example of what we call progress in advancing the condition of living within the city.

If I may suggest, there are a number of items in the Portland Housing Code which I believe belong in a building code; these, I understand, are now in the process of being deleted and placed into the building code; at the same time I would suggest that after you have deleted all of these building code requirements from your housing code that you consider the adoption of one of the nationally recognized housing codes; they have been accepted throughout the country as the minimum standards for decent, safe, and sanitary housing.

The standards that are contained in the Portland Housing Code, while they were extremely good 40 years ago, and they are, in a sense, today, but because of the operation of the code it is being reduced far below these necessary recognized minimum requirements.

An example is right here; the thought in the revised code in improving conditions is not to reduce standards, space, light, ventilation, but to increase them as much as one practically can within the city because as we live on, as our children live on, space is rather important. Light and ventilation is extremely important; to take structures and to reduce the space in which human beings have to live is not a concept that we as the stewards for the federal funds are able to accept as adequate for the purposes of housing.

The Appeal Board that you speak of - is that in the building Code?

Mr. Christiansen: We have a Building Code Board of Appeal and a Housing Code Board of Appeal. Many of the items of the Housing Code you cannot appeal under new structures, but you can appeal old structures; in other words, you have to build a new building under the code regulations, but on the older one you can appeal requirements such as room area, ceiling height.

Mr. Yavno: Have you a provision in your code - if the cost of the alteration exceeds 50% of the value of the building, it shall be brought up to the requirements of the code for a brand new building?

Mr. Christiansen: That is in our building code; however, it states it a little more definite; it is patterned after the Uniform building code.

Mr. Yavno: Of course, in this case and all future proposed cases, if this is accepted, they will not have to follow that pattern.

Mr. Christiansen: No, this is accepted; the plan was accepted because the corridors do comply; they used to have dead-end corridors, now they are opened up; they have bettered conditions here; before you had to go through rooms to get to the exterior fire escapes; they are putting dry standpipes here (indicating on the plan), they have wet standpipes in the corridor.

Mr. Yavno: In other words, they have made this to be comparatively fire safe. Are you able to enforce such requirements on the other structures of the same type that might result in what happened in San Francisco?

Mr. Christiansen: I can only do it in case they ask for alteration to the building - change of occupancy - I couldn't do it to a building that was approved in the past - or make it retroactive.

Mr. Yavno: That is one of the fundamentals of the housing code - the concept of eliminating blight is completely based, irrespective of all the other aspects, on the retroactivity of a housing code; without the retroactivity there is nothing that one can do unless one exercises eminent domain, and the City of Portland, or the State of Oregon, or the Federal Government, do not have sufficient funds to exercise eminent domain; if found to be unsafe and unsanitary - to remedy the situation has to be done by the city through a retroactive housing code.

That was one of the questions I have always had about the Portland Housing Code. Back in 1955 when I reviewed it, I came across that paragraph in a provision in the code which I still do not understand after 6 years and which of course does not make the code retroactive. I am not trying to belittle the code - it was a wonderful job 40 years ago, but by amendment after amendment through the 40 years, it has now arrived to a point where it seems it would be impossible to make it a retroactive code.

It is required that such a code exists unless you want to go into clearance of all structures through eminent domain; how else will one be able to prevent further spread of blight, and there is a certain amount of blight in every urban community in the country. No matter how some of the cities in lower California, Arizona - I won't say in Oregon or Washington - think their cities are clean and holy, there is blight in every city; every plan director, every planner in the country is aware of this, the City Managers' Associations throughout the country are aware of this; many, many of the small percentage of the rental operators are aware of this, they constantly say, why is a retroactive housing code proposed.

They say it will affect the individual home owner, it is going to harm him, it is going to hurt him - we constantly repeat, a housing code is not aimed against the individual home owner, the single dwelling owner, nor is it aimed at more than 90% of the rental operators because they maintain decent, safe, and sanitary apartments or dwellings that they rent, but a housing code and its retroactivity is aimed at less than 10% of the rental properties in every city - That cannot be stressed too much.

There are many people who have said that the housing code and the Urban Renewal Administration are aimed to drive out through retroactivity the profits of the rental operators - that is not true. More than 90% - I repeat - are able to continue, they have nothing to fear from the city; it is only the less than 10% of the housing - I believe the word is called our "slum loads"- that is what the code is aimed at.

Comr. Earl suggested hearing from some of the representatives of the Associations- he asked Mr. Kelley if he has a specific building that is a problem he can't do anything with under the existing code. Mr. Kelley replied, no doubt there are some but I can't think of one off-hand.

Comr. Earl asked if there is anyone present who has a problem to point out to Mr. Yavno and get a reaction as to what could be done under the Mayor's memorandum; there seems off hand to be a conflict between the Mayor's memorandum as to what might be accepted and some Federal standards that may stand in the way.

Mr. Renoud asked, what about the Baltimore plan and the Los Angeles plan where you can raise the health standards of existing buildings which should be done rather than leave the thing set as it is and continue to deteriorate; as I understand, unless you can meet all the new requirements that you shouldn't do anything at all to the building, therefore you are not raising standards. There are a lot of them that needs to be raised if you can't improve the health and safety of a particular project. I am familiar with the Urban Renewal codes.

Mr. Yavno said, I did not say every old structure, every existing structure should be brought up to new standards. I just asked if in the Portland building code there is not a requirement if the cost of repairs are 50% or more of the value, is it required to be brought up to new requirements. I did not suggest that one take an old building and automatically raise the roof to raise the ceiling height 6 inches, or break out the windows if they are 4 or 5 sq. in. less than the code requires. If one walks into an existing building and finds the plumbing is pretty bad, the lines are filled and corroded, the plumbing has to be replaced; the electrical wiring is bad, it isn't able to support the loads that are imposed on it today with all the appliances they have - you also find in this structure that the rooms may be 5 or 6 sq. ft. less than the code requires, and you find the ceiling is 3 or 4 inches less than the code requires - you may find that the windows, as I said before, may be a little bit smaller than what the code requires.

Our suggestion in enforcing a case like that is to come to an understanding with the owner, if he will replace the plumbing and wiring which are fire and health hazards, that the housing appeal board will waive the requirement with regard to raising the ceiling or changing the walls or enlarging the windows.

Mr. Renoud said maybe I got the wrong impression. Mr. Yavno said, I may have given you the wrong impression; what is reasonable and what is essential for health and safety should be considered. If a code calls for 90 sq. ft. bedroom and you walk in and find 55 sq. ft. bedroom, I would recommend the bedroom be increased in size; however, if 85 sq. ft. and if everything else is

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equal in that structure, if the walls are sound, the windows are adequate, the ceiling height adequate, the plumbing good, the electrical wiring good, the floors are all all right, I think if the City Attorney tried to go to court with a case like that, he would be laughed out of court.

That is where the Housing Code Board of Appeal is the flexible part of the housing code, that is where it drops its rigidity, it becomes flexible, and I do not understand completely what was meant in this report (referring to the Mayor's Memorandum) that the codes have not been flexible enough. The suggestion there seems - I know that you have a housing appeal board and they are able to do a thing like this - is that perhaps even the housing appeal board should be made more flexible. I do not understand - the implication being perhaps the code should be lowered, because making it flexible means reducing standards.

It very rarely, if ever, means increasing the standards. I am not taking anybody to task in what I am saying; I am repeating some truism; the thought is you should try to maintain as high standards as you can for the next 60 years. Think of the city as it expands rather than the 40 years before; that is why I suggest and have suggested that in revising your housing code and in adding all the construction items into the building code, you give serious consideration to the adoption of a nationally recognized housing code and the standards contained therein.

I just came from Washington, we had a two-day conference at the Sherwood Hotel; we came to the conclusion, or it was the consensus of the group that the first thing is for every city or urban city in the United States to immediately draft and adopt a retroactive housing code and immediately commence training its men for its enforcement so that we will alleviate the terrible burden of clearance and re-development that are coming to our cities within the next 25 years unless we do something about it right now.

We were told in advance of the pleas that have been made by all the associations of Mayors and the Governors to the President and his response in saying that he would want to see more funds in Urban Renewal not only to alleviate the blight but at the same time assist in bolstering up the economy.

Mr. Hallberg asked, what experience has there been with retroactive codes in any sizeable city? Mr. Yavno replied, on the west coast the City of Los Angeles has been enforcing its retroactive housing code since 1948. It drafted the present code in 1952 and ever since 1952 they informed me that out of 22,000 violation notices, only 23 were heard by the Appeal Board, and I believe out of the 23 only about 6 or 8 ever went to court.

Mr. Hallberg asked, in Los Angeles do they study neighborhoods, go from house to house to determine if they are fully meeting the code and its retroactivity? Mr. Yavno replied, yes. Mr. Hallberg asked, it isn't something they are ignoring? Mr. Yavno replied, no. The problem in Los Angeles - they have about 70,000 substandard dwelling units; that has been printed, it will come out in the census; with a tremendous number such as that, even the present staff of approximately 180 employees in the housing division of the building department is not sufficient to cope with the situation. I don't know at the moment what

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Los Angeles is going to do; we as a Federal agency are not able to ask them to hire more than 180; at the moment they are making up their own mind; they have a terrific problem and they realize it, but actual experience shows that it does work. The City of Oakland has been enforcing a retroactive housing code since 1959 - the early part of 1959 or the latter part of 1958 - it is working. They have not had to actually go ahead and apply the lien requirement within their court; the code says if the owner will not repair or will not demolish the building, then the city has the right to make the repair or demolish the building and charge an interest bearing lien against the property.

Mr. Newberry asked, does that exclude single family dwellings? Mr. Yavno replied, no, it includes single dwellings, but the problem of the housing code is not essentially directly against single family dwellings, it is essentially directed against less than 10% of rental property.

Comr. Earl said, I understand from your remarks here that you would not advise or suggest that there be two sets of building codes, one for depressed properties which cannot come up to certain standards, and a set of codes for new construction. Is that correct? Do I gather further you would suggest that the cure for problems which exist would be an over-all appeal board which would have the right by law to waive certain provisions of the housing code, the building code, and the zoning code, rather than require interested parties to have to go to the Variance Committee of the Planning Commission, the Fire Code Board of Appeal, the Housing Board of Appeal and the Building Board of Appeal? Would there be a committee with over-all authority to waive certain provisions allowing ceiling height, windows - rather than have a special code set up for older properties?

Mr. Yavno: I believe it would be in order, if you will permit me, ladies and gentlemen, to explain that the appeal board that you have for the building code, the plumbing code, the electrical code - the appeal board has to do with completely inanimate things - the electrical board deals with wiring installation methods, the plumbing with pipe and fixture installation, the building code with construction materials - those appeal boards deal only with these items, it does not have to deal with human beings as you deal with under the housing code.

Appeals are to waive the requirements because the man is not able to perform them at this instant - to waive the requirements for the size of room - if you want to install that room or enlarge that room you have to go to the building code, to waive the requirements for plumbing facilities, if you want to install those facilities you have to go to the plumbing appeal board.

The thought here is to have the Housing Appeal Board that will deal only with items relating to housing and after the uniform housing code is drafted, once an appeal is granted or a waiver is given, it is not necessary to go to the building board of appeal, or the plumbing appeal board, or the electrical board - once it is waived in the housing code, that is it. That is the way it should be handled.

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By the way, the composition of the housing appeal board is not the same as the composition on the building, plumbing or electrical boards of appeal; there you have either architects or engineers or plumbers or electricians or contractors who deal only with construction techniques and construction materials.

Here, in the housing appeal board you do not need any of those people; the people you need is a physician, who can determine as to whether the conditions within the specific structure are unhealthy as they are reviewed by the inspector; you must also have a man on the Board who is aware of family relations, invariably, this is a minister, priest, rabbi, or what have you, because there are always family situations arriving that require a little relief in the amount of time required to make repairs, in single-family instances. You must also have a man on the Board who can advise the single-family home owner - you notice I am stressing single-family dwelling - on the financing of the repairs for his house, or if he pleads that he is unable financially to make the repairs you must have a man on the Board who can examine into the case and advise the other 4 members; also a member of a mortgage lending institution who handles mortgages, who knows how to handle and find out the true financial capabilities. You should also have a man from the labor union, veterans organizations - so that you won't have the cry of discrimination against the veterans or labor groups; and of all importance, you should have a member of each of the minority groups within the community on this Board.

Now, you would have to have a Board of 10 or 12 - actually your board should be 4 or 5, but you could combine in each membership two of the categories, negroe physician, caucasian banker, a Japanese mem' er of the Armed Services; If you have a group like that as a housing appeal board, the owner feels he is appealing to a jury of his peers, he is not appealing to appointive or elective officials; I don't know if there are any attorneys in the room, but I would suggest that- I have all the respect for them - but please don't place one on the Appeal Board because the smallest single-family home owner becomes extremely frightened if he is ignorant of the law, if he is absorbed in his own daily problems - he will resent the intrusion that the lawyer would throw at him; it should be a jury of his peers and you will have the true enforcement and true flexibility you need.

Mr. Earl asked, since you have stated previously that this appeal board will waive provisions of the plumbing, electrical, etc. what would they know about electricity, plumbing, etc.

Mr. Yavno replied, they will take the recommendations of the building official or enforcing official. The enforcing official under the Uniform Housing Code does not have the right, neither does he want it, to waive any requirements of the code, but he can and he should make recommendations to the housing appeal board. As I said before, if the man would install brand new wiring and plumbing pipes and fixtures, that the building official recommend to the Board that they waive the regulation to raise the building or expand the wall. In a case like that you have a true and equitable enforcement.

If you have a pair of codes, where is the proposition that we base our entire constitution upon - in a sense that the police power is based upon equal protection under the law? If you have a pair of codes, who is going to determine what is equal protection, who is going to be forced to do the higher standard, who can do the lower standard; you will place yourself in such an unequitable position - I suggest you and the other commissioners and the Mayor will have to hire special complaint clerks to handle all the complaints if you have a dual standard in your city. It is placing you in an untenable position.

May I suggest to this committee that it is political dynamite, it will arouse the community so and you will not be able to judge why John Brown received consideration and John Smith shall have to bring his property up to the higher standard. If you try to delineate areas, you are going to have a street - on one side of the street the higher code will be required, on the other side, the lower. Is that equitable? If you do not delineate areas, how are you going to enforce the two codes? Are you going to make mention in every individual case? That will put you into a terrible spot. The only advisable thing - one code for the whole city; this is the minimum below which no structure or no dwelling should go below.

Do not worry about the brand new structure. Any man that is mentally disturbed enough to build a brand new structure in accordance with standards for existing structures - it is impossible; he cannot do that on the open market, he cannot sell his property - he cannot compete with all the existing properties; therefore you very rarely see a brand new structure brought up to the standards of an existing building.

Mr. Christiansen: We have also a zoning code which covers height of structures, that covers off-street parking, also side and rear yards, which these older buildings do not meet. Do you think they should be handled by the same appeal board?

Mr. Yavno: Yes, I do. You will find in the Uniform Housing Code the yards and the courts and the side yards and building line set backs, but we also state in the preamble to the Uniform Housing Code that each community in adopting this code should correlate the existing zoning requirements with the yards, setbacks that are spoken of in the code. In other words, you should not require in the housing code any more than you require in your existing zoning code. I do not believe it is the intention of any enforcing official in the country or any governing official to say you must move every structure to conform to the 3' or 5' or 6' side yard requirement in a zoning code.

I do not believe one could make a zoning code retroactive, although there have been attempts I am sure to place a time limit before certain weaknesses are eliminated; you cannot make it a retroactive requirement because it would be physically impossible to make every side yard, court, setback meet the requirements of the code.

If you have a very hazardous fire condition resulting from an existing side yard or court, then, of course, the degree of hazard will have to be determined by the enforcing official; in that case you would have to bring in the fire marshal and between you you would have to determine as to just how high a hazard you have, but if the hazard is not extreme, if just a little bit away from the zoning requirements, then I would suggest your requirement for the 3' or 3½' or 5' yard be waived in any individual case.

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Mr. Hallberg asked, is it possible to spell out in the housing code those areas where the Appeal Board - or rather where deviations could be permitted to avoid everything going to the appeal board? I am thinking here specifically in our conservation of buildings which would be salvageable.

Mr. Yavno: You wouldn't have everything going before the Appeal Board; the only thing going before the Appeal Board is if the owner would question the violation notice he had received; as I said, in Los Angeles out of 22,000 violation notices, 23 were challenged; all the rest of the people went ahead because the average man knows he has to maintain his property, and many, many people - I dare say all of you have said "I know I should have fixed that two years ago; of course after the notice I will fix it." The average man goes ahead and does it. It is only the small group who perpetually protests.

Mr. Hallberg: I am thinking of a landlord who has a building which doesn't meet all the requirements as to health, safety, room height - but thinks he has a salvageable building; he is reluctant to try to improve his building because of the many requirements. If it was spelled out that he meet certain criteria as to health and safety, then he would be allowed certain deviations - could this be done?

Mr. Yavno: If I may suggest, the most important of your statement is that he didn't want these other violations to be brought to light?

Mr. Hallberg: No, I meant he would be reluctant to attempt to improve for fear they would make him tear down his building.

Mr. Yavno: No, the building officials may make recommendations to the Appeal Board, if the room size is not exactly up to the code, if the ceiling height is not the same, if the window is just 6 or 8 sq. in. off, - the building official can recommend that these things can be waived if the more hazardous things are taken care of by the owner. This is a truly equitable enforcement, it is not an unreasonable enforcement, it is a more flexible enforcement.

Mr. Renoud: Your recommendation would be to adopt a main code to take care of older residences instead of trying to bring them up to the code, is that correct?

Mr. Yavno: Right; you are setting standards below which you don't want anybody to go, but you do not have to raise the ceiling.

Mr. Hallberg: Is that separate from the new building?

Mr. Yavno: Yes, the building code has nothing to do with the housing code. In the Housing Code it says you must have so many square feet of room area; it is not supposed to tell you how to space the joists, your floors, how many nails, how much reinforcing - that is all in the building code. All the housing code does - if you want a human family to live in there they need a certain amount of space, how to provide that space you go to the building code.

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In the past 3 weeks I have travelled about 10 $\frac{1}{2}$ thousand miles and in all these places I have been to the far corners of these United States from Honolulu all the way to Washington and New York; all the families are required to have the same amount of space, but the structures are not the same. In New York and in Washington, you have to insulate the walls against the freezing weather and the extreme heat in the summer - you have 6" or 4" wall, but in Honolulu you have 3/4" board wall in \$40,000 houses; but the floor spaces these very thin wall enclose are exactly the same for Honolulu as for the Portland family.

Mr. Renoud: I have a question on that - you require 6" insulation -

Mr. Yavno: I didn't say that.

Mr. Renoud: FHA does require 6" insulation, but it doesn't specify what kind; there are as many different types of insulation as houses. With the Underwriters Label - say you get so much insulation off of 1" of certain type compared with 5" of another type; what do you do for adjustment?

Mr. Yavno: That is for the Building Code Appeal Board upon recommendation of the Building Official who shall go ahead and get test data from nationally approved and recognized laboratories - that will show the insulation properties of the materials. You could use 3 layers of the 1" and it may have the same insulation value as a 6" blanket of mineral wall; You could possibly do that if the data shows it, but that has to be proven by controlled tests, and your building official knows exactly where you go to find out the test results and he can hand them to you or to the building appeal board.

Comr. Earl: Mr. Herzog, have you any problems?

Mr. Herzog: I have no personal problems; however, having sat on the building code board of appeals for 20 years, I know some of the problems. I am a little bit puzzled as to what this committee is discussing this morning. I know we have a building code board of Appeal, and a housing code board of appeal; by and large I think they have been doing a good job over 38 years experience. I was under the impression that one of the reasons that stimulated the Mayor's appointing this special committee to study alleviation from certain restrictions - certainly flexibility or alleviation of certain restrictions in our housing and building codes is a problem arising over the entire United States, and that is a housing problem. We have federal housing for the older people. As a case in point, one apartment house owner, who is also a member of the Apartment House Association, Mr. Wilson, brought to the Mayor's attention to the fact we have many old well-built large houses in town, quite a bit of space, which upon close examination have a lot of value - lot of space, very sound, the construction by and large is sound - we have always had a good building code; this man has an example in point, told the Mayor he had purchased a piece of property alongside of an apartment house he has, with the idea of converting it into a parking lot for the apartment house; he came to the determination, when he was going to wreck the structure he had bought without examination - after he made a careful examination of the structure he found he has a sound structure; there were many old people living in there - more than the housing code permits so far as beds and kitchens are concerned - the number of people he found living there was from 20 to 35, who had to share bathrooms and kitchens, the lighting was adequate. The crux

of the standards, in addition to space, is bathrooms and kitchens, and this man suggested to the Mayor and I thought the purpose of the Committee was to look for some relief in the bathroom and kitchen requirements for housing, especially these older people who are able to live together and still give housing at a price new structures cannot give them; that was my thought.

Comr. Earl: Was this the pilot program - the Nortonia was the one he pointed out.

Mr. Herzog said, Wilson was the one who bought the structure - it is that sort of thing that exists, you can live with it, but it is illegal.

Comr. Earl: I am not aware of this.

Mr. Renoud said, we went into this on the coordinating committee - we disagreed that 31 people on 3 bathrooms was adequate; the question was posed by him, do you think 31 people using 3 bathrooms is sufficient; we said absolutely not; that is what we should have changed; we didn't agree that was adequate housing for the elderly in that particular structure.

Mr. Yavno: May I suggest that the American Public Health Association - I am sure you are familiar with them, drafted a proposed housing ordinance in 1952 and in there they were aware of the housing for the aged, they say in this code that two apartments may share plumbing facilities if they do not exceed 250 sq. ft. in space for each apartment; they also say that for the first occupant of an apartment there must be 150 sq. ft. of space, and for each additional occupant 100 sq. ft. in space, so that when they say 250 sq. ft. of space in each apartment, those two apartments may share toilet facilities, they are thinking of 2 apartments, 2 people in each; those are what they say are the minimum below which they will not go - the physicians, architects, engineers, the building officials who are on this Committee.

I have had a few opportunities to talk with the architects about the restrictions in the building codes and in the housing codes, whereby I have been told that the building codes and the housing codes restrict the aesthetics and the creative abilities of the architects by their requirements within these codes; I have also been told that they do not believe the enforcing official, who was the policy officer, should also be the judge and jury and set up the standards that he is going to enforce; I have suggested a few times that the A.I.A. draft its own version of a model building code and its own version of a model housing code, which will permit the architect to create and design in accordance with his dreams.

I have yet to be invited - nor has any other codes officer, nor any other regional office - to be invited by the architect groups to assist in any way we can in drafting such A.I.A. model code. We will be very happy to help in drafting such codes if the architects would be prepared to do so.

Changing a code, an existing code, a housing code or a building code, is a long and lengthy process requiring many, many years, requiring many, many opinions, and I think at the moment, in order to avoid a tremendous lot of work on the part

of both the committee and the officials of the City of Portland, that you give consideration to adopting one of the model codes that exist rather than to wait for a possible future code which may or may not come forth and which will not clear up the problems you mentioned about this Mr. Wilson and the 31 people who must share the bathroom. Actually, it is a water closet, and since we are all mature, we know as we age there are physical problems and other problems, and it is a heck of a long time to wait for 31 others before you.

Mr. Christiansen: I might say Title 32 of our housing code permitted two apartments to share a toilet, each apartment had to have a sink; that went out of existence.

Mr. Merrifield asked if there has been a prior meeting of this committee? Comr. Earl said, this is the first. Mr. Merrifield asked, what prompted the Mayor's request, to think of the conservation code - I am perplexed. Comr. Earl said he thinks it came about through the Nortonia case. Mr. Merrifield said, I didn't realize the housing and people were the prime thing we were considering; I had been led to believe it was concerned more with commercial buildings limited by the building code rather than by the housing code.

Comr. Earl: I cannot say; maybe someone else knows more about this. I think, Chris, you met with the Nortonia people - was that the cause?

Mr. Christiansen: I don't really know; all I know, we were given this (indicating) according to the Mayor's memorandum.

Mr. Renoud: That wasn't the reason. Originally, where this came up was disagreement between the Apartment House Association, the Home Builders, the Realtors, the Portland Housing Authority, on which area to cover. Sometime back the Housing Authority bought two apartments on the east side; after that we got a rush application from the Apartment House Association asking what field we should cover, and what minimum standards we should have, and what they would have to do on modification of old buildings. This thing kept snow-balling, they brought in case after case, during the discussions they brought out if they wanted to put in a kitchen, the minute they touched the electric wiring they have to completely rewire, or put in a new sink. So our committee felt they should sit in with somebody else to discuss the problem; Mr. Wilson brought up his problem, the Nortonia Hotel came up; we asked the Mayor to appoint a committee to see if there was a need to set a minimum code for conservation, to up-grade some of these slums or rehabilitation where it was economical.

Mr. Merrifield asked, basically, this was concerned with housing? Mr. Renoud replied, yes. Mr. Hallberg said, I think basically the committee agreed that anything that was salvageable should be saved and if not it should be destroyed, but getting down to details - we got into a thousand and one arguments as to what is salvageable - the question was, could we spell out housing deviations?

Mr. Yavno: May I suggest that when it was stated that if you added to the wiring or you made certain changes in the wiring to provide the facilities for these aging groups, that they wouldn't necessarily have to change all the wiring

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in the building. I suspect they meant that the amount of circuits, the heaviness of the gauge of the wires in the circuits, the old wiring wouldn't be able to carry the added imposed loads.

How would you want to make it more flexible - by permitting them to add on these greater loads and at the end of 20 years have them burn like they did in San Francisco.

May I also suggest here - we have a plan, it is a good plan, it has been accepted by the city - I understand these are for the aging - is there going to be a sign hung on the outside saying that only families of aging people are going to move in there, are you going to have an inspector standing guard 24 hours a day to see that families with children are not going to move in there; there is nothing in your laws that you can say, for this class of occupancy, or this class of persons, age, size - for each class you are going to have a certain set of standards.

Mr. Renoud: I will give you an answer on the part of wiring; you open up a kitchen, you have knob and tube, still you have sufficient circuits, you have sufficient copper - the question was posed over at our committee - if they have to open that up, they are going to hang fixtures, they have 3 drops and 4 outlets - should they have a re-wire the house? According to code requirements if they start in from there on they have to re-wire, isn't that correct - I am talking about modernization of single-family dwellings.

Mr. Christiansen said, we shouldn't discuss that here. Mr. Yavno said, there is no problem, the problem is not as great as it is in a multi-story where you have increased the amount of fire hazard due to knob & tube wiring in a frame interior, brick exterior building. Mr. Renoud said, I will argue with you, knob & tubewiring is as safe.

Mr. Hallberg said, this fire in San Francisco was not due to wiring. Mr. Yavno said, the spread of the fire was the result of not enforcing retroactively, the stairs should be enclosed in multi-story buildings, the transoms should be closed, the hallways should be sprinklered, the hallways should be wider than 3 feet. Another thing was the fire escape - the only entrance to the fire escape was to climb over a 30" sill. What person of 80 years of age, even in good health but under panic conditions is able to climb a 30" sill.

Mr. Kenward: I am not too familiar with all the meanings of the coordinating committee, but what I have heard, it is my impression the Mayor was thinking in terms of this - here is a good building, if it is used as it is today, it will go on, but if it is completely rewired, have additional fireproofing, fire escapes improved, sprinklers and other things installed, it would be safer for a lesser number of occupants and would be an asset to the community. Now, am I correct in thinking this - do you feel instead of a conservation code which would set up separate standards, the conversion or improvement of a building could be before a properly constituted appeal board?

Mr. Yavno: Yes, and a properly constituted housing code - when you say reduce the number of people - that can be done through an adequate enforcing, one does not have to set up a conservation code for that.

Mr. Schrofe: What happens if there is a conflict between the two codes? Make sure you get as close to the minimum requirements as possible, then your appeal board passes on the question if it is close enough.

Mr. Yavno: If there is any question as to whether it meets the minimum requirements. In other words, if the minimum requirements are 90 sq. ft., and the plan proposes 80 sq. ft., then the building official cannot approve that plan, the code says 90, the plan says 80; then the owner would appeal.

Mr. Schrofe: Taking the housing code into consideration, the building inspector could approve the 80 sq. ft.?

Mr. Yavno: No, he couldn't approve it, but he could make a recommendation to the housing appeal board.

Mr. Schrofe: That answers my question.

Mr. Yavno: You may find a dwelling unit that has smaller room sizes than it should have so far as floor space goes, but as we have in all parts of the country, we find some dwelling units with 9 or 10 foot ceiling heights, we also find they have not so much in square footage; now, that room with slightly smaller floor area is healthful because of the higher ceiling and the larger windows; this is all a matter of relative determination; one cannot set up a highly rigid requirement for a retroactive code and say everything must meet this requirement.

Mr. Schrofe: Mr. Chairman, do you feel the requirements of this committee the absolute minimum in the housing code be established, is it a point below which they cannot go?

Comr. Earl: I think nearly every case is different.

Mr. Schrofe: That is what I say; here it says this is absolute minimum he can go, and he submits it; is there to be a code of some kind to judge whether it can be accepted?

Comr. Earl: I would suggest the adoption of a uniform code as has been suggested would be of help. I think so far as the enforcement official is concerned, the Bureau of Buildings cannot have the right to waive the provisions of the code, they would have to go to the Housing Code Board of Appeal with the knowledge that practically every case you get would be different because of the structure involved. It seems to me it would be impossible to write a minimum code; I think the adoption of the Uniform code would be of aid. What do you think, Commissioner Bowes?

Comr. Bowes: I think the most significant remark Mr. Yavno made is that the housing code deals with human beings, certainly Portland has had its share of property owners who want to get the very most out of structures rather than human values of people who live in it. I am in full support of your statement that we need a National Uniform Code for this reason - I don't say this with any reflection

on anyone in the room - I went through the process of developing the new zoning ordinance, it took us 12 years; we went through the development of a new building code, it took us 4 or 5 years; I know you have to consider the climate of an area in developing a code, but, believe me, when you try to please all the segments of a local community as to what should be in a code, it seems like a never-ending job, and I think the Uniform Housing Code developed by people unprejudiced, unbiased, but having a very broad conception of what constitutes good housing, whether for needy people, well-to-do people, or what - so long as humans live there - I think it should be based on what a reasonable conception of living conditions under the modern age; I know everyone wants about 5 times the electrical outlets to meet the needs - those are the things that ought to be considered.

I agree a flexible code would be the greatest mistake Portland ever made. In other words, it would turn the clock back on whatever progress we have made, we are going to have a standard for this economic condition, that economic condition - the thing you are shooting for is the lowest, not the highest - you will find architects, designers, engineers and contractors who develop floor plans based on the minimum - what the owner wants, not what the code says. That is what he is paid for. Then you have appeals, appeals, appeals, appeals. I strongly indorse the Uniform Housing Code.

I appreciate the gentleman's statement about the composition of the Appeal Board. Portland needs one if we are going to make progress in cleaning up - I object to the word "slum" - we do have some declining areas, but not nearly as badly declining as in Chicago and New York, where it is absolutely deplorable.

So, Mr. Commissioner, I sympathize with you as Director of the Bureau of Buildings, Christiansen and his job over there; I hope out of this committee there comes an approach for progress we have made, but don't take a step back to make the code so flexible that it will suit the whim of everyone who wants something, unless the Appeal Board makes it flexible. To me some little thing is not of great magnitude, but in accommodating a condition that exists - I can take you through the City of Portland, I can show you some of the most beautiful old homes, but today because of the architecture, the size, they have outlived their usefulness as a single-family dwelling; certainly everything possible should be done to accommodate these for 3, 4 or 5 families, but not 6 or 8 apartments; anyone who wants a 9 x 10 bedroom - I think you are scraping the bottom.

Mr. Yavno: We have no less than a 90 sq. ft. bedroom. May I also suggest the Uniform Housing code - while it appears large, there is actually only 12 pages, all the other pages are appendages taken from the Uniform building code.

Mrs. Vennewitz: I would like to make an appeal for the keeping of the code as it is now, and letting appeals come before the appeal board; we certainly are not a restrictive group - I would say there is around 1% or less that come before us that we cannot solve for the owner; it seems to me - in throwing out a good code or a code that is above some of the standards that are in the national code - we are coming to more trouble; I think in the long run, maintaining the code essentially in its present way and bringing the cases before the Appeal Board to give relief, will accomplish a great deal more than to try to down-grade the code and down-grade the city; we have more space in Portland to work with than in New York, I don't think we would have to think in terms of the City

of New York and accept a 9 x 10 bedroom.

Comr. Earl: Is there any motion as to where we go from here? I have particular reference to appointment by the Mayor as he sees fit of an appeal board as outlined by Mr. Yavno - would that be the consensus?

Mr. Herzog: In what way would it be different from our present board?

Comr. Earl: As I understand it, it would have a right to grant provisions of all codes.

Mr. Yavno: In so far as they relate to the Housing Code. The housing code says what the minimum space, light, ventilation, minimum occupancy shall be and how to provide that, which automatically have to go back to the building, plumbing, electrical, fire provisions - they are automatically heard at the same time you heard the appeal; if you agree in a change in the minimum, then automatically you agree to change in how that space is to be constructed, but the actual construction methods are not mentioned, they aren't even in that case. When you submit a floor plan, construction materials are not the material thing in the floor plan.

Mr. Kenward: To what extent does our present housing code differ so far as square footages, etc. are concerned.

Mr. Yavno: I believe your minimum floor area is a lot less than what the young lady says is the minimum requirement of New York City; what is the minimum size?

Mr. Christiansen: 90 sq. ft.

Mr. Newberry: I don't think we have so much changing to do, we have a Board of Appeal which I think adequately handles the matter. This case was evidently started by some landlord that wanted to get around some angles; basically I think most of these have been solved; the biggest thing - I know we are behind catching up with modern techniques and modern materials.

Mr. Schrofe: I think the question is - many landlords think of remodeling, can he remodel and still be within the code, if there is a design set up where-by he can design it?

Mr. Renoud: I wonder if we could get copies of the Uniform Code and have a chance to go over it.

Mr. Faust: How many cities have adopted that?

Mr. Yavno: Of the cities in the Urban Renewal in District 6, Western Division, there are 44 cities that have adopted the uniform housing code, and the housing code has been out since the latter part of 1957.

Comr. Earl: If I got a copy for each one of you and one month from now we come back here - I think one of the prime things you want to recommend to the Mayor - whether or not you want to adopt it. Is there any objection to that.

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Mr. Hallberg: I would make such a motion.

Mr. Schrofe seconded the motion.

Mrs. Vennewitz: Is there any way we would know in which area we would be down-grading the area - how about ceiling height?

Mr. Christiansen: I think we are the only city which does not have the 7'6" ceiling height.

Mr. Yavno: May I suggest all of California has the 8' ceiling height; there are some cities in some of the states that have 7' ceilings; if you go to Minnesota, Maine - you have as minimum standard 7' height because of the terrific cost of heating in the sub-zero weather. We out here in the West Coast are fortunate; we do not have any severe winters; therefore the ceiling height should be 8'. We had to strike a median in 50 states - that is why we have 7'6". This is just a suggested standard; what is required in each locality should be determined by conditions in that locality. Here where we don't have severe winters 8' would be logical.

Mr. Keefe: Does this blanket appeal board take zoning too?

Mr. Yavno: Only as to old houses; it is where you have this existing building, that you cannot ask a person to move a building because of 6".

Comr. Earl: I am going to suggest we adopt the motion, get a copy of the national code for each of you, then at the next meeting I will ask Mr. Christiansen at that time to explain the differences between this code and the existing housing code, and I would like at that next meeting have the group think about the advisability of recommending to the Mayor the establishment of the appeal board as outlined by Mr. Yavno.

The chairman put the motion to a vote. The motion was unanimously carried.

The meeting then adjourned.


Secretary

RH