



**City of Portland, Oregon**  
**Bureau of**  
**Development Services**  
FROM CONCEPT TO CONSTRUCTION

# Demolition Delay Ordinance

Presented by the Bureau of Development Services 2/12/15



# Demolition Delay Ordinance

## Overview

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# General Overview of What Was Presented to Council 12/17/14

## Amendments to Demolition Delay Ordinance

- Notification – added mailed notice to properties within 150 feet within 5 business days of application and door hangers 5 days before demolition
- All residential structures subject to 35-day delay in issuing permits
- Extension for demolition delay period: deleted 120 extension and replaced with voluntary 30-day extension
- Exception to notice and delay provisions deleted



# General Overview of What Was Presented to Council 12/17/14

## Other Amendments to Demolition Delay Ordinance

- Added Definitions to Code
- Added “Major Alterations/Additions” to Code





# Residential Demolition Permits 2013 and 2014

<b>Years</b>	<b># total permits applied for</b>	<b># exempt under current code</b>	<b># subject to notice and delay</b>	<b># of 120 delays requested</b>
Jan – Dec 2014	312	177	135	5
Jan – Dec 2013	281	212	69	2



## Issues Raised at 12/17/14 Hearing – Demolition Delay Extension

BDS met with stakeholders:

- DRAC Subcommittee
- Full DRAC
- United Neighborhoods for Reform
- Additional Neighborhood Associations (not part of DRAC)
- Restore Oregon
- Bureau of Planning and Sustainability Staff
- Code Hearings Officer

Consensus among stakeholders in support of current proposal





## Existing Code Provisions Amendments Proposed 12/17/14 Current Proposal

Existing Code Provisions	Amendments Proposed 12/17/14	Current Proposal
<b>Notice of Demolition</b>		
1. Posted on property for 30 days	1. Not Posted	(same as 12/17/14 proposal)
2. Sent to recognized organizations	2. Mailed to all properties within 150 feet of the site to be demolished	(same as 12/17/14 proposal)
3. Sent to Portland Development Commission	3. Mailed to recognized organizations	3. Mailed to recognized organizations, the Architectural Heritage Center and Restore Oregon



## Existing Code Provisions Amendments Proposed 12/17/14 Current Proposal

Existing Code Provisions	Amendments Proposed 12/17/14	Current Proposal
<b>Demolition Delay</b>		
<ul style="list-style-type: none"> <li>Initial 35 day delay with exemptions for 1 to 1 replacement</li> </ul>	<ul style="list-style-type: none"> <li>All sites have initial 35 day delay</li> </ul>	(same as 12/17/14)





## Existing Code Provisions Amendments Proposed 12/17/14 Current Proposal

Existing Code Provisions	Amendments Proposed 12/17/14	Current Proposal
<b>Extension of Demolition Delay Period</b>		
<p><b><u>Who May Request:</u></b></p> <ul style="list-style-type: none"> <li>Recognized organization</li> </ul>	<p><b><u>Who May Request:</u></b></p> <ul style="list-style-type: none"> <li>Recognized organization or any interested party</li> </ul>	(same as 12/17/14)
<p><b><u>Time of extension:</u></b></p> <ul style="list-style-type: none"> <li>120 days, for a total maximum of 155 days</li> </ul>	<p><b><u>Time of extension:</u></b></p> <ul style="list-style-type: none"> <li>30 days</li> </ul>	<p><b><u>Time of extension:</u></b></p> <ul style="list-style-type: none"> <li>60 days, for a total maximum delay of 95 days</li> </ul>
<p><b><u>Extension Criteria:</u></b></p> <ul style="list-style-type: none"> <li>Submitted by last day of 35 day delay</li> <li>Letter to BDS requesting extension</li> <li>Extension automatic</li> </ul>	<p><b><u>Extension Criteria:</u></b></p> <ul style="list-style-type: none"> <li>Submitted by last day of 35 day delay</li> <li>Form to BDS signed by property owner/agent and requesting party</li> <li>Owner must agree to extension</li> </ul>	<p><b><u>Extension Criteria:</u></b></p> <ul style="list-style-type: none"> <li>Submitted by last day of 35 day delay</li> <li>Accompanied by appeal to Code Hearings Officer, appeal fee or fee waiver and supporting documentation showing requesting party is actively pursuing alternative to demolition</li> </ul>



## Existing Code Provisions Amendments Proposed 12/17/14 Current Proposal

Existing Code Provisions	Amendments Proposed 12/17/14	Current Proposal
<b>Appeal for Extension</b>		
<p><b><u>Who May Appeal:</u></b></p> <ul style="list-style-type: none"> <li>Applicant for demolition permit may submit appeal</li> </ul>	none	<p><b><u>Whom May Appeal:</u></b></p> <ul style="list-style-type: none"> <li>Recognized organization or any interested party</li> </ul>
<p><b><u>Appeal to:</u></b></p> <ul style="list-style-type: none"> <li>Code Hearings Officer by submitting appeal packet to BDS</li> </ul>		<p><b><u>Appeal to:</u></b></p> <ul style="list-style-type: none"> <li>Code Hearings Officer by submitting appeal packet to BDS</li> </ul>





## Existing Code Provisions Amendments Proposed 12/17/14 Current Proposal

Existing Code Provisions	Amendments Proposed 12/17/14	Current Proposal
<b>Appeal for Extension</b>		
<p><b><u>Burden:</u></b></p> <ul style="list-style-type: none"> <li>• On permit Applicant</li> <li>• Must show that recognized organization has not made good faith effort to work with applicant to move the structure; find a purchaser for the site; or agree on an alternative proposal</li> <li>• Applicant must pay appeal fee of \$1,318</li> </ul>		<p><b><u>Burden:</u></b></p> <ul style="list-style-type: none"> <li>• On party requesting appeal</li> <li>• Must show actively pursuing an alternative to demolition by demonstrating:               <ul style="list-style-type: none"> <li>✓ The requesting party has contacted the property owner/representative to request a meeting via certified mail</li> <li>✓ The property has significance to the neighborhood, as demonstrated by architectural significance, the age and condition of the structure or other factors</li> <li>✓ Plan to save the structure</li> <li>✓ Reasonable potential to consummate the plan by providing pro-forma budget and evidence of funds on hand or fund raising plan sufficient to meet the financial requirements of the budget</li> </ul> </li> </ul>



## Existing Code Provisions Amendments Proposed 12/17/14 Current Proposal

Existing Code Provisions	Amendments Proposed 12/17/14	Current Proposal
<b>Appeal for Extension - Result</b>		
<ul style="list-style-type: none"> <li>If burden met, demolition delay extension terminated and BDS may issue demolition permit</li> </ul>	N/A	<ul style="list-style-type: none"> <li>If burden met, an extension of up to 60 additional days from the date the initial 35 day delay expired</li> <li>If burden not met, BDS may issue permit any time after receiving notice of decision</li> <li>If no decision rendered within 60 day extension period, BDS may issue demolition permit any time after 60 days has elapsed since the end of the 35-day notice period</li> <li>The delay period cannot exceed 95 days if all other requirements have been satisfied for permit issuance</li> </ul>





## Existing Code Provisions Amendments Proposed 12/17/14 Current Proposal

Existing Code Provisions	Amendments Proposed 12/17/14	Current Proposal
<b>Exception to Notice and Delay</b>		
<ul style="list-style-type: none"> <li>If application for demolition of single family residential structure is accompanied by an application for a building permit for a replacement single family residence, no notice or delay</li> </ul>	None	None



## Other Issues Raised - Deconstruction

- Met with BPS, DRAC subcommittee and UNR to discuss
- All agreed this should be addressed separately, with BPS taking the lead and including DRAC participation
- Not appropriate for code because not regulatory; it's an incentive program
- Not all stakeholders have been part of the discussion





## Focused Comparison of Major Alteration and Demolition

### Demolition

#### Notice

- Mailed: Notice mailed to addresses within 150 feet of property, recognized organizations, Architectural Heritage Ctr. and Restore OR
- Posted Notice: None.
- Door Hangers: Posted by owner on surrounding properties 5 days before demo activity (self-certified)

#### Delay Period

- 35 days from date BDS accepts permit application

#### Extension of Delay

- Possible 60 day extension of the delay period, if an appeal filed and demonstrate actively pursuing alternative to demolition

#### Definition of Demolition

- Removal of the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained
- Exterior walls removed
- All of the existing perimeter foundation will be altered, abandoned, or removed

### Major Alterations

#### Notice

- Emailed: Notice emailed to recognized organizations by the property owner (self-certified)
- Posted Notice: None.
- Door Hangers: Posted by property owner on surrounding properties at least 35 days before building permit is issued (self-certified)

#### Delay Period

- 35 days from time door hangers posted until permit issued

#### Extension of Delay

- No possibility for extension of delay beyond 35 notice period.

#### Criteria:

- Any new story is added, including a basement or other below-grade structure. Raising a structure is considered the same as creating a basement
- Increasing or replacing 50% or more of the exterior wall area on any floor
- Total new floor area exceeding 800 sq. ft.
- Add area exceeding 100% of the existing foundation footprint



## Appeal Fee Waiver and Costs

### Only Recognized Neighborhood Organizations May Apply for an Appeal Fee Waiver

- The appeal fee to the Code Hearings Office is \$1,318
- BDS is prohibited from using permit fees for waiver, so waiver must come from General Fund





# Costs to Implement Code and Appeal Fee Waivers

NOTICE COSTS			
	Demolitions	Major Alterations/Additions	Total
<b># of Permits Annually</b>	370	3,500	3,870
<b>Mailed Notice - property owners within 150 feet</b>	<u>\$38,850</u> annual cost to BDS	Not applicable	\$38,850
<b>Mailed Notice - recognized organizations</b>	<u>\$111</u> annual cost to BDS	Notices will be emailed by the applicant/owner, so no annual cost to BDS	\$111
<b>Door Hangers - on neighboring properties and to recognized organizations</b>	<u>\$740</u> annual cost to BDS	<u>\$7,000</u> annual cost to BDS	\$7,740
<b>Posting - on property</b>	Not applicable	Not applicable	\$0
<b>Totals</b>	<u>\$39,701</u>	<u>\$7,000</u>	<u>\$46,701</u>
OTHER COSTS			
<b>Additional Staff</b>	1.0 FTE	<u>\$80,000</u> annual cost	<u>\$80,000</u>
<b>Appeal Fee Waivers</b>	Estimated appeal fee waiver requests	<u>\$97,532</u> annual cost	<u>\$97,532</u>
<b>TOTAL COSTS</b>			<u>\$224,233</u>