**Sabin LUTC Minutes**

January 6, 2016

7:00 pm

**Attendees**:

Rachel Lee, Paul Hustedt-Krasnove

Krista Phillips, Chris Phillips, Asher Atkinson

1. Setback adjustment proposal for 4709 NE 19th.

The owners of the home at 4709 NE 19th are seeking an adjustment to the north setback of their home. One of the owners, Asher Atkinson, attended the meeting.

The owners want to preserve the character of the house and avoid a demolition. They would like to do a project that involves:

(1) converting the basement to an ADU that they intend to rent out;

(2) on the south side of the house, excavating a sunken patio/entrance for the ADU;

(3) on the south side of the house, building a new addition that will be living space for the residents of the main floor, not the ADU; and

(4) pouring a new foundation that will raise the entire house by 2 feet.

The footprint of the house will expand on the south side, but without intruding into the south setback. The footprint of the house will remain the same on the north side, but the existing footprint of this 1907 house already intrudes 6 inches into the 5 foot setback required by current code. So, the owners are requesting an adjustment to allow the house to have a 4 foot, 6 inch setback on the north side, rather than the required 5 feet.

The neighbors immediately to the south, Chris and Krista Phillips, participated in the meeting by phone. They are opposed to the proposal. They expressed the following concerns about it:

* The addition of an ADU will contribute to changing the character of the neighborhood from single-family, owner-occupied—which is why they chose to make this neighborhood their home 20 years ago—to multifamily rentals.
* An ADU will contribute to the already-existing parking problems on the street.
* The sunken patio may cause groundwater problems for their own basement.
* The sunken patio and addition on the main floor of the house will erode their privacy and reduce the green space visible from their property.
* The sunken patio and main-floor addition are yet another expansion of the footprint of the house, which was already added onto previously.

Chris and Krista acknowledged that their concerns are not directly about the adjustment to the north setback, but getting an adjustment is the first step of the project.

Chris and Krista noted that when a new foundation is poured, the whole house could be moved 6 inches to the south, so that a 5 foot setback would be achieved on the north side. Asher acknowledged that would be possible, but said that they were hoping to avoid that additional complexity.

There was some discussion about how the groundwater issue will be addressed. Apparently BDS prefers on-site handling of rainwater, rather than draining it into the sewer. Asher and Paul believe that BDS will require Asher to install an appropriate drainage system.

The LUTC reviewed the purposes set forth in City Code 33.110.220 for setbacks. Asher noted that because the roof is sloped towards the north side, the house doesn’t have as much visual, air, and light impact on the property to the north, which makes intruding into the setback somewhat less of a concern than if there were a 30-foot tall wall there. Rachel noted that there appears to be open space (a driveway) on the lot immediately north of the house, so there’s less of a concern about firefighting access than if there were a garage or other structure right on the north property line. Rachel noted that many of Chris and Krista’s concerns are about the ADU, but the LUTC is generally in favor of ADUs, the LUTC isn’t being asked to comment on the ADU itself, and under City Code the owner has a right to develop an ADU.

Rachel and Paul were both in favor of commenting in support of the proposed adjustment. Rachel will write a comment letter to BDS, noting that there was opposition to this proposal, but that the LUTC supports it.

1. Report: Alameda’s proposed meeting with BDS.

Alameda’s LUTC had been interested in arranging a conversation with BDS about the provisions of City Code applicable to splitting corner lots so that attached houses can be built on them, as discussed at our December 2015 meeting. Alameda had originally invited a Sabin representative to participate in the discussion, but ended up having the conversation by itself, due to time pressure. Jim Brown from Alameda conveyed to Rachel that he understands from BDS that the statements in the beginning sentences of the rule, regarding compatibility, are not what BDS looks to when it evaluates a proposal. BDS focuses on the enumerated items further down in the rule. There is a concern that there is language in the rule that may have been inserted to allay citizen concerns, but BDS may be treating a lot of it as unenforceable fluff.

1. City’s Infill survey.

The City has an online survey open through January 12, seeking public input on infill development issues. Everyone is encouraged to provide their opinions to the City.

 <http://www.surveygizmo.com/s3/2479550/Portland-Infill-Survey>

1. Temporary Asbestos Rules

The state Environmental Quality Commission has adopted temporary asbestos rules for January through June 2016, which will require owners who are demolishing a residence to first have a certified inspector survey for asbestos. There are some exemptions, but these rules should result in a lot more surveys being done, so that the owners know if there is an asbestos problem that needs to be remediated during demolition to protect workers and neighbors.