

Exhibit A

Amendments recommended by the Planning Commission with
subsequent additions proposed by the City Attorney and Staff,
in consultation with residents of the
Willamette Falls National Historic District
highlighted in red

ADDITIONS ARE IN BOLD FACE AND UNDERLINED.

DELETIONS HAVE A STRIKETHROUGH

INDEX (to be amended)

Approved by Planning Commission with subsequent changes by City Attorney and Staff, in consultation with Willamette Falls Drive Historic District residents highlighted in red

25.000 HISTORIC DISTRICT

25.070 APPROVAL CRITERIA FOR REMODELS, NEW HOME AND ACCESSORY STRUCTURE CONSTRUCTION/REMODEL STANDARDS

B. SITING, SETBACKS, ORIENTATION AND LOT COVERAGE

1. Front yard:

(a) The front yard setback shall be theA-distance measured **from the front property line** to the dominant vertical face of the building, **exclusive of any porches or front landings,** equal to the average of the front setbacks of adjacent "primary" or "secondary" structures **homes. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet.**

~~Where there are no adjacent primary or secondary structures, the setback shall be 15 feet.~~

(b) Unenclosed porches with no living space above may encroach five feet further from the dominant vertical face of the building.

2. Side yard: Five feet shall be the standard; however, where adjacent structures encroach into the required side yard, the Planning Director may reduce one of the side yards to a minimum of three feet to center a new structure between existing buildings, provided no space between buildings is reduced below eight feet. **To encourage sidewall**

variation, pop outs including chimneys may intrude 18-inches into side yard setback.

3. Side Street: 10 feet for both developed and undeveloped street right-of-way. To encourage sidewall variation, “pop outs”, including chimneys, may intrude 24-inches into side street yard setback after every 400 square feet of sidewall.

3-4. Rear yard: The rear yard setback shall be a minimum of 20 feet, except for accessory structures **(non dwelling or non-Accessory Dwelling Units (ADU))**, which may be sited to within 3 feet of the side or rear property lines. See section on ADUs for ADU setbacks.

4-5. Orientation: New home construction on corner lots must face the avenue. **orient the front of the house to the avenue and not the street.**

6. Lot Coverage: 50%. Unlike the rest of West Linn, lot coverage shall apply to the new and remodeled primary dwellings, garages, all accessory buildings and ADUs. **Decks, paved and impermeable surfaces (patios and driveways etc) shall not be included.** Underlying zone (e.g. R-5) lot coverage shall not apply.

D. **BUILDING HEIGHT.** (**Note:** Buildings in Willamette Town vary in height, most evident are 1-1/2 story Victorians and bungalows. Some buildings reach 2-1/2 **two** stories, and there are several single story structures as well.)

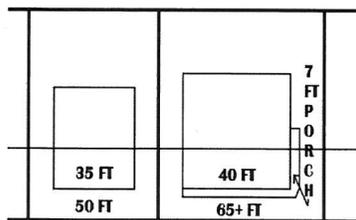


1. No building shall exceed the height of any primary structure in the district so that the existing neighborhood scale is maintained 28 feet to the dominant gable or roof ridgeline as measured per CDC Chapter 2. This restriction shall apply regardless of the existing or finished grade of the site.
2. In order to transition in scale, new houses that are taller than homes adjacent to them must have the predominant roof ridgeline extending perpendicular to the front property line so that the roof slopes down on the sides to effect that transition. Dormers are allowed on that sloping roof area facing the adjacent home(s) but cannot constitute more than 25% of the roof as measured lineally or horizontally. (e.g. if roof is 50 feet

long the dormer(s) cannot be more than 25% of that distance or 12.5 feet long in total.) Also, the dormer height must be at least two feet below the gable ridgeline height.

- ~~3.~~ 2. No building shall exceed 2-1/2 stories. Cupolas and towers are **not** excluded from the aforementioned height limitation; however, no such structure may exceed the height of any existing cupola or tower in the district.
- ~~3.~~ Existing building heights should be maintained.
4. Alteration of roof pitches or raising or lowering a structure's permanent elevation, when constructing a foundation, shall be avoided.
5. The original height of "primary" and "secondary" the structure's **front elevation** shall be preserved. **Additions to the rear portion of the house shall be allowed where those additions do not compromise the character of the front elevation or the scale or significantly modify the mass of the house as seen from the right-of-way.**

E. BUILDING SHAPES AND SIZES.



1. No building on a 50-foot wide lot shall exceed 35 feet in overall width. Lots with a 65 foot width or greater may have a building width of 40 feet plus the porches, eaves or veranda extensions so that the maximum total width is 47 feet.

2. End walls (street facing) ~~should~~ **shall** be designed with consideration of scale and aesthetic character of the main facade.
3. Buildings ~~should~~ **shall** avoid a horizontal orientation in their roof and window designs, unless the design can be shown to **match the original roof design or respond approximate the design of** ~~to~~ nearby structures and styles. Buildings in districts other than the Willamette District shall be designed and oriented as appropriate to that area as determined by the Historic Review Board with consideration of Section 25.060(3).
4. **Sidewalls on the side of new homes shall have a minimum 18-inch “pop out” or indent after every 400 square feet of sidewall measured laterally/horizontally. The “pop out” or indent shall be at least six feet wide and shall be at least nine feet tall. (Bay windows could qualify). Sidewalls on the side street side of new homes shall have minimum 24-inch “pop out” or indent after every 400 square feet of sidewall measured laterally/horizontally. “Pop outs” may intrude into the setback area.**



Table 25-1

<u>HISTORIC DISTRICT SETBACKS, HEIGHT & SIZE:</u>	
<u>New House/Addition</u>	
<u>Front:</u>	<u>Average setback of adjacent homes ></u>
<u>Front Porch:</u>	<u>Additional 5 foot encroachment allowed ^</u>
<u>Rear:</u>	<u>20 feet</u>
<u>Side:</u>	<u>5 feet <</u>
<u>Side Street:</u>	<u>10 feet</u>
<u>Height:</u>	<u>28 feet</u>
<u>Massing:</u>	<u>125% of square footage of smallest of either adjacent house (accessory structures/ADUs are exempt)</u>
<u>Lot Coverage:</u>	<u>50% for the house and all accessory structures/ADUs. Excludes decks, paved/impermeable surfaces.</u>
<u>Sidewall:</u>	<u>Max. 400 sq ft of sidewall before an 18-inch indent or "pop out" on side yard and 24-inch indent or "pop out" on side street.</u>

> Front setback measured to dominant vertical face.
^ No living space allowed over porch. Porch cannot be enclosed.
< Sidewall "pop outs" may go 18 inches into side set back and 24 inches into side street setback. Chimneys may encroach two feet into side and side street setback.

L. MASSING. The square footage of the principal dwelling/house (not counting the basement) cannot exceed 125% of the square footage of the smallest home on either side of the subject house. For the purpose of this section, homes to the rear, or across the street, shall not be used as the basis of the square footage calculation. Homes on corner lots shall base their square footage on the one house adjacent to them. The square footage of the adjacent home will be based actual measurement of all liveable space in the house plus any attached garage (exclude crawl spaces or attic areas with less than five-foot vertical clearance plus all basement areas).

M. **FOUNDATIONS AND BASEMENTS**

1. **Foundations may be poured concrete or brick faced concrete and shall be exposed at least one to two and a half feet on the front elevation (depending on whether the lot is an uphill or downhill lot) to accommodate front steps and/or a raised porch. Final foundation grade will impact the height of the house. Misrepresentations or errors in determining the height of the house due to site conditions and height of foundation wall cannot be used to justify any house heights in excess of allowed height. No backfilling is allowed against a foundation wall to increase grades.**
2. **Basements shall be defined as livable or functional space below the main floor of the principal dwelling/house which is exposed above grade a maximum height of two feet. Windows and window wells are permitted but not on the front elevation. The square footage of the basement shall not count in building square footage (re: ADU) mass calculations, etc.**

N. **ACCESSORY DWELLING UNIT (ADU)**

The provisions of CDC Chapter 34 shall not apply to ADUs in the Historic District.

1. **ADUs may be allowed in one of the following configurations:**
 - (a) **in conjunction with an existing primary single-family dwelling by conversion of an existing space inside the primary dwelling; or,**
 - (b) **by means of an addition to an existing dwelling's footprint or building envelope; or,**

- (c) by means of constructing a new accessory structure;
or,
- (d) by converting or adding to an existing accessory structure, such as a garage or barn, on the same lot as the existing house.

2. ADUs shall meet the following conditions:

- (a) Public services are available.
- (b) The number of occupants in the ADU is limited to three persons.
- (c) The ADU shall not have more than one bedroom and shall have an area based on the following formula:
 - (i) If the ADU is located in the house, then it shall not exceed 30 percent of the gross square footage of the house, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the house.
 - (ii) If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the house, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling and have a maximum square footage of 500 square feet.
- (d) To improve compatibility with the neighborhood and to help protect the privacy of adjacent homeowners, single-story ADUs that are accessory structures that are built at grade (no second floor) may be 100 square feet larger than provided for in section (c) above but shall not exceed 600 square feet total.
- (e) No more than one ADU is allowed per lot or per

consolidated lots.

(f) Existing accessory structures such as large workshops, offices, garages, etc., built prior to October 1, 2009 that exceed dimensional standards prescribed above for ADUs may be converted into ADUs so long as the building is behind the house's front building line, preferably in the rear yard. (If the existing structure is in the front yard it cannot be converted to an ADU.) If the applicant proposes to add a story to an existing garage or similar accessory structure the existing garage or accessory structure must meet the setback standards of this chapter for two-story ADUs.

The occupied or inhabited area of such ADUs shall be restricted to less than 500 square feet if using the second floor of a two-story building and 600 feet if occupying a one-story building.

(g) The conversion of an existing structure is not required to meet the design standards below, with the exception of subsection 3(d) Windows, but shall conform to the standards to the greatest degree possible.

3. Design standards for both attached and detached ADUs are as follows:

(a) Exterior finish materials. The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish material of the primary dwelling.

(b) Entrance. The main exterior entrance including exterior stairs of a detached ADU shall be located

either on the side of the ADU that is the furthest distance from any side lot line or on the elevation facing the rear of the primary structure.

(c) Trim. Trim must be the same in type, size, and location as the trim used on the primary dwelling.

(d) Windows.

(i) Windows must match those in the primary dwelling in proportion (relationship of width to height).

(ii) When the dominant roof ridgeline of the two-story ADU is perpendicular or at right angles to the front property line then the only windows on the second floor ADU must be at the gable ends. No dormers or skylights are permitted on the roof.

(iii) When the dominant roof ridgeline of the two-story ADU is parallel to the front property line then the only windows on the second floor ADU must be dormers on the roof. No windows are allowed on the gable ends facing the side lot lines. The dormers cannot constitute more than one third of the roof measured in a lineal fashion. The top of the dormers must be at least two feet below the height of the dominant gable ridge line.

(iv) Single story ADUs may have dormers in the roof that allow light into the ADU, but the dormers must be at a height where the ADU residents cannot see out of them towards the adjacent property. These dormers cannot constitute more than one-third of the roof

measured in a lineal fashion. The top of the dormers must be at least two feet below the height of the dominant gable ridge line.

(v) Windows are allowed on all sides of single-story ADUs at the ground/first floor level.

(vi) Single-story ADUs may have sleeping lofts (defined as a non-enclosed area above the first floor scaled to accommodate a bed and dresser only) which may have windows in the upper gable ends but only if the ADU is oriented with the dominant ridgeline extending perpendicular to the front property line. (The gable end windows will be facing the rear of the primary house, not the adjacent property.)

(e) Roof.

(i) ADUs may have roofs under a 6:12 slope but not flat.

(ii) The dominant ADU roof ridgeline must be either parallel to, or perpendicular to, the front property line. Cross gabled roof designs are not permitted although dormers are permitted per the provisions of this section.

(iii) Outdoor balconies or decks are not allowed on top of, or incorporated into, the roof of ADUs.

4. Eaves, Downspouts and Gutters.

(a) Eaves must project from the building walls the same distance as the eaves on the primary dwelling. Eaves and gutters must be at least three feet from side property lines.

(b) Downspouts and gutters must correctly collect and dispose of rainwater.

5. Setbacks. Detached ADUs shall be in the rear yard.

Two-story ADUs shall be a minimum of fifteen feet from the side lot line and a minimum of three feet from the rear lot line. Two-story ADUs must be at least 10 feet from the house. One-story ADUs may be 3 feet from the house. If the ADU is one-story tall it may be built with a side setback of five feet and rear setback of three feet. Both single and two-story ADUs may have a five-foot setback to the side street. An attached ADU at the rear of the house must meet the standard setbacks for the primary structure. A story **may be added** to an existing garage or similar accessory structure, **so long as the final design** meets the setback standards of this chapter for two-story ADUs.

6. Height.

(a) If the ADU is one-story it may be built to a maximum height of 15 feet. (Any ADU over 15 feet will be classified two story)

(b) The ADU cannot exceed the height of the primary dwelling. Therefore a single-story house cannot have more than a single-story ADU.

(c) If the ADU is proposed to be a two-story structure, as in the typical case of the ADU being above a garage, the maximum height shall be 23 feet as measured per CDC Chapter 2.

HISTORIC DISTRICT ADU MINIMUM SETBACKS,
MAXIMUM HEIGHT & MAXIMUM SIZE

	<u>One Story</u>	<u>Two Story</u>
ADU to House:	3 feet	10 feet
Rear setback:	3 feet	3 feet
Side setback:	5 feet	10 feet
Side Street setback:	5 feet	5 feet
Height:	15 feet	23 feet
Size (sq.ft.):	30% *+100 sq ft	30%**

(* 30% of total floor area of principal dwelling

plus 100 sq ft to max. of 600 sq. ft./min is 250 sq. ft.)

(** 30% of total floor area of principal dwelling to max. of 500 sq. ft.)

O. SIDEWALKS. Many of the original sidewalks had the contractors name and date stamp or street names on them.
In other areas there are even footprints of cattle as a reminder that Willamette was surrounded by farms in its early history (see photo below).



Every effort should be made to preserve sidewalk sections with such nomenclature or replace it with facsimile stamps. Most sidewalks in the residential district are four-feet wide. Sidewalks are required on all **right-of-way** abutting lots where new houses are being built or in the case of major remodels where the work represents over 50% of the valuation of the home.

New sidewalks shall replicate, to the degree possible, existing sidewalk patterns, texture and coloration. The City Engineer may waive the requirement for sidewalks on street frontages where all other adjacent lots are built out and no sidewalks exist on that street side. Fees in lieu may be required.

25.110-090 PARTITIONS AND SUBDIVISIONS

The decision making body for minor partitions and subdivisions shall be per CDC Chapter 99 (not the Historic Review Board). However, before that decision, the Historic Review Board shall review and make recommendations on all proposed partitions or subdivisions of sites within the district or at ~~the~~ landmark sites. The Historic Review Board shall ~~r~~Review of the proposed subdivision or partition shall be based on the following criteria:

- A. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and inventory, to be located on a separate site from the landmark.
- B. The partition or subdivision allows adequate setbacks from landmark improvements to provide for buffering and mitigation of impacts associated with development of the new parcels.
- C. 1. Minor partition of corner parcels shall orient ~~†~~The new lots shall be oriented so that they front onto the adjacent avenue rather than onto the adjacent street. Only where the lot has no

frontage on an avenue would access to the street and lot orientation to the street be allowed.

2. All new lots shall be 5,000 to 6,000 square feet in size. All lots shall have a width of 50 to 60 feet. All lots shall be rectangular.
3. No flag lots are permitted in the Willamette Historic District.
4. In portions of the Willamette Historic District zoned R-10 the lots should be rectangular or approximate the shape of traditional lots elsewhere in the district.
5. Lot line adjustments shall maintain side lot lines at right angles to front property lines.

25.150 DESIGN MODIFICATION PROCEDURES

A. When an alternative(s) to the standards of this chapter are proposed, the decision making body (e.g. Historic Review Board) may grant a design modification in those cases where at least one of the following criteria is met:

1. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to the architecture in the Willamette Historic District of West Linn in 1890-1930 or is appropriate to the specific style of architecture proposed with no negative impacts to adjacent homes and the Historic District. Negative impacts shall be defined as loss of sunlight, loss of privacy compared to a design per this code, inappropriate scale or mass which visually overwhelms or is not deferential to the adjacent structure, particularly if it is a primary structure, etc.

2. The applicant is incorporating exceptional 1890-1930 architecture into the building which overcompensates for an omission. The emphasis is upon superior design, detail, or workmanship which can be verified reviewing previous works of the architect or builder. There shall be no negative impacts to adjacent homes and the Historic District.
3. The building placement, scale, lot coverage, setback or height fits the site and integrates well, with no negative impacts to adjacent structures and the Historic District.

B. The provisions of CDC Chapter 75: Variances shall not apply.

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