



CITY OF
West Linn

Memorandum

TO: Planning Commission

FROM: Peter Spir, Associate Planner

DATE: August 6, 2009

SUBJECT: CDC -09-01 Chapter 25 Historic District Amendments

Attached is an abridged version of staff's original re-write of Chapter 25, the Willamette Historic District chapter. The West Linn Historic Resources Advisory Board (HRAB) expressed concern that the scope of the changes would compromise the district's ability to meet Federal standards and thus the code amendments have been reduced.

The HRAB retained staff language regarding setbacks, accessory dwelling units, partitions, sidewalks, building height, massing and building shapes.

Staff recommends approval of these amendments.

ADDITIONS ARE IN BOLD FACE AND UNDERLINED.

~~DELETIONS HAVE A STRIKETHROUGH~~

INDEX (to be amended)

25.000 HISTORIC DISTRICT

25.0780 APPROVAL CRITERIA FOR REMODELS, NEW HOME AND ACCESSORY STRUCTURE CONSTRUCTION/REMODEL STANDARDS

I.H. SITING, SETBACKS

1. Front yard:

(a) The front yard setback shall beA-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**.

~~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 a further five feet 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 sidestreet yard setback after every 400 square feet of sidewall.

3-4. Rear yard: The rear yard setback shall be a minimum of ~~20~~ **15** feet, except for accessory structures, which may be sited to within 3 feet of the side or rear property lines. **See section on ADU's for ADU setbacks.**

4-5. New home construction on corner lots must face the avenue.

6. Lot Coverage: 50%. Unlike the rest of West Linn, lot coverage shall apply to the primary dwelling, garages, all accessory buildings and ADU's. Underlying zone (e.g. R-5) lot coverage shall not apply.

K-1. BUILDING HEIGHT. 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 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 running 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. The setback of 25.070(I)(1) shall still apply.

- ~~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.
- ~~5.4.~~ The original height of "primary" and "secondary" structures **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.**

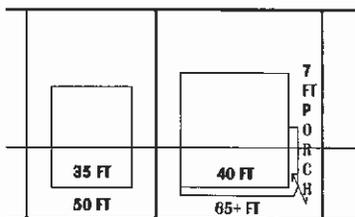
J. MASSING The square footage of the principal dwelling/house cannot exceed 125% of the square footage of the smallest of either adjacent home. The adjacent house shall be a house on the either side of the subject house and not a house to the rear of the subject house. The square footage of the adjacent home will be based on Clackamas County Assessor's data on the City's GIS system or by 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 basement areas)

Table 25-1

HISTORIC DISTRICT SETBACKS, HEIGHT & SIZE:	
<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>15 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 either adjacent house (accessory structures/ADU's are exempt)</u>
<u>Lot Coverage</u>	<u>50% for the house and all accessory structures/ADU's.</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 popout on sidestreet.</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 sidestreet setback. Chimneys may encroach two feet into side and sidestreet setback.

L.K. 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 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 responds positively 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 minimum 18 inch popout or indent after every 400 square feet of sidewall measured laterally/horizontally. The popout or indent shall be at least six feet wide and shall be at least nine feet tall. (Bay windows could qualify) Sidewalls on the sidestreet side of new homes shall have minimum 24 inch popout or indent after every 400 square feet of sidewall measured laterally/horizontally. Popouts may intrude into the setback area.



J.L.

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 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 per 25.070(I). No backfilling allowed against foundation wall to increase grades.

2. Basements shall be defined as liveable 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's) mass calculations, etc.

S.R. ACCESSORY DWELLING UNIT (ADU)

The provisions of CDC Chapter 34 shall not apply to ADU's in the Historic District.

1. ADU's may be allowed in the following configurations:

(a) in conjunction with an existing primary single-family dwelling by conversion of an existing space inside the primary dwelling;



- (b) by means of an addition to an existing dwelling's footprint or building envelope;**
- (c) by means of constructing a new accessory structure;**
- (d) or by converting or adding to an existing accessory structure, such as a garage or barn, on the same lot as the existing house.**

2. The following conditions shall be met:

- (a) Public services can serve both dwelling units.**
- (b) The number of occupants in the ADU is limited to no more than one family as defined by the Community Development Code.**
- (c) The ADU shall not have more than one bedroom and shall have an area between 250 and ~~1,000~~ 500 square feet based on the following formula:
If the ADU is located in the house ~~or 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 house.

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 neighborhood compatibility 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 add 100 square feet to the amount calculated by section (c) above but shall not exceed 600 square feet total. ~~One-story ADUs that take advantage of this provision shall not have the FAR or lot coverage standards applied to the additional 100 square feet.~~

(e) No more than one ADU is allowed.

(f) The following minimum area standards shall be met:

1 person – 250 square feet

2 persons – 500 square feet

~~(g) The ADU must be in conformance with the lot coverage requirements of the underlying zone.~~

(h) 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.

Another requirement is that the occupied or inhabited area 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 .

(i) The conversion of existing structures are not required to meet the design standards below, with the exception of 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) 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 on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of 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 mass.

(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 mass. 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 neighbors. 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. Windows are allowed in the upper gable end of single story ADUs but only if the ADU is oriented with the dominant ridgeline running perpendicular to the front property line. This way the gable end windows will be facing the rear of the primary house, not the neighbor's property.

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

(vi) Single story ADUs may have sleeping lofts (defined as a small area above the first floor) which may have windows in the gable ends but only if the ADU is oriented with the dominant ridgeline running perpendicular to the front property line. This way the gable end windows will be facing the rear of the house, not the neighbor's property.

(vii) No ADUs may have flat roofs or roofs under a 6:12 slope.

4. Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the primary dwelling. Eaves and associated gutters must keep one foot from side property lines. Downspouts and gutters must correctly collect and dispose of rainwater to the extent that it shall not flow directly onto neighboring property.

5. Setbacks. The detached ADU shall be in the rear yard. The two story ADU shall be a minimum fifteen feet from the side lot line and a minimum 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 and rear setback of 3 feet. Both single and two story ADUs may have a 5 foot setback to the side street. An attached ADU at the rear of the house must meet the standard setbacks for the primary structure. If the applicant proposes to add a story to an existing garage or similar

accessory structure the existing garage or accessory structure shall still meet the setback standards of this chapter for two story ADUs.

6. Height.

- (a) If the ADU is one story tall 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.**
- (d) 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.**
- (f) The ADU roof must be at a pitch/slope equal or lower than the pitch/slope of the primary house. Flat roofed ADUs are not permitted.**
- (g) Outdoor balconies or decks are not allowed on top, or incorporated in the roofscape, of ADUs.**

HISTORIC DISTRICT ADU SETBACKS, HEIGHT & SIZE

	<u>One Story</u>	<u>Two Story</u>
<u>Front</u>	<u>Rear yard only</u>	<u>Rear Yard</u>
<u>Only</u>		
<u>To House</u>	3 feet	10 feet
<u>Rear</u>	3 feet	3 feet
<u>Side</u>	3 feet	10 feet
<u>Side Street</u>	5 feet	5 feet
<u>Height</u>	15 feet	23 feet
<u>Max. Size</u>	30% *+100 sq ft	30%**

(* 30% of total floor area of principal dwelling 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./min. is 250 sq. ft.)

S. SIDEWALKS. Many of the original sidewalks had the contractors name and date stamp or street names on them while in other areas there are even footprints of cattle as a reminder that Willamette 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 ROW frontages for lots that are having new houses 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 Historic Review Board shall review and make recommendations on all proposed partitions or subdivisions of sites within the district or at the~~

~~landmark site. 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. **The decision making body for minor partitions and subdivisions shall be per CDC Chapter 99, not the Historic Review Board. Minor partition of corner parcels The approval criteria shall be per CDC Chapter 85. The only additional criteria to CDC Chapter 85 is that 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. 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. No flag lots are permitted in the Willamette Historic District. In portions of the Willamette Historic District zoned R-10 the lots should be rectangular or approximate the degree possible the shape of traditional lots elsewhere in the district. Lot line adjustments shall maintain side lot lines at right angles to front property lines.**~~