



Memorandum

TO: Chris Jordan, City Manager

FROM: Peter Spir, Associate Planner

DATE: April 14, 2010

SUBJECT: Staff Response to Councilor Cummings proposed changes to the Community Development Code (CDC) Chapter 25 Historic District Code Amendments (CDC-09-01)

At the April 12, 2010 work session prior to the scheduled second reading of the Historic District code amendments, Councilor Cummings submitted a list of proposed changes reprinted below in bold typeface. Under each entry, Staff offers comments and a recommendation.

1. Purpose statement (page 25-2) delete “*encourage*” for stronger language such as “*adopt*” Secretary of Interior’s standards.

J. Encourage the adoption and use of the Secretary of Interior’s Standards for Historic Preservation.

Staff Response: The proposed code amendments were prepared as an interim solution dealing primarily with ADUs, remodeling and new home bulk and height issues. It is expected that we will undertake comprehensive amendments to Chapters 25 and 26 in 2011. This process is likely to include the incorporation of the Secretary of the Interior’s Standards for Rehabilitation in these chapters as warranted. Purpose statements at the beginning of code chapters are intended to identify what the following regulations are intended to accomplish. The regulations accomplish neither the current or proposed purpose J.

Recommendation: No change (or delete J. from the purpose statements if there is unanimous Council support).

2. Parking 25.070 (PAGE 25-11) Section C, retain previous strikeout language explaining historic district parking patterns for alleys.

C. PARKING. Parking in Willamette Town traditionally was handled from the alleys or along the "streets" (as opposed to avenues). Detached garages along the alleys or "streets" characterizes many homes in the district. **Alleys were established to provide for access to off-street parking, including garages.** ~~Alleys were established to provide for parking out of view; with this older pattern, garages are much less dominant than in newer residential areas.~~

Staff Response: The last line in the provision above could be retained as proposed by Councilor Cummings. However, it is merely a statement with no regulatory affect. The purpose of the revision, in bold above, was to clarify that alleys provided access to off-street parking, not that the alleys themselves were for parking.

Recommendation: No change.

3. ADU 25.010N.2 (page 25-21) Section 2. (c)(i), delete "*whichever is more, max 1000 sq ft.*" Add the previous language "*regardless of the size of the house*".

(c) The ADU shall be sized consistent with the following:

(i) ADUs within a primary structure (house) or sharing a common wall with the primary structure shall not exceed 30 percent of the gross square footage of the house on the lot or 250 square feet, **whichever is more, and a maximum of 1,000 square feet in size.**

The current standard for all of West Linn is:

34.030 ACCESSORY DWELING UNITS (ADUs)

An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling by conversion of existing space inside the primary dwelling... The ADU does not exceed one bedroom and has an area between 250 and 1,000 square feet. If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the primary dwelling, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling.

Staff Response: The proposed revision states that the ADU size could be either 250 square feet or 30% of the size of the house (presumably whichever the applicant prefers). The language in Chapter 34 "*regardless of the size of the house*" was meant to clarify that a minimum 250 square foot ADU would be permitted no matter how small the house was. (Anything smaller than 250 square feet is not really functional as a living space). The language in c(i) approved on first reading does the same thing.

The proposed elimination of the reference to the 1,000 square feet would leave the 30 percent figure to determine the maximum size of the ADU space. The maximum ADU size of 1,000 square feet approved on first reading was based upon the language in CDC

Chapter 34. Most homes in the district are small, ranging from 1,200 to 2,200 square feet; so 30% of that would be around 660 square feet. The largest house we are aware of in the district is 3,149 square feet, which would allow an ADU of 945 square feet.

Recommendation: No change.

4. ADU 25.010N.2. (page 25-21) in Section 2. (c)(iii) strike out “max 1000 sq ft.” and replace with 500 sq ft for consistency with other detached ADU rights in the Historical district.

(iii) ADUs in existing detached structures such as workshops, offices, garages, etc. approved prior to March 22, 2010 shall not exceed 30 percent of the gross square footage of the house on the lot or 250 square feet whichever is more, and a maximum of 1,000 square feet in size.

Staff Response: This discussion seems to be confusing two different ADU types (existing versus new buildings). The provision (iii) pertains to **existing** detached accessory structures like barns, workshops and garages being converted to ADUs. In the rest of West Linn, these existing buildings can have ADUs up to 1,000 square feet in size, so if consistency is the goal then the 1,000 square foot limit should stand. The language approved on first reading established an upper size limit for ADUs in houses at 1,000. The proposed revision in 3 above would use “30% of the gross square footage of the house” to set the upper limit. The reference to 500 square feet is tied to **new**, detached freestanding ADUs in the historic district which can be 600 square feet if single story and 500 square feet if two story. Limiting existing structures to 500 square feet would not be consistent with the existing city wide standard for existing structures nor with the 600 square foot maximum size for new single story detached ADUs. The conversion of an existing structure to an ADU is unlikely to affect the historic character and integrity of the district. Changes to the structure that will be converted are required to go through the design review process.

Recommendation: No change.

5. Partitions and subdivisions-25.110 (page 25-30), C-2, add back the lot size requirements of 5000 to 6000 sq ft and width of 50-60 sq ft.

Planning Commission recommendation: 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.

Staff Response: The Planning Commission’s recommended language above was subsequently changed in the City Council version because although most of the district is zoned R-5, nine lots are zoned R-10 (10,000 square foot minimum lot size) and seven

lots are zoned General Commercial (GC). So to require 5,000 square foot lots in the R-10 zone would be illegal.

Recommendation: No change.

6. Partitions and subdivisions-25.110 (page 25-30), C.3. Flag lots are not permitted.

3. Flag lots are discouraged in the Willamette Historic District.

Staff Response: The proposed revision would strengthen the protection for the district. There are about three lots that could theoretically utilize flag lots. Two of these lots are not within the National Register Historic District. There are always the variance procedures available for these property owners if flag lots turn out to be the only reasonable means of partitioning their property. (The property at 1649 5th Avenue could be partitioned to yield 4-5 lots. For the area out of the district, a flag lot could be proposed; but the code and staff would discourage any flag lots for those portions of the property within the district. The lots at 1344 14th Street and 1745 4th Avenue could be partitioned but it would only make sense as a traditional rectangular shaped lot. The lot at 1296 12th Street could be partitioned into 3 lots. Because of access issues on 12th Street, a flag lot with a driveway off 4th Avenue may be the logical way to create one of the lots. If it was developed as a flag lot, the house on that lot would have to be in proximity to and oriented towards 12th Street so it would fit in with the neighborhood and contribute to the streetscape.) Elsewhere in the district there are 5-8 platted undeveloped lots of record (e.g. traditional 50 X 100 foot lots) that could be re-established as buildable separate tax lots. (Surveys of the properties would be needed to determine the exact number.)

Recommendation: Make the requested change if there is unanimous Council support. If not, reconsider this provision during the next round of amendments.

7. Partitions and subdivisions-25.110 (page 25-30), Retain previous C.4 Language for R-10- *"In portions of the Willamette District zoned R-10, the lots should be rectangular or approx shape of the traditional lots elsewhere in the district."*

2. All new lots shall be rectangular or approximate the shape of traditional lots elsewhere in the district.

Staff Response: Provision 2 above, which was approved on first reading, is essentially the same as the proposed revision except it uses shall rather than should.

Recommendation: No change.

