

## Community Development Code Chapter 58

### 58.010 PURPOSE

- A. Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.
- B. Enhance the historic and aesthetic quality of the Commercial District.
- C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.
- D. Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.
- E. Encourage a sense of historic identity for the Willamette area and West Linn as a whole.

### 58.020 IMPLEMENTATION

The intent and purpose of this chapter shall be carried out by establishing architectural standards of the 1880 – 1915 period which shall be used in new commercial construction and remodels. The provisions of this chapter shall supersede any conflicting standards found in CDC Chapter 55.

### 58.030 APPLICABILITY

- A. The provisions of this chapter shall apply to all new commercial construction, restorations, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter 25 CDC, as applicable. "Restorations" shall be defined as all exterior repairs, replacement of materials, alterations or changes, including reroofing, painting, and window and sign replacement, etc. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.
- B. ~~Commercial structures that are also within the historic district as defined in CDC 25.030(A) are required to meet the provisions of Chapter 25 CDC in addition to the provisions of this chapter. The type of Design Review application required is defined in Chapter 25 for properties identified on the West Linn Historic Resource Map and defined in Chapter 55 for all other properties.~~
- C. Boundary limits. The affected area shall be as delineated in Figure 1, below. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.

**Commented [WD1]:** Need language here and also in CDC Chapter 55 to clarify the standards of the overlay zone supersede Chap 55. HRB recommended yes in April 2020.

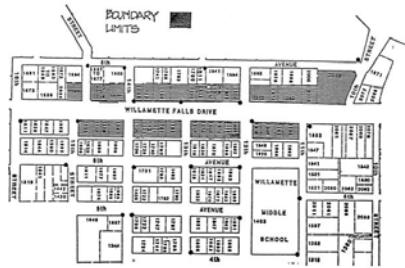
**Commented [WD2]:** Should language be added to point to CDC Chapter 55 where Class I and II Design Review is defined? HRB recommended yes in April 2020. Added as (B) below.

**Commented [WD3]:** Section 58.060 used to clarify there was no public notice for repainting, sign replacement, repairing windows, etc. Currently the only applicable application is for a Class I Design Review. Staff proposes to remove sign replacement as there is already a process/application for all signs in the City. HRB agreed in April 2020.

**Commented [WD4]:** 25.030(A) no longer exists and reference to the Historic District is found in (A) above

**Commented [WD5]:** Per comment above.

Figure 1



(Ord. 1350, 1993; Ord. 1614 § 10, 2013; Ord. 1621 § 25, 2014)

#### 58.040 EXEMPTIONS

Remodels to exclusive single-family residential homes are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt. Repainting any structure requires review and is not exempt, but does not require any public notice. All exemptions must be approved by the Planning Director.

**Commented [WD6]:** Section 58.060 used to clarify there was no public notice for repainting. Currently the only applicable application is for a Class I Design Review. HRB agreed in April 2020 and also recommended no fee for repainting.

#### 58.050 PERMITTED USES

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC [19.030](#), [19.040](#), [19.050](#), and [19.060](#) and shall require the application of the standards of this chapter. Residential use of the second floor and the rear portion only of the ground floor, with no access onto Willamette Falls Drive, is permitted by application through this chapter. Residential use may only comprise 50 percent or less of the total square footage of the building combined. Commercial uses shall dominate the first floor. (Ord. 1401, 1997)

#### 58.060 REVIEW BODY

*Repealed by Ord. 1597.*

#### 58.065 APPEALS OF HISTORIC REVIEW BOARD

*Repealed by Ord. 1597. (Ord. 1474, 2001)*

#### 58.070 APPLICATION AND SUBMITTAL REQUIREMENTS

- A. Applicants shall attend a pre-application conference if required by CDC [99.030](#)(B).
- B. The Director shall determine the appropriateness of the proposal and the completeness of the materials to be submitted. The Director may consult with members of the Historic Review Board in this process.
- C. The application is made with appropriate fees. A written narrative may be required explaining how the proposal meets the approval criteria.
- D. All applications for remodels and new construction shall require scaled elevation plans, site plans, and material and color board. (Ord. 1599 § 5, 2011)

#### **58.080 FEES**

A. New construction and major restoration projects shall be charged fees consistent with the adopted fee schedule for design review.

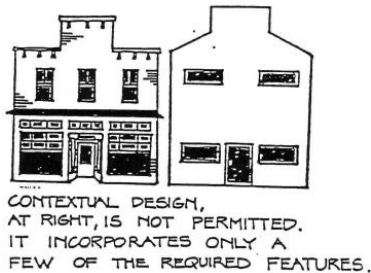
B. Minor restoration projects under \$50,000 valuation shall pay fees as directed by the adopted fee schedule.

C. Repainting and replacement of windows (Class B restoration) shall pay a fee as directed by the adopted fee schedule.

#### **58.090 STANDARDS**

A. Standards are needed to provide a clear and objective list of design elements that are needed to bring new construction and remodels into conformance with 1880 – 1915 architecture. Buildings of the period saw relatively few deviations in design. Consequently, the Historic Review Board will require conformance with the standards. Deviations or deletions from the standards are addressed in the Design Exception variance procedure of this chapter.

B. The use of neo-designs or simply contextual designs which only attempt to capture the basic or generalized elements such as building line, massing and form, etc., is not acceptable.



C. The following standards shall apply to new construction and remodels.

1. Dimensional standards.

a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.

b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet.

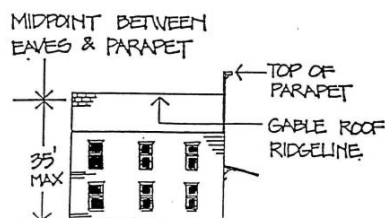
c. Rear: 20-foot setback. Setbacks between zero and 20 feet are permitted only if the applicant can demonstrate that he or she can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.

d. Lot coverage: up to 100 percent of lot may be developed depending upon ability to mitigate impacts upon abutting residential and other uses.

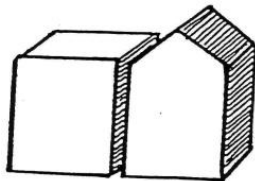
**Commented [WD7]:** City fees are adopted as part of the budget process. Outdated code that needs removed. HRB agreed in April 2020.

**Commented [WD8]:** Discussed whether code mandates zero setback in April 2020 meeting. Staff recommends leaving as is for future flexibility to match adjacent properties.

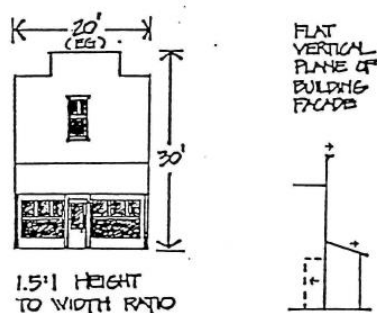
2. Minimum landscaping required. Sites in this district are exempt from landscaping requirements as identified in Chapter 54 CDC, Landscaping, with the exception of parking areas.
3. Building height limitations. Maximum building height shall be 35 feet (as measured by this code), and two stories. False fronts shall be considered as the peak of the building if it exceeds the gable roof ridgeline.



4. External ground level or first story minimum height. Ten feet to allow transoms.
5. Roof form. Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.



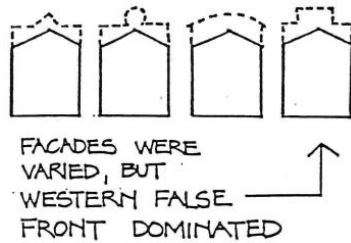
6. Building form, scale and depth. Building shall emphasize the vertical through narrow, tall windows (especially on second floor), vertical awning supports, engaged columns, and exaggerated facades creating a height-to-width ratio of 1.5:1.



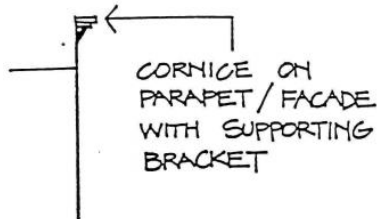
Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.

7. Visual Building Breaks. Spacing and rhythm. Buildings shall follow a regular rhythm. Strong vertical breaks or lines should be regularly spaced every 25 to 50 feet.

8. Facades. No gables, hipped, or pitched roofs shall be exposed to the street at the front. The "Western false front" shall be the preferred style although variations shall be allowed.



9. Cornice. Cornices shall be broad and may include regularly spaced supporting brackets. A cornice is not required, but preferred.



**Commented [WD9]:** Previous discussion focused on clear and objective standards recommended removing this criteria. HRB agreed to keep language in April 2020 meeting. Staff recommends changing "title" and removing first sentence as unnecessary to implement second sentence.

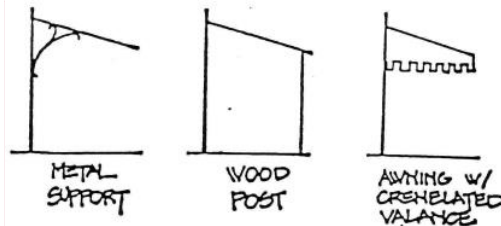
**Commented [FJ10]:** Previous discussion discussed a definition of this architectural style, which has been added to CDC 02 (Definitions).

**Commented [WD11]:** Previous HRB discussion proposed listing accepted variations that shall be allowed. Conferred with colleague who reported this was part of a clear and objective standard discussion. Staff recommends leaving as is to provide the HRB some flexibility and discretion.

10. Building materials and orientation. ~~Wood shall be the principal building material. Horizontal wood siding, or alternative materials in one-inch by eight-inch dimensions shall be used for siding. Brick and certain concrete configurations other materials are permitted only by a Design Exception variance under CDC 58.090.~~

11. Awnings. All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transom and awnings, although transoms are not required.

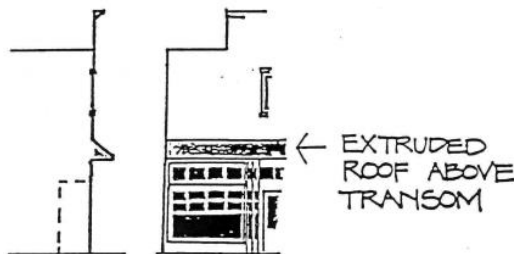
Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support, ~~either attached to the building or a simple four-inch by four-inch wood post extending down to the outside of the sidewalk.~~



Awnings shall, ~~therefore,~~ extend beyond the front property line to provide appropriate pedestrian coverage the outside edge of the sidewalk, and shall meet ADA requirements, possess a seven-foot clearance to the valance or any other part. The pitch of the awning shall be 10 to 40 degrees. No “bubble-type” awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved material awnings, may be one-color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

12. Extruded roofs. As a substitute for an awning, extruded roofs have a 10- to 40-degree pitch and extend one to two feet from the building face just above the transom windows where the first and second stories meet. The roof runs along the entire building frontage.

Standard roofing materials are used. Transoms are required with extruded roofs.



**Commented [WD12]:** The HRB expressed interest in allowing alternative siding without needing to get a design exception. The HRB recommended in April 2020 that language be added to address the look of the siding as opposed to the material.

**Commented [FJ13R12]:** In May 2021 the HRB expressed a desire to use specified standards and review all non-wood siding through a design exception.

**Commented [WD14]:** The HRB discussed possibly allowing some brick/concrete without needing to get a design exception. HRB recommended leaving requirement for a design exception in April 2020 meeting.

**Commented [WD15]:** West Linn Public Works Dept. does not want permanent fixtures in the right-of-way as numerous utilities run under the sidewalk. Access is complicated by structural elements such as posts.

**Commented [FJ16R15]:** On May 19, 2020 the HRB had questions regarding the repair and remodel of existing structures with wood posts. Does this code change make them nonconforming and/or require them to remove the posts? Planning staff is still coordinating with Public Works on this issue.

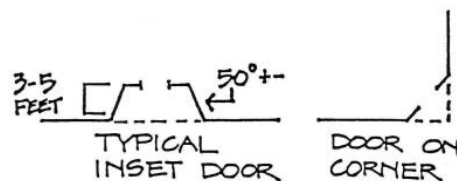
**Commented [FJ17]:** The middle graphic may need to be removed if posts are prohibited in all situations.

**Commented [FJ18]:** On May 19, 2020 the HRB requested a minimum canopy depth to provide a clear and consistent standard that won't be subject to continual reinterpretation. There was also discussion of language requiring consistency between new canopies and adjacent existing canopies to reference and establish streetscape continuity.

Planning staff to survey the standards used by other jurisdictions before proposing new language for HRB consideration.

**Commented [WD19]:** With the new 12 foot sidewalks, the recommendation is to allow awnings that only cover a portion of the sidewalk as no posts will be allowed for support. Staff recommends removing the specific height requirement and state must meet ADA.

13. Doors and entryways. The entryway shall be centered in the middle of the building at grade. The buildings on street corners may position their doors on the corner at an angle as depicted in the illustration. The doors may be single or double doors. The doors shall be recessed three to five feet back from the building line. Doors shall have glazing in the upper two-thirds to half of the door. Panels should decorate the lower portions. The entryway shall have windows all the way around at the same level as the other display windows. Wood doors are preferable although alternatives with a dark matte finish may be acceptable.



14. Glazing. Clear glass only. No mirrored or tinted glass. No films applied to glass. Lettering on glass is permitted (~~see subsection (C)(25)(b) of this section~~).

**Commented [WD20]:** Section no longer exists

15. Display or pedestrian level windows. Shall extend across at least 80 percent of building front. The windows shall start one and one-half to two and one-half feet above grade to a height of seven to eight feet, and shall be level with the top of the height of the adjacent entryway area, excluding transom. A single sheet of glass is not permitted. The window shall be broken up into numerous sections, also known as lights. From 1880 onwards, the number of lights was generally no more than six in a pedestrian-level window. The frames may be wood or vinyl-clad wood, or other materials so long as a matte finish is possible.

**Commented [WD21]:** This has been problematic on properties that have elevation differences across the property frontage. The HRB proposed removing the language. Does window height still need addressed? HRB recommended leaving as is in April 2020 meeting.



16. Second floor and other windows. Double- and single-hung windows proportionately spaced and centered should be used. Smaller square shaped windows may be permitted (one and one-half feet to two feet per side). A typical window should have a 3:1 height to width ratio for the glass area. There should be a minimum of two lights: "one over one" of equal size. "Two over one" or "four over one" is appropriate.



17. Wainscotting. Wainscotting shall be consistent with primary material of the building, typically wood.

18. Shutters. Shutters are not allowed.

19. Balconies. No balconies are permitted except on rear of building.

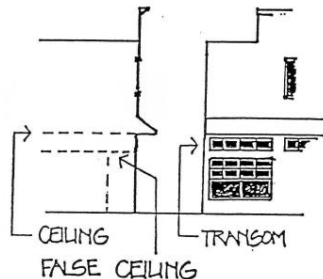
20. Exterior stairs. Simple stairs are permitted on the rear or side of the building only.

21. Roof mounted mechanical equipment. Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. CDC [55.100\(D\)](#), Privacy and noise, shall apply.

22. Air conditioning. No window types on avenue or street side are permitted. Window-mounted air conditioners are not allowed at rear where abutting residential.

23. Exterior lighting fixtures. Any lighting fixtures that can be traced to 1880 – 1915 period are permitted. Simple modern fixtures that are screened and/or do not attract attention are acceptable. Overly ornate fixtures of the Victorian era are to be discouraged.

24. Transoms. Transom windows are required with extruded roofs and optional with awnings. Transom windows shall cover the front of the building above, but not beyond, the main display windows and the entryway area. Transoms should be broken up into sections every six inches to three feet in a consistent and equal pattern. Height should not exceed three feet. Transoms may or may not open. False ceilings are allowed behind the transoms.



25. Planters. ~~No planters are allowed.~~

**Commented [WD22]:** The HRB discussed possibly allowing some brick/concrete without needing to get a variance. The HRB recommended leaving as is in April 2020 meeting.

**Commented [WD23]:** New sidewalk cafe program allows planters to delineate outdoor seating space. If this applies to any planter, staff recommends removing. If this applies to window planters, should it remain and be specified?

**Commented [FJ24R23]:** Oh May 19, 2020 the HRB recommended removal of this prohibition.



26. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed. A palette or color wheel, submitted by the applicant, of acceptable 1880 – 1915 period colors shall be the basis for color selection. Colors shall be similar to or consistent with existing buildings within the Willamette Commercial District to establish streetscape continuity. No other colors are allowed. The palette is available at the Community Development Department.

**Commented [FJ25]:** The HRB approved this addition on May 19, 2020.

**Commented [FJ26]:** On May 19, 2020 the HRB suggested a streetscape continuity standard for color. Language to allow similar colors was also suggested to allow the introduction of new but compatible colors.

27. Ornamental or advertising flags, pennants, or banners. Not permitted on buildings.

**Commented [WD27]:** Proposed to be removed by previous HRB discussion. Staff researched how other jurisdictions regulated paint color and found the predominant language required the applicant to supply the historic color palette from a paint company. A few jurisdictions identified acceptable paint company historic palettes, but this could be problematic if the palette names change or are discontinued over time.

28. New materials. Permitted where it is demonstrated that new material visually replicates originally required material, except siding, which must be wood. (Ord. 1391, 1996; Ord. 1401, 1997; Ord. 1604 § 59, 2011; Ord. 1613 § 18, 2013; Ord. 1621 § 25, 2014; Ord. 1675 § 47, 2018)

**Commented [WD28]:** Proposed to be removed by previous HRB discussion. Regulated in sign code chapter. Staff recommends removing.

**Commented [WD29]:** See previous comments about fiber cement siding.

**Commented [WD30]:** The term “variance” has been confusing as there is a separate chapter in the CDC under this title. Perhaps changing the term to “Design Exceptions” could help? HRB agreed in April 2020 meeting.

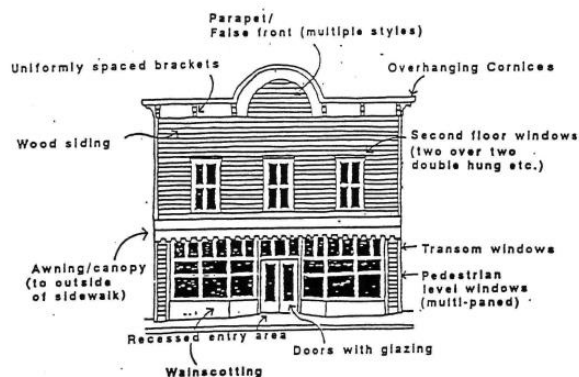
## 58.090100 VARIANCE DESIGN EXCEPTION PROCEDURES

In those circumstances where a design proposal cannot meet the standards, or proposes an alternative to the standard, the Historic Review Board may grant a design exception variance in those cases where one of the following criteria is met:

A. The applicant can demonstrate by review of historical records or photographs that the alternative is correct and appropriate to architecture in the region, and especially West Linn, in 1880 – 1915.

B. The applicant is incorporating exceptional 1880 – 1915 architecture into the building which overcompensates for an omission, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.

**Commented [FJ31]:** Added in response to prior discussions by the HRB regarding a prescriptive path for natural wood and the exception process for other materials. The intent is to provide a path and criteria for imitation-wood siding in the district, and counterbalance the prescriptive wood siding.



C. The application is for the restoration or alteration of an existing, out-of-period structure where it can be demonstrated that the applicant cannot reasonably comply with the standard due to existing building setbacks, orientation, roof forms, materials, functional design, or other

**Commented [FJ32]:** The intent here is to provide a path forward for owners of existing buildings whose architecture does not easily convert to the western false front style, but may still be viable and capable of supporting other goals of the design district. Examples include the old gas station and the Youth Music Project.

existing conditions; and where the exception would continue to further the purpose of the Chapter as set forth in CDC 58.010.

**58.1010 EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted per CDC [99.325](#). (Ord. 1589 § 1 (Exh. A), 2010)

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