



## Memorandum

Date: April 7, 2017

To: West Linn Historic Review Board

From: Jennifer Arnold, Associate Planner

Subject: Public Testimony for West Linn Historic Review Board Public Hearing  
DR-17-01

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On March 20, 2017 Staff received written testimony from Shannen Knight expressing concerns with the application, as proposed, meeting the Community Development Code and Comprehensive Plan requirements. Shannen Knight feels the requested Chapter 58 variances to design standards are not necessary and the applicant should provide some sort of parking plan for the users of the office building. Knight also expressed concerns over ADA compliance with Building Codes.

This information was presented to Historic Review Board at the March 21, 2017 Public Hearing. Shannen Knight resubmitted this testimony on April 7, 2017 with an additional email. This information was received after Staff assembled the placket for the April 19, 2017 Planning Commission Public Hearing. Please see the attached resubmittal of the original written testimony and the new information included in the email.

**From:** A Sight for Sport Eyes([sporteyes@yahoo.com](mailto:sporteyes@yahoo.com))

**To:** [asktheperc@westlinnoregon.gov](mailto:asktheperc@westlinnoregon.gov)

**Subject:** Ensuring Testimony is added

Attached please find my testimony for your next meeting. I sent in this testimony when this application went to Historic Review Board. Since there is no meeting record either minutes or audio/video recording, I don't know if these issues were discussed or not at that meeting. Also from what I can tell by the packet that has been put together for you by staff, my testimony is not in your packet. The staff report states there has been "no public testimony". This leads me to believe my testimony was never given to the HRB and I thought I'd email you directly to ensure there is no staff oversight in getting my testimony to you should I not be able to attend your meeting. I got a confirmation from staff that my testimony was received the Monday before the HRB meeting but again, from what I can tell, they were never actually submitted. This is very upsetting to me and I am trying my best to make sure my testimony is received well in advance of your meeting. Thank you for your time and I apologize if this is not the proper channel to submit testimony but given the circumstances, I feel I have no choice.

Shannen Knight  
Business owner and resident in Willamette

To the Historic Review Board: (now Planning Commission since my testimony was never included)

I am writing as a concerned citizen in regards to the proposed building on Willamette Falls Dr. It is File #DR-17-01.

I have a few concerns. I will bullet point them first and then expand:

- Special code exists in this historic district for a reason. It is to encourage shopping, tourism, etc.
- Variances should be given for “hardship” not just because. Code should be enforced when at all possible.
- Per code only 2 class II variances are allowed, why are 3 being allowed in this application?
- From the drawings, it doesn’t look like the door is set 3-5 feet from the building line. Staff said because the variance, it doesn’t have to but my reading is that it from the BUILDING line not the PROPERTY line as being interpreted by staff.
- Please clarify why the applicant referenced non-historic materials being used but it is not in the staff report.
- While I understand parking is not required in the code, since this is not a retail development and is office where employees will be parking 8+ hours, parking should be at least considered.
- Concerns about ADA accessibility.

First, I would like to address the variance for the setback from the curb and the window requirement. Historic Willamette area has a separate code specifically written for the district as it is different than other areas of the city. (Chapter 58 of the CDC). It was written with a specific vision to not only protect the historic character of the area, but also to encourage retail shopping and tourism in the business district.

#### **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.

C. Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.

I am also the acting president of Historic Willamette Main Street. While I am not speaking on behalf of the whole group, our group exists to protect the economic viability of the district. That means encouraging retail shopping and promoting tourism for our shops and restaurants. Chapter 58 was written to make sure that Historic Willamette continues to thrive as a “retail” shopping district. The zero foot setback and large display windows encourages shopping by having display windows flush to where the customer is walking, covered by awnings over them to protect them from the rain. If the building is not flush with the street and is set 10 feet back, the awnings become at that point “cosmetic” and are not going to do anything to protect the customer from the elements while walking from business to business.

The variance for the windows is again to encourage retail shopping in the district. Large open windows for displays and such is what make the building appealing to retail businesses and makes it easy for shoppers on the street to “window shop”. Thus, again, I believe a variance for this should not be allowed. I understand that the developer intends to use this for office and not retail, however, in the future that could change. It is best to keep the building designed for retail as the code intends.

In Chapter 58 of the CDC which regulates the Historic Commercial District, it says:

#### **58.100 VARIANCE PROCEDURES**

In those circumstances where a design proposal cannot meet the standards, or proposes an alternative to the standard,

I do not feel like the applicant has demonstrated any reason why their design proposal cannot meet the standard. The only reason cited in the application as to why this building is not being built to the zero setback code is because the buildings it is being erected next to. While I understand those buildings are set back from the curb, the reason we update code is to create the ideal neighborhood IN THE FUTURE, not to conform to what was allowed in the past. The idea is that future development would be brought up to the current code so 20+ years from now, the area looks as the updated code intended. In the future, both the neighboring sites could be torn down and new ones erected in their place. Therefore, in the future, this new proposed building would be the “odd man out” so to speak. The old General Store building which is just two doors down from the proposed site has a zero foot setback. Thus, I don’t think that the new building would look out of place if it conformed to the code and had a zero foot setback. Again, the point of this design code is to improve the walkability and shopability of the shopping district. If new buildings are erected to old code standards, it does not help improve the district and begins to distract from the intent of the new code. I would like to see this building follow the CURRENT code and have zero foot setback from the sidewalk.

Let’s also look at what the West Linn Comprehensive Plan has to say about our district. LU-9 says

“Continue to enforce the special standards that apply to the Willamette Historic District, and continually improve code language to meet the needs of the District.”

Page CI-2 of the Comprehensive Plan also refers to the Willamette Neighborhood Plan includes “goals and policies binding upon the city”. In the WNA code: 3 it states:

“We maintain strict standards and codes regarding the type of business and structure in our business areas. We aggressively pursue the businesses and restaurants that bring tasteful value to our neighborhood”

Under “Actions” it states “Enforce code”.

It is very clear with these directives in the Comprehensive Plan and the WNA Neighborhood plan that the code as it exists now is important and should be strictly enforced. This tells me that we should not be giving variances for the district, especially when I feel that the variances are not a hardship for the property owner. If a variance was needed because of trees, WRA, or some other hardship, I would at least listen to the argument. But I don’t know why the building can’t be built to code in this case. I believe a variance should have some kind of “hardship”. Again, the only thing I can see in the staff report in regards to the setback issues is that the design will “insure consistency with neighboring properties”. This building is twice the size of the existing structures so it is not going to fit in regardless. The code is there for a reason. It is to ensure the ENTIRE district has a zero foot setback. Again, just because the current immediate neighbors are not to current code does not mean they couldn’t be in the future. I am also curious as to the reason the windows are a construction issue. All the other buildings erected in the last 10 years are able to conform to this code. Why can’t this builder? Again, I don’t see enough of a hardship here to need a variance.

Also, the staff report does not state whether the variances being requested are Class I or Class II. However, from the description of a Class I variance, it doesn’t seem like what they are requesting fits the listed options. Thus, I am assuming these are class II variances? If so, per CDC 75.050,

“Not more than two Class II variances may be approved for any one lot or parcel in a continuous 12-month period.”

Thus, three variances as requested for this property should not be allowed. But in regards to the third variance for awning material, again, I don’t understand why the developer cannot just follow the code. Metal awnings do not sound like they will look “historic” and again the code refers to canvas or material for a reason. Again, I don’t just think a variance should be allowed “just because”. There needs to be a legitimate reason why the developer

cannot conform to the code. The only reason cited is that they will last longer. Again, not a reason for a variance in my opinion.

I also have some a few clarification points. There is reference to criteria 28 of Chapter 58 in the applicants paperwork to alternative materials being used. However, there is no reference to this in the staff report.

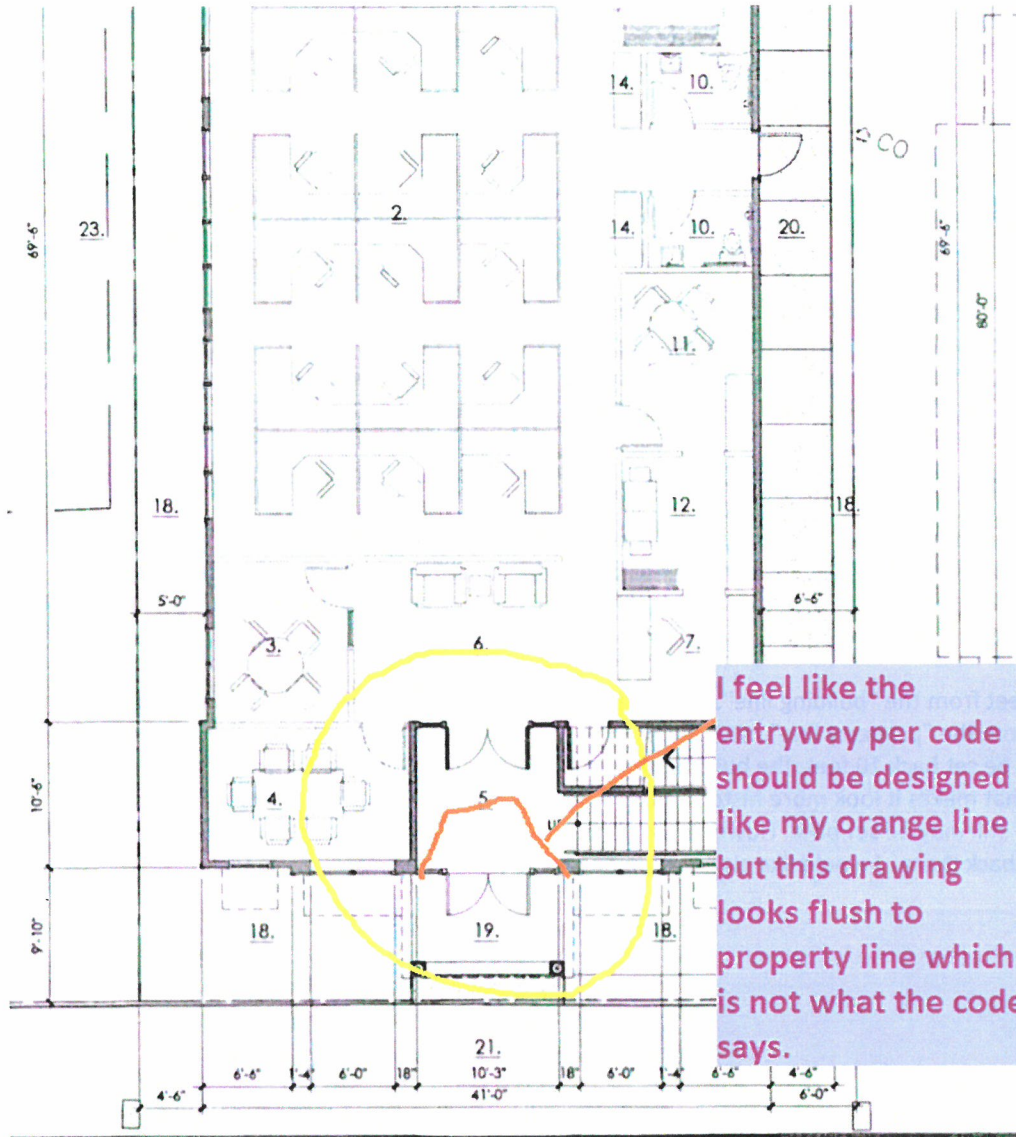
28. New materials. Permitted where it is demonstrated that new material visually replicates originally required material, except siding, which must be wood.

The applicant wants to use metal roofing and cast iron columns with the reason being “durability” (page 7 of their responses). Staff in their report states that the criterion is met, but how? I don’t feel like metal roofing “replicates originally required material”. I’m not a historic expert so maybe it does. I guess I would just like clarification of this and make sure metal is meeting the historic criteria of the code.

Also, should the variance be granted for the zero foot setback, I’m still not sure the design fits criteria 13 either:

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

The criteria is 3 to 5 feet from the “building line”. However, the staff report says the criterion is met because of the 10 foot setback from the “property line”. #13 seems to be independent of the setback criteria. If the variance allows the building to be set back 10 feet, the building should still have the 3-5 foot entryway from the “building line”. This design is what makes it look more historic looking. It is hard to tell though. From the drawing of the building it looks like it still may be set back. However, the first floor drawings show the doors opening but does not look like there is a setback there. I would like clarification on this as well. See below.



Lastly, I understand parking is not required in the zone. But I have concerns that this building will be primarily office which means employees will be parking for 8+ hours at a time. Thus, I believe that if it is office, the property owner should make a best effort to try to figure out parking on the property to reduce the burden their new building will be putting on the already stressed parking for the district. There are no places for customers to park as it is. Again, while the current proposed use is not retail, the rest of the retail businesses rely on the street parking for customers who park for only a few hours at a time. These new employees need to have somewhere to park that does is not in the prime customer parking. We at Main Street are working on limiting parking to 2-3 hours but since there is no current time limit on that side of the street, I implore the property owner to at least consider parking for employees parking 8+ hours a day. For instance, they could make an agreement with Les Schwab to utilize parking there for employees. But I believe there is a possible design that could allow some parking at the rear of the building or underground. Icon Construction with all of their new buildings, including the one just approved a few months ago, have found a way to have off street parking even though it is not required. This not only helps with the ease of leasing the space as the business leasing the space will have dedicated parking, but also helps be a “good neighbor” by alleviating parking problems in the district.

I also have concerns about the lack of parking and a “porch”. It is hard to tell from the design plan but how is the building going to be ADA accessible? Is there an elevator in a two story building? I could not find reference to one in the application. With no onsite parking, no curb cut in front of the building, and no handicap parking in the block of the proposed site, how will wheel chaired people be able to access the building? If a parking lot of some sort could be looked at, this could help alleviate a possible ADA issue. Again, I understand parking is not required, but other developers have been good neighbors and have built with parking even if that means going underground. I don’t know if any parking was even considered which again goes to whether this developer has the best interests of the community in mind. Trying to skirt code for no apparent reasons just makes me feel like they don’t.

All in all, I feel like the property owner did not try very hard to conform to our code. Instead, they want the building they want and are taking advantage of our variance provision which I believe is only there for hardship reasons. Don’t get me wrong. I would like to see development on this property. We have very few vacancies on the block and we can use more retail space. I own a business on the street and I am constantly asked if I know of any spots opening up on the block. I strongly supported the new Icon building which is directly across the street from my business and will cause a lot of noise and hassle for me personally. But we have the demand for this kind of development. However, I want to see this property developed properly conforming to the code so it can help promote walkability for residents and tourists. This means zero foot setback with historically correct awnings covering the sidewalk and large shopping style windows. This development is trying to skirt our code to meet their needs, not the needs of the district, and I would like to see our code strictly adhered to in this instance and I hope I have given you enough reason to at least strongly consider if variances are justified in this application.

Sincerely,

Shannen Knight  
1291 11<sup>th</sup> Street