

Memorandum

Date: March 21, 2017

To: West Linn Historic Review Board

From: Jennifer Arnold, Associate Planner *JA*

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

On March 9, 2017 and March 19, 2017 Staff received written testimony from Steve Sutherland expressing concerns about the proposed removal of the two trees near the property line. Mr. Sutherland also feels the applicant erred in stating the neighbors were in favor of the tree removal. There was also concern over the compatibility of this new building the neighboring properties.

On March 19, 2017 Staff received written testimony from Julie Hoover expressing concerns with parking, traffic on Willamette Falls Drive, and requesting a stop sign be placed at Dollar Street and Willamette Falls Drive.

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.

On March 20, 2017 Staff received written testimony from Sam Workman expressing support for the application as it is presented.

Arnold, Jennifer

From: Steve Sutherland <steven.e.sutherland@gmail.com>
Sent: Thursday, March 09, 2017 4:05 PM
To: Arnold, Jennifer
Subject: Re: Please Add This Email To The Doman Design Review Public Record

Thank you

On Thu, Mar 9, 2017 at 3:47 PM, Arnold, Jennifer <jarnold@westlinnoregon.gov> wrote:

Steve,

Thank you for the email. I will add this to the record which will be distributed to the reviewing body.

Have a great day,

Jennifer

From: Steve Sutherland [mailto:steven.e.sutherland@gmail.com]
Sent: Thursday, March 09, 2017 2:07 PM
To: Arnold, Jennifer <jarnold@westlinnoregon.gov>
Subject: Please Add This Email To The Doman Design Review Public Record

Jennifer,

It recently came to my attention that there are inaccuracies in the Doman Professional Offices Design Review (as revised Feb 15, 2017). Specifically, in 55.100 B 2 (c), at the top of page 4. It reads, in part, "The adjacent property owners on both sides of this property have shared their concerns with the Applicant that whenever there is a major storm or ice conditions they suffer roof damage and/or major site clean-up on their building/sites. They have expressed their support for the removal of these trees in order to ensure a safe environment...".

I take great exception to this. I never shared concerns with the applicant. The Applicant sent an email to David Smith (property owner on the other side) and to me on February 20th (apparently 5 days **after** this Design Review was already submitted) in which he encouraged us to reach out to the City of West Linn about damage caused by these trees or concerns about the potential for it. My reply to him was that I would be very sorry if those trees had to go.

As I shared with you in my Feb 21st email (section cut/pasted here): "Regarding the fallout from the past few months of high winds, storms, etc., while I cannot speak to what others have experienced, we did not sustain any damage from surrounding trees. It did involve picking up small branches – although fewer than I would've expected. Several years ago, we did have a couple sizeable branches that

landed in our front yard. At that time, I contacted Dave Smith the property owner about it. He told me he subsequently hired an arborist to identify potentially problematic branches and had them removed. While I suppose this is always a potential risk with large trees, we have not had any issues."

To summarize, I have not expressed concerns to the Applicant, have not suffered damage or major site clean up, and have absolutely NOT supported the removal of the trees.

I am also upset because this Design Review is a public document. I believe the inaccurate information submitted could mislead members of the public and influence their support or lack thereof for the trees' removal.

I understand the Design Review document (as revised) cannot be corrected and that this email can become part of the record for clarification.

Thank you,

Steve Sutherland

Property Owner Adjacent The Proposed Building Site

Jennifer Arnold
Associate Planner
Planning

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Dear Members of the Willamette Historic Review Board,

I urge you to not approve the Doman Professional Offices Design Review (as revised February 15, 2017) at your upcoming meeting on March 21, 2017. I believe the proposed 6,000 square foot office complex on this lot would significantly change the look and feel of the immediate and surrounding area in an adverse way. In addition, the design is not compatible with the requirement to preserve significant and historic trees on the property line between my property and the site in question.

My office is located adjacent to the proposed building site. When I moved my office to Willamette nearly 8 years ago, I was drawn to the area's historic charm, look and feel. This included 3 enormous trees on our property line (2 of which have since been identified by the City Arborist as "significant"). With the General Store to the west, and another 100+ year old bungalow style office to the east of the proposed site, this grouping of 4 lots has a special look and feel unto itself (this includes the trees). While a large office complex may fit into the look at the east end or elsewhere on Willamette Falls Drive, it does not fit in where proposed. Section 3 (Mixed Use/Commercial Development) of West Linn's Comprehensive Plan (as updated in October 2016), Policy #6 (page LU-9) states: "Commercial development shall be planned at a scale that relates to its location in the district and trade area to be served". A 6,000 square foot office complex wedged in between two 100+ year old bungalow houses does not fit into the spirit of this policy. It also does not fit into the spirit of Policy #4(h) (page LU-9) "Improves traffic patterns within the immediate area".

Besides being well over 100 years old, the 3 trees in question are beautiful and provide a natural barrier between our properties. In addition, their removal would violate specific rules put in place to protect them. Section 3 (Mixed Use/Commercial Development) of West Linn's Comprehensive Plan (as updated in October 2016), policy 4(a) (page LU-8) requires significant stands of trees to be protected from proposed commercial uses. In addition, Goal #5, Section 2 of the Comprehensive Plan (Natural Resources), Policy #1 states "Implement site design standards that prescribe how to place roadways and buildings to preserve trees." Policy #3 states: "Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation".

It appears the Applicant did not perform adequate due diligence prior to proposing the current design as it is incompatible with the removal of significant trees. In the revised proposal (February 15), the Applicant is asking for an exception to the rules to have all the trees removed; the rationale being that "the property would be virtually undevelopable" because the protection requirements would require 20% of the property area. While I understand the Applicant's desire to maximize square footage from an investment perspective, I am doubtful this is the "all or nothing" proposition that is being claimed. The Applicant should have researched this ahead of time and proposed a compliant plan that uses the other 80% of the property. I believe a smaller scale redesign would also fit better with the look and feel described above.

Regarding any potential damage these trees have caused in the past, I believe I've had the most to lose as a property owner over the last 8 years as they are on my property line. For the record, I have had no

issues whatsoever from the 2 significant cedar trees toward the back of the property – despite many wind and ice storms during that time period. We did have some large branches come down several years ago from the third tree (closer to the front of the property). While they caused no damage, I contacted the property owner about it. He hired an arborist to remove ‘suspect’ branches and we have not had any issues since. This information is important because the revised design plan contains inaccuracies, specifically section 55.100 B 2c at the top of page 4. It reads, in part, “The adjacent property owners on both sides of this property have shared their concerns with the Applicant that whenever there is a major storm or ice conditions they suffer roof damage and/or major site clean up of their building/sites. They have expressed their support for the removal of these trees in order to ensure a safe environment...” This is not true. In fact, quite the opposite. My roof is the only one that could’ve sustained damage based on the trees’ position (it didn’t) and I have never expressed my support for these trees’ removal. The only contact I’ve had with the Applicant on this issue was an email I received 5 days after the revised design review encouraging me to contact the City to express my concern about damage caused by these trees or the potential for it. My response was that “I would be sad if the trees had to go”.

In summary, I am not against development of the proposed building site. However, I believe a smaller scale design could potentially fit into the look and feel of this particular area of Willamette Falls Drive while complying with the requirements regarding protecting significant trees.

Respectfully submitted,

Steve Sutherland

Property Owner of 1742 Willamette Falls Drive (adjacent to proposed building site)

Arnold, Jennifer

From: Julie <hoov67@comcast.net>
Sent: Sunday, March 19, 2017 6:12 PM
To: Arnold, Jennifer
Subject: Office building

Follow Up Flag: Follow up
Flag Status: Completed

Our concern for another "office" building down in Willamette area, is #1 parking, it is already so limited #2 traffic ,there is so much traffic now and Neighboring area especially off Dollar street cannot get out to go any where.

A stop sign should be installed on willamette falls at Dollar st.

Sent from my iPad

To the Historic Review Board:

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. 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.

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 is not an acceptable reason to skirt the code. 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 be 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.

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. It seems as if they “just want it”. That is not a good enough reason to grant 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.

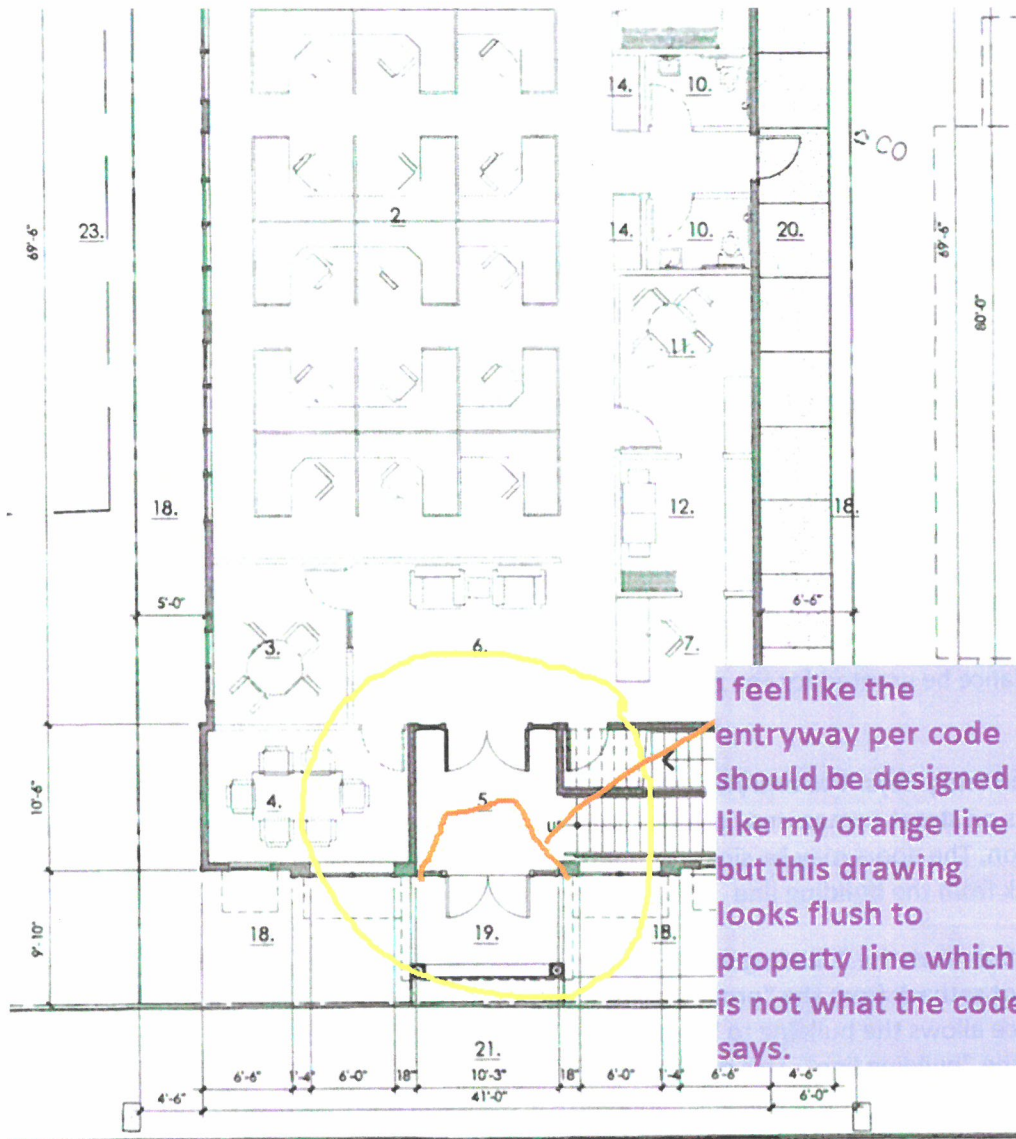
28. New materials. Permitted where it is demonstrated that new material visually replicates originally required material, except siding, which must be wood.

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 11th Street

Arnold, Jennifer

From: WORKMAN, SAM <SamWorkman@allstate.com>
Sent: Monday, March 20, 2017 9:18 AM
To: Arnold, Jennifer
Subject: Doman Building

Follow Up Flag: Follow up
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Jennifer,

I wanted to write to you in regards to the proposed Doman building on Willamette Falls Drive.

My office is directly across the street from the proposed site and although I cannot speak directly to this meeting the historic codes I am in favor of this building and feel that if it meets the drawings on the proposal it will be a nice addition to the business district. I like the look and feel of this project and welcome it to the area.

I am not sure what other input the Historic Review Board is looking for but I am available for any follow up opinion as a neighboring business at anytime.

Thanks,

Sam Workman

Exclusive Agent

Allstate Insurance Company

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