



CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 PLANNING MANAGER DECISION**

DATE: September 6, 2018

FILE NO.: DR-18-02

REQUEST: Class I Design Review – Modify window configurations, as approved in July 2016 (DR-16-01), on north, east, and south building elevations and a variance for siding material

PLANNER: Darren Wyss, Associate Planner

Planning Manager _____

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GENERAL INFORMATION

**OWNER/
APPLICANT:** Icon Construction
1980 Willamette Falls Dr. #200
West Linn, OR 97068

CONSULTANT: SGA, LLC
10940 SW Barnes Rd. #364
Portland, OR 97225
Contact: Scot Sutton

SITE LOCATION: 1969 Willamette Falls Drive

SITE SIZE: 15,000 square feet

**LEGAL
DESCRIPTION:** Assessor's Map 3S-1E-02BA Tax Lot 4100

**COMP PLAN
DESIGNATION:** Commercial

ZONING: GC, General Commercial
Willamette Falls Drive Commercial Design District

**APPROVAL
CRITERIA:** Community Development Code (CDC) Chapter 55: Design Review;
Chapter 58: Willamette Falls Drive Commercial Design District; Chapter
99: Procedures for Decision Making: Quasi-Judicial.

120-DAY RULE: The application became complete on July 25, 2018. The 120-day period
therefore ends on November 22, 2018.

PUBLIC NOTICE: Notice was mailed to property owners within 300 feet of the subject
property and all neighborhood association on August 2, 2018. A sign was
placed on the property on August 10, 2018. The notice was also posted
on the City's website on August 2, 2018. Therefore, public notice
requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant received approval for the construction of an approximately 24,000 square foot commercial structure with a 14,415 square foot underground parking garage at 1969 Willamette Falls Drive in July 2016 (DR-16-01). The Historic Review Board provided a recommendation on compliance with the standards found in the Willamette Falls Commercial Design District (CDC Chapter 58) in June 2016. Upon finalizing architectural and structural engineering specifications for building permits, it became apparent there were engineering conflicts with some of the approved window locations. The applicant has applied for a Class I Design Review to modify some window configurations and is also seeking approval of a Chapter 58 variance to utilize HardiePlank siding to replace the wood siding approved in DR-16-01.

The Historic Review Board (HRB) held a public hearing on August 21, 2018 for the purpose of making a recommendation to the Planning Director per Community Development Code Chapter 99.060.D.2(c). One person testified in support of the application at the public hearing. The HRB voted unanimously to recommend approval of the application. As this is a modification of a previous approval, the review will be limited to the modification of the second story windows and the request for a variance.

Public comments:

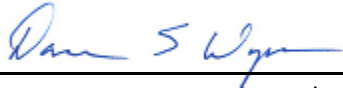
No public comments were received by the close of the comment period (August 6, 2018 at 4:00pm).

DECISION

The Planning Manager (designee) approves this application (DR-18-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan, Elevations, and Narrative.** The project shall conform to the submitted plans, elevations, and narrative submitted in Exhibit PD-4.

The provisions of the Community Development Code Chapter 99 have been met.



Darren Wyss, Associate Planner

September 6, 2018

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 6th day of September, 2018.

Therefore, the 14-day appeal period ends at 5 p.m., on September 20, 2018.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-18-02**

This decision adopts the findings for approval contained within the applicant’s submittal, with the following exceptions and additions:

I. CHAPTER 55, DESIGN REVIEW

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.

Staff Finding 1: The applicant received approval for the construction of an approximately 24,000 square foot commercial structure with a 14,415 square foot underground parking garage at 1969 Willamette Falls Drive in July 2016 (DR-16-01). Development of the site has commenced with no remaining natural features to be impacted. The criterion is met.

2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

Staff Finding 2: Staff incorporates the findings found on pages 13 to 15 of the applicant’s submittal (Exhibit PD-4). The criterion is met.

3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

Staff Finding 3: The Planning Director does not require any additional information. The criterion is met.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

Staff Finding 4: The subject property is bordered by 11th Street (water, sanitary sewer, and storm infrastructure available), Knapps Alley (water and sanitary sewer infrastructure available), and Willamette Falls Drive (water, sanitary sewer, and stormwater infrastructure available). The City Engineer has confirmed there is adequate capacity to service the proposal. The criterion is met.

C. *The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.*

Staff Finding 5: The Planning Director has made findings for all approval criteria. The criterion is met.

II. CHAPTER 58, WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT

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 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.*

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

Staff Finding 6: The applicant received variance approval to install partial brick masonry base and partial concrete masonry base in July 2016 (DR-16-01). The applicant is now proposing a variance to utilize HardiePlank siding in place of the wood siding approved in July 2016 (DR-16-01). Please see Exhibit PD-4 for more detailed information. Subject to approval of the variance request, the criterion is met.

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.*

Staff Finding 7: The applicant received design review approval, including a variance to install double-hung second story windows with height to width ratios less than the typical 3:1 in July 2016 (DR-16-01). The applicant is proposing to modify the second story windows on the north, east, and south elevations. The north elevation (front of building) proposal replaces 3.5:1 and 1.4:1 ratio windows with 2.8:1, 3.5:1, and 1.75:1 ratio windows. The east elevation (11th street side of building) proposal replaces 2.2:1 ratio windows with 2.1:1 ratio windows. The south elevation (rear of building along Knapps Alley) proposal replaces 2.2:1 ratio windows with 2.2:1 and 1.6:1 ration windows. All proposed windows are double-hung and

have a minimum of two lights. Subject to prior variance approval in July 2016, this criterion is met.

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

Staff Finding 8: The applicant proposes a variance to utilize HardiePlank siding in place of the previously approved wood siding (July 2016, DR-16-01). The Historic Review Board recommended approval of the variance at its August 21, 2018 public hearing. Staff incorporates the applicant's findings. Subject to approval of the variance, this criterion is met.

58.100 VARIANCE 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 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. The emphasis is upon superior design, detail, or workmanship.*

Staff Finding 9: The applicant received approval for four variances in July 2016 (DR-16-01): 1. Allowing concrete/brick masonry base and partial brick elevation; 2. Extending the awnings to seven feet and not to the eight feet six inches to outer edge of sidewalk; 3. Allowing greater than 30 inches between grade and start of first floor windows because of the grade; 4. Allowing second story windows to not meet the 3:1 height to width ratio.

The applicant is now requesting an additional variance to allow the use of HardiePlank siding in place of previously approved wood siding. Please see Exhibit PD-4 for more details. The applicant has proposed the variance is incorporating exceptional 1880-1915 architecture into the building, including superior design, detail, and workmanship. The Historic Review Board recommended approval of the variance at its August 21, 2018 public hearing. Staff incorporates the applicant's findings. Subject to approval of the variance, this criterion is met.

PD-1 AFFADAVIT AND NOTICE PACKET

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. DR-18-02 Applicant's Name Icon Construction
Development Name _____
Scheduled Meeting/Decision Date 8-21-18

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) _____ (signed) _____
City's website (posted date) _____ (signed) _____

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 8-10-2018 (signed) [Signature]

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B

- A. The applicant (date) 8-2-18 (signed) G. Skoyler
- B. Affected property owners (date) 8-2-18 (signed) G. Skoyler
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 8-2-18 (ALL) (signed) G. Skoyler

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: 8-2-18 (signed) G. Skoyler

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 8-9-2018 (signed) [Signature]

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) 9-6-2018 (signed) [Signature]

**CITY OF WEST LINN
HISTORIC REVIEW BOARD PUBLIC HEARING NOTICE
AND
NOTICE OF PLANNING MANAGER DECISION
FILE NO. DR-18-02**

The West Linn Historic Review Board (HRB) is scheduled to hold a public hearing on **Tuesday, August 21, 2018, at 7:00 p.m.** in the Council Chambers at City Hall, 22500 Salamo Road, West Linn, for the purpose of making a recommendation to the West Linn Planning Manager on a Class I Design Review application, including Willamette Falls Drive Commercial Design District review. The West Linn Planning Manager will then make a final decision no earlier than **September 6, 2018**. The proposal is to reconfigure window placement and replace wood siding with hardiplank siding at 1969 Willamette Falls Drive.

Anyone wishing to present written or oral testimony for consideration on this matter shall submit all material prior to or at the HRB public hearing or to the Planning Manager before 4:00 p.m. on September 6, 2018. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.

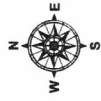
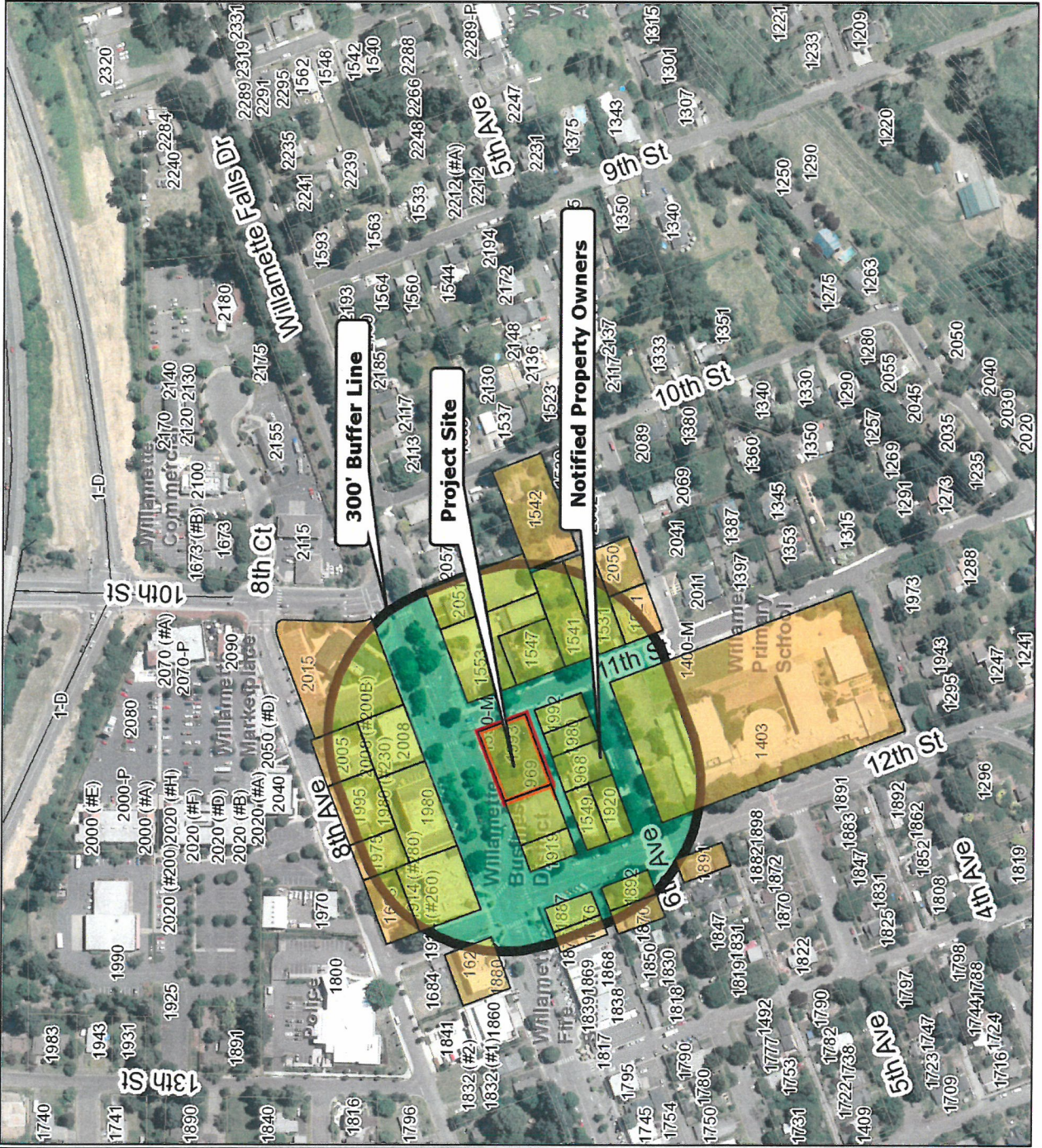
Criteria applicable to the request are found in CDC Chapters 55 and 58. A recommendation of approval or disapproval of the request by the HRB will be based solely upon these criteria. At the hearing, it is important that comments relate specifically to the applicable criteria listed. The approval criteria from the CDC are available for review at City Hall, at the West Linn Library, and at <http://www.westlinnoregon.gov/cdc>.

You have been notified of this proposal because County records indicate that you own property within 300 feet of the affected site on Clackamas County Assessor's Map 31E02BA, Tax Lot 4100, or as otherwise required by Chapter 99 of the CDC.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site <https://westlinnoregon.gov/planning/1969-willamette-falls-drive-class-i-design-review>. Copies can also be obtained for a minimal charge per page. At least 10 days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Associate Planner Darren Wyss at dwyss@westlinnoregon.gov or 503-742-6064. Alternately, visit City Hall, 22500 Salamo Road, West Linn, OR 97068.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

1969 Willamette Falls Drive Notification Map



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSSHROYER
Date Created: 31-Jul-18 11:47 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



CITY OF
West Linn

**CITY OF WEST LINN
NOTICE OF UPCOMING
HISTORIC REVIEW BOARD HEARING
AND
PLANNING MANAGER DECISION**

**PROJECT # DR-18-02
MAIL: 8/2/18 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

PD-2 COMPLETENESS LETTER



CITY OF West Linn

July 25, 2018

Darren Gusdorf
Icon Construction
1980 Willamette Falls Drive #200
West Linn, OR 97068

SUBJECT: Class I Design Review Application at 1969 Willamette Falls Drive

Darren:

Your application submitted on July 16, 2018 has been deemed **complete**. The City now has 120 days to exhaust all local review; that period ends on November 22, 2018.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted. It signals that staff believes you have provided the necessary information for the Planning Manager to render a decision on your proposal.

A 14-day public notice will be prepared and mailed for a public hearing before the Historic Review Board on August 21, 2018 for the purpose of making a recommendation to the Planning Manager on Community Development Code Chapter 58. The notice will also identify the earliest potential decision date by Planning Manager. Any appeal of the Planning Manager decision will be heard by the City Council.

Please contact me at 503-742-6064, or by email dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darren Wyss".

Darren Wyss
Associate Planner

PD-3 HISTORIC REVIEW BOARD RECOMMENDATION

**WEST LINN HISTORIC REVIEW BOARD
CHAPTER 58 RECOMMENDATION
DR-18-02**


**IN THE MATTER OF A PROPOSAL TO MODIFY WINDOW CONFIGURATIONS, AS APPROVED IN JULY
2016, AND A VARIANCE FOR SIDING MATERIAL AT 1969 WILLAMETTE FALLS DRIVE**

The Historic Review Board (HRB) held a public hearing on August 21, 2018. The purpose of the public hearing was to make a recommendation to the West Linn Planning Manager on DR-18-02 regarding compliance with Chapter 58 of the Community Development Code (CDC).

The applicant submitted a narrative, proposed window modifications, and documentation to support the variance request. A motion was made by HRB member, Jerry Offer, to recommend approval of the application as presented in Exhibit HRB-3. The motion was seconded by HRB member, Danny Schreiber, and the motion carried with a 4-0 vote.

The HRB recommended one condition of approval to the Planning Manager:

1. Site Plan, Elevations, and Narrative. The project shall conform to the plans, elevations, and narrative submitted in Exhibit HRB-3.


CHRISTINE LEWIS, CHAIR
WEST LINN HISTORIC REVIEW BOARD

August 21, 2018
DATE

PD-4 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Darren Wyss</i>	PROJECT NO(S). <i>DR-18-02</i>	
NON-REFUNDABLE FEE(S) <i>2100</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>2100</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) **/** | <input type="checkbox"/> Time Extension * |
| <input checked="" type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) **/** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: 1969 WILLAMETTE FALLS DR. WEST LINN, OR 97068	Assessor's Map No.:
	Tax Lot(s): 00749168
	Total Land Area: 15,000 sq.ft.

Brief Description of Proposal: **APPLICANT REQUESTS ALTERATIONS TO THE APPROVED DESIGN REVIEW APPLICATION (DR-16-01). REQUEST TO DEVIATE FROM PRIOR APPROVED WINDOW CONFIGURATIONS ON 3 SIDES AND REQUESTS VARIANCE TO DEVIATE FROM WOOD SIDING.**

Applicant Name: DARREN GUSDORF - ICON CONSTRUCTION <small>(please print)</small> Address: 1980 WILLAMETTE FALLS DR. #200 City State Zip: WEST LINN, OR 97068	Phone: 503-657-0406 Email: darren@iconconstruction.net
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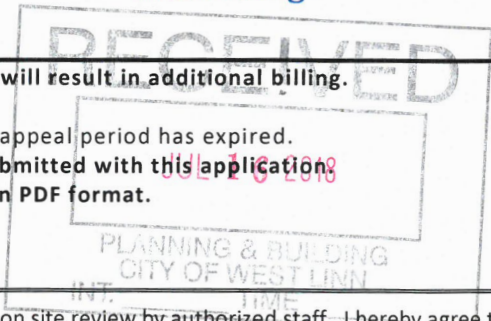
Owner Name (required): MARK HANDRIS - ICON CONSTRUCTION <small>(please print)</small> Address: 1980 WILLAMETTE FALLS DR. #200 City State Zip: WEST LINN, OR 97068	Phone: 503-657-0406 Email: handris@aol.com
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Consultant Name: SGA ARCHITECTS - SCOT SUTTON <small>(please print)</small> Address: 10940 SW BARNES RD. #364 City State Zip: PORTLAND OR, 97225	Phone: 503-347-4685 Email: ssutton@sg-arch.net
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1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format. If large sets of plans are required in application please submit only two sets.**

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.



<i>[Signature]</i>	<i>7/16/18</i>	<i>[Signature]</i>	<i>7/16/18</i>
Applicant's signature	Date	Owner's signature (required)	Date

Willamette Falls Mixed Use

1969 Willamette Falls Dr.

Class I Design Review Narrative

Applicant requests alterations to the approved Design Review application (DR-16-01) at 1969 Willamette Falls Dr. The applicant requests to modify the window configurations to the north, east, and south elevations on this commercial building and is applying for a variance related to the siding materials previously approved on this building.

This is a Class I Design Review application that shall be presented before the West Linn Historic Review Board and City Staff. Applicable CDC chapters are 55 and 58.



Vicinity Map

1969 Willamette Falls Dr.
Class I Design Review Application Window Alterations
And Request for Variance 58.090 - Siding
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Overview, Specific Requests and Reasons for Alterations:

1) Windows:

The applicant was approved to construct this commercial building per DR-16-01 approval. After HRB approvals were obtained, full architectural and structural engineering plans were produced in preparation for construction and building permits. During the structural design of the building, engineering conflicts became apparent with some of the prior approved window locations and configurations.

A) North Elevation (Facing Willamette Falls Dr).

The north elevation windows, as previously designed and approved by the HRB, encountered structural engineering conflicts (both shear and structural connections) in relation to the steel awning and the structural support locations necessary to support it. For this reason, SGA (the architect) and Diamond Engineering (the structural engineer) reconfigured the windows as outlined below to accommodate the needed wall area between the windows for the awning structure to mount properly. Below pictures reflect the prior HRB approved window configurations and those proposed within this application:

HRB PRIOR APPROVAL OF NORTH ELEVATION



1969 Willamette Falls Dr.
 Class I Design Review Application Window Alterations
 And Request for Variance 58.090 - Siding
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PROPOSED ALTERATION OF NORTH ELEVATION



1969 Willamette Falls Dr.
Class I Design Review Application Window Alterations
And Request for Variance 58.090 - Siding
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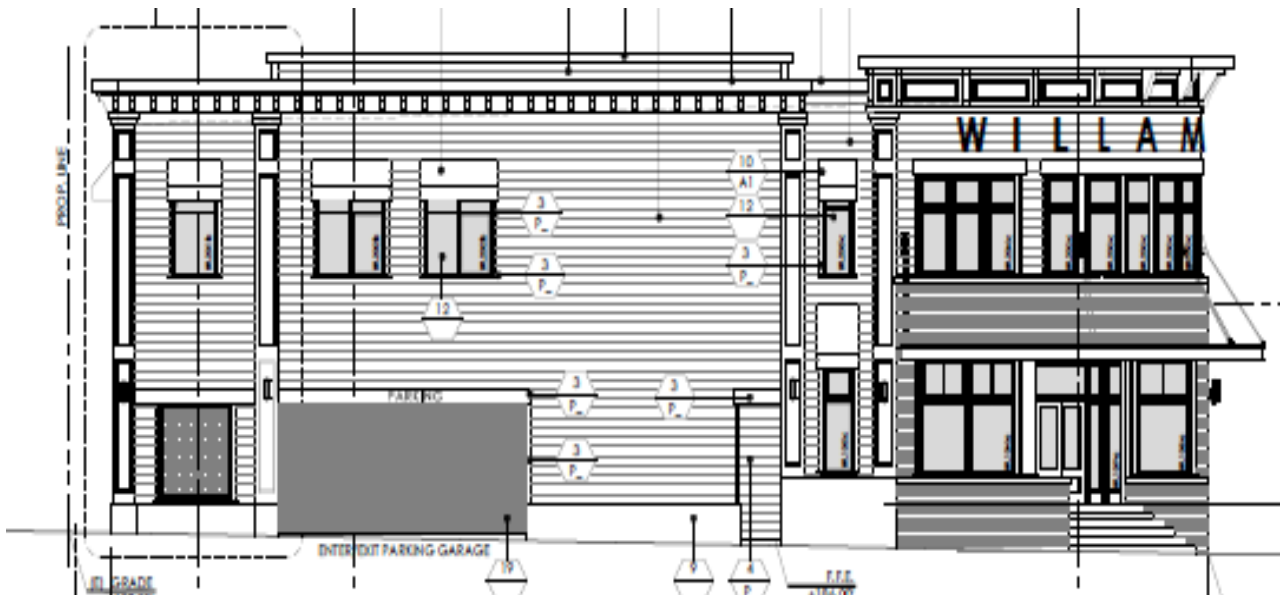
B) East Elevation (Facing 11th street).

During final design of the interior amenities within the building, and after the prior HRB approval, two emergency egress stair systems were integrated into the plans, as required by code. One of these stairwells was placed in the location where the second story windows were placed along 11th street. During the final architectural and engineering design of the building (prior to building permits), these windows, that were in direct conflict of the stairwell, were removed. Below pictures reflect the prior HRB approved window configurations and those proposed within this application:

HRB PRIOR APPROVAL OF EAST ELEVATION



PROPOSED ALTERATION OF EAST ELEVATION



1969 Willamette Falls Dr.
Class I Design Review Application Window Alterations
And Request for Variance 58.090 - Siding
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C) South Elevation (Facing Knapps Alley).

The original HRB submittal showed the 2nd floor wall on the south property line, with columns spaced to work with the 90 degree covered parking. The column location translated into vertical trim on the second floor wall, and the window arrangement was made to work with that spacing. For the PC submittal, the 2nd floor was pushed back from the property line by 4'-8", to appease the neighbors along Knapps Alley by providing more space between the building, the alley, and their homes. The columns that had been on the property line originally (arranged for head-in parking) were left in the same place - but pushed further north - with the 2nd floor cantilevered over the parallel parking stalls. The columns and vertical trim above were left in the same location so that we didn't have to change the elevation/windows for the submittal. Diamond Engineering (structural engineer) determined that wouldn't work and the columns had to be moved to align on the major column grid lines above. This caused the vertical elements on the elevation to change. SGA and Diamond Engineering adjusted the windows, both to work within the new bay layout, and to meet the shear requirements (wall distance needed between windows) set forth by the structural engineer.

HRB PRIOR APPROVAL OF SOUTH ELEVATION



PROPOSED DEVIATION OF SOUTH ELEVATION



1969 Willamette Falls Dr.
Class I Design Review Application Window Alterations
And Request for Variance 58.090 - Siding
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2) Siding:

In the first HRB application, the applicant proposed hardie plank fiber cement as its preferred material of choice. It was discussed and determined during the May 17th, 2016 HRB meeting that hardie plank could be considered as an acceptable siding material, but CDC 58.090.C(10) (building materials and orientation) states: wood shall be the principal building material. Horizontal wood siding in one-inch by eight-inch dimensions shall be used for siding. Brick and certain concrete configurations are permitted only by a variance under CDC [58.090](#). The applicant is requesting a variance to CDC 58.090 and asks to replace wood siding with hardie plank fiber cement siding on the main body of the building.

The approval standards of chapter 55 and 58, and applicant responses listed below, are duplicated from DR-16-01, being nearly all remain the same from the prior approval. Duplicated material has been shadowed with the revised/alterred material highlighted in yellow.

Chapter 55 - APPROVAL STANDARDS – CLASS II DESIGN REVIEW

55.100

The approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application.

A. The provisions of the following chapters shall be met:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

RESPONSE: There are no accessory structures included as part of this proposal. The requirements of this chapter do not apply.

2. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

RESPONSE: Per 38.020, no sideyard setback is required. The west wall of the building is set back 3'0" per the standard. The other sections of this chapter do not apply.

3. Chapter 40 CDC, Building Height Limitations, Exceptions.

RESPONSE: This chapter has been repealed by ordinance.

4. Chapter 42 CDC, Clear Vision Areas.

RESPONSE: The building and property line sit approximately 48 feet behind the curb at the intersection of 11th Street and Willamette Falls Drive. The requirement of the chapter are met.

5. Chapter 44 CDC, Fences.

RESPONSE: There are no fences or retaining walls planned as part of this proposal. The requirements of this chapter do not apply.

6. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

RESPONSE: Per section 46.140, no off-street parking spaces are required in the Willamette Falls Drive Commercial Design District. Spaces provided in the garage and along Knapps Alley comply with the design standards of this chapter. Bicycle parking complying with the standards of this chapter are located in the garage.

7. Chapter 48 CDC, Access, Egress and Circulation.

RESPONSE: The subject property is a legal lot of record (T3S, R1E, Sec. 2, TL4100) and has direct access to 11th Street on the east, a platted alley to the south, and fronts Willamette Falls Drive on the north. Vehicle access is proposed via the alley for street parking and a driveway cut to underground parking with access to 11th Street at a point as far removed as possible from the intersection with Willamette Falls Drive as possible. An existing 8-foot

sidewalk on 11th Street and on Willamette Falls Drive provides pedestrian access. Street parking exists along Willamette Falls Drive and bicycle parking is provided on site.

8. Chapter 52 CDC, Signs.

RESPONSE: All signs will be building wall signs and will be submitted by the tenants under separate permits. All signs will meet the standards for the Willamette Falls Drive Commercial Design District per 52.210.

9. Chapter 54 CDC, Landscaping.

RESPONSE: Per 58.090, projects in the Willamette Falls Drive Commercial Design District are exempt from the requirement of chapter 54.

B. Relationship to the natural and physical environment.

1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.

RESPONSE: There are no heritage or otherwise significant trees existing on the site. The standards of this section do not apply.

2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.

RESPONSE: There are no heritage or otherwise significant trees existing on the site. The standards of this section do not apply.

a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (B)(2)(b) of this section. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply.

RESPONSE: There are no heritage or otherwise significant trees existing on the site. The standards of this section do not apply.

b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and

II lands shall be devoted to the protection of those trees, either by dedication or easement. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this "dripline plus 10 feet" measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.

RESPONSE: There are no heritage or otherwise significant trees existing on the site. The standards of this section do not apply.

c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a lot or parcel is blocked by a row or screen of significant trees or tree clusters.

RESPONSE: There are no heritage or otherwise significant trees existing on the site. The standards of this section do not apply.

d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in subsection (B)(2) of this section.

RESPONSE: There are no heritage or otherwise significant trees existing on the site. The standards of this section do not apply.

e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.

RESPONSE: There are no heritage or otherwise significant trees existing on the site. The standards of this section do not apply.

f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an "inch by inch" basis (e.g., a 48-inch Douglas fir could be replaced by 12 trees, each four-inch). The mix of tree sizes and types shall be approved by the City Arborist.

3. The topography and natural drainage shall be preserved to the greatest degree possible.

RESPONSE: The site slopes at less than 5% and generally from southwest to northeast. Since this is a commercial property almost the entire site will be covered with a building no

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surface flow will exist after construction. The flow from the new impervious roof will be collected and detained on site and meted with a control structure to the pre-development rates and connected to the public system in the same local drainage basin.

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.

RESPONSE: The West Linn geologic hazard maps (SLIDO) indicates no slumping or sliding in this area.

5. There shall be adequate distance between on-site buildings and on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

RESPONSE: On the north, east, and south property boundaries, the proposed building faces onto public ways. On the west property boundary, a 3'-0" setback has been provided (no sideyard setback is required in the district), per section 38.020. There shall be adequate distance between on-site buildings and on-site and off-site building on adjoining properties to provide adequate light and air circulation and for fire protection

6. Architecture.

a. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing of surrounding buildings in the proposed structure. The materials and colors shall be complementary to the surrounding buildings.

RESPONSE: The architecture for this building meets the standards for the Willamette Falls Drive Commercial Design District found in chapter 58 and thus complies with the standards of this section. Please refer to the building elevations.

b. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that "step down" or "step up" from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.

RESPONSE: The subject property is adjacent to a single story residential style structure housing a commercial use. The adjacent buildings on the opposite side of Willamette Falls Drive are two-story commercial structures. The planned building design is similar in height, size, and style to those structures across the street, while maintaining individual window openings on the first floor that are similar in shape, sill, and head heights.

c. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.

RESPONSE: The building's architecture contrasts with the adjacent neighbors to the west, but is in accordance with the standards of chapter 58 and is consistent with other buildings in the Willamette Falls Drive Commercial Design District.

d. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.

The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the "height and width" ratio referenced in this section.

RESPONSE: The project design achieves human scale through the use of multi-light windows, intimately scaled entryways, parapets, awnings, and the building's location at the edge of the sidewalk. The façade is divided into distinct sections that emphasize a pleasing height-to-width ratio.

e. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60 percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

RESPONSE: Per this proposed alteration, the front/north (Willamette Falls Dr.) elevation is 147'0" long with 106'6" of windows, or 72.45%. The east (11th St.) elevation is 99'8" long, with 62'6" of windows, or 62.71%. The rear/south (Knapps Alley) elevation is 147'0" long with 80' of windows, or 54.42%. The remaining west elevations are exempt from the requirement. With this proposed alteration, the percentage requirement is still achieved. In addition, all revised windows are sized to match others (length and height) previously approved in DR-16-01. Size, proportionality, and scale coincide and match other windows on the building that were approved by the HRB previously.

f. Variations in depth and roof line are encouraged for all elevations. To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.

RESPONSE: The rear elevation is divided into five distinct segments through the use of plaster trim and varying parapet heights.

g. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.

RESPONSE: On the north and east sides, pedestrians are protected by nearly continuous awnings and canopies. On the south side, awnings provide shade for building users. There are no openings on the west side.

h. The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.

RESPONSE: The existing 10'0" wide sidewalk is tree lined via the existing street trees in the median separating Willamette Falls Drive from the existing surface parking area. See the site plan. The building has awnings and canopies over the sidewalk.

i. Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian accessway must be maintained per Chapter 53 CDC, Sidewalk Use.

RESPONSE: It is not known at this time if there will be a sidewalk café'. However, the 10'0" walkway would provide plenty of room for one while maintaining at least 4'0" feet of pedestrian area.

7. Transportation Planning Rule (TPR) compliance. The automobile shall be shifted from a dominant role, relative to other modes of transportation, by the following means:

a. Commercial and office development shall be oriented to the street. At least one public entrance shall be located facing an arterial street; or, if the project does not front on an arterial, facing a collector street; or, if the project does not front on a collector, facing the local street with highest traffic levels. Parking lots shall be placed behind or to the side of commercial and office development. When a large and/or multi-building development is occurring on a large undeveloped tract (three plus acres), it is acceptable to focus internally; however, at least 20 percent of the main adjacent right-of-way shall have buildings contiguous to it unless waived per subsection (B)(7)(c) of this section. These buildings shall be oriented to the adjacent street and include pedestrian-oriented transparencies on those elevations.

For individual buildings on smaller individual lots, at least 30 lineal feet or 50 percent of the building must be adjacent to the right-of-way unless waived per subsection (B)(7)(c) of this section. The elevations oriented to the right-of-way must incorporate pedestrian-oriented transparency.

RESPONSE: 100% of the building elevation fronting on streets are located at the lot line, with multiple entry points along the north (front) elevation.

b. Multi-family projects shall be required to keep the parking at the side or rear of the buildings or behind the building line of the structure as it would appear from the right-of-way inside the multi-family project. For any garage which is located behind the building line of the structure, but still facing the front of the structure, architectural features such as patios, patio walls, trellis, porch roofs, overhangs, pergolas, etc., shall be used to downplay the visual impact of the garage, and to emphasize the rest of the house and front entry.

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The parking may be positioned inside small courtyard areas around which the units are built. These courtyard spaces encourage socialization, defensible space, and can provide a central location for landscaping, particularly trees, which can provide an effective canopy and softening effect on the courtyard in only a few years. Vehicular access and driveways through these courtyard areas is permitted.

RESPONSE: This project is not multi-family so this standard does not apply.

c. Commercial, office, and multi-family projects shall be built as close to the adjacent main right-of-way as practical to facilitate safe pedestrian and transit access. Reduced frontages by buildings on public rights-of-way may be allowed due to extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations, not just inconveniences or design challenges.

RESPONSE: 100% of the building elevations fronting onto public rights-of-way are located on the lot lines. Please refer to the site plan.

d. Accessways, parking lots, and internal driveways shall accommodate pedestrian circulation and access by specially textured, colored, or clearly defined footpaths at least six feet wide. Paths shall be eight feet wide when abutting parking areas or travel lanes. Paths shall be separated from parking or travel lanes by either landscaping, planters, curbs, bollards, or raised surfaces. Sidewalks in front of storefronts on the arterials and main store entrances on the arterials identified in CDC 85.200(A)(3) shall be 12 feet wide to accommodate pedestrians, sidewalk sales, sidewalk cafes, etc. Sidewalks in front of storefronts and main store entrances in commercial/OBC zone development on local streets and collectors shall be eight feet wide.

RESPONSE: The sidewalks at the north and east retail elevations are existing. 10'0" and 8'0" respectively.

e. Paths shall provide direct routes that pedestrians will use between buildings, adjacent rights-of-way, and adjacent commercial developments. They shall be clearly identified. They shall be laid out to attract use and to discourage people from cutting through parking lots and impacting environmentally sensitive areas.

RESPONSE: The pedestrian access walkways along the north and east sides of the site are existing public walks that directly connect to adjacent properties.

f. At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.

RESPONSE: There are three primary entries fronting on Willamette Falls Drive, along with one facing onto 11th Street.

g. Where transit service exists, or is expected to exist, there shall be a main entrance within a safe and reasonable distance of the transit stop. A pathway shall be provided to facilitate a direct connection.

RESPONSE: There is a bus stop at the corner of Willamette Falls Drive and 11th Street, with access to a main entry to the building on the same corner.

h. Projects shall bring at least part of the project adjacent to or near the main street right-of-way in order to enhance the height-to-width ratio along that particular street. (The "height-to-width ratio" is an architectural term that emphasizes height or vertical dimension of buildings adjacent to streets. The higher and closer the building is, and the narrower the width of the street, the more attractive and intimate the streetscape becomes.) For every one foot in street width, the adjacent building ideally should be one to two feet higher. This ratio is considered ideal in framing and defining the streetscape.

RESPONSE: The building is located on the lot line along both Willamette Falls Drive and 11th Street. At its tallest point (at the corner of Willamette Falls Drive and 11th Street), the building is 35'0" tall, which is the height limit allowed in the district.

i. These architectural standards shall apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these architectural standards. However, attempts shall be made to make the design sympathetic to surrounding properties by landscaping, setbacks, buffers, and all reasonable architectural means.

RESPONSE: This project is a private mixed-use building. The requirements of this standard do not apply.

j. Parking spaces at trailheads shall be located so as to preserve the view of, and access to, the trailhead entrance from the roadway. The entrance apron to the trailhead shall be marked: "No Parking," and include design features to foster trail recognition.

RESPONSE: This project is not located at a trailhead. The requirements of this standard do not apply.

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

- a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.
- b. The size of the buffer required to achieve the purpose in terms of width and height.
- c. The direction(s) from which buffering is needed.
- d. The required density of the buffering.
- e. Whether the viewer is stationary or mobile.

RESPONSE: This project has public rights-of-way on three sides. The lot to the west is the same land use as the project site.

2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

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- a. What needs to be screened?
- b. The direction from which it is needed.
- c. How dense the screen needs to be.
- d. Whether the viewer is stationary or mobile.
- e. Whether the screening needs to be year-round.

RESPONSE: All trash, storage, and parking are screened or enclosed by building walls.

3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

RESPONSE: Rooftop HVAC units are screened by parapets on all sides that will keep the units from being visible from the street.

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.
2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.
3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.
4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

RESPONSE: There are no residential dwelling units planned as part of this project. The requirements of parts 1 and 2 of this standard do not apply. There are no businesses or uses proposed at the time of the submittal that are anticipated to generate noise in excess of the allowable in the requirements. Therefore, parts 3 and 4 of this standard do not apply.

E. Private outdoor area. This section only applies to multi-family projects.

1. In addition to the requirements of residential living, unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet in area;
2. The outdoor space shall be oriented towards the sun where possible; and

3. The area shall be screened or designed to provide privacy for the users of the space.
4. Where balconies are added to units, the balconies shall not be less than 48 square feet, if they are intended to be counted as private outdoor areas.

RESPONSE: This project is not multi-family use. The requirements of this standard do not apply.

F. Shared outdoor recreation areas. This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUDs under the provisions of CDC 24.170.

1. In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:

- a. Studio up to and including two-bedroom units: 200 square feet per unit.
- b. Three or more bedroom units: 300 square feet per unit.

2. The required recreation space may be provided as follows:

- a. It may be all outdoor space; or
- b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and
- c. Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.
- d. In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental lots or parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.

3. The shared space shall be readily observable to facilitate crime prevention and safety.

RESPONSE: This project is not multi-family use. The requirements of this standard do not apply.

G. Demarcation of public, semi-public, and private spaces. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas, and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, to provide for crime prevention, and to establish maintenance responsibility. These areas may be defined by:

1. A deck, patio, fence, low wall, hedge, or draping vine;
2. A trellis or arbor;
3. A change in level;
4. A change in the texture of the path material;
5. Sign; or
6. Landscaping.

Use of gates to demarcate the boundary between a public street and a private access driveway is prohibited.

RESPONSE: This project is not multi-family use. The requirements of this standard do not apply.

H. Public transit.

1. Provisions for public transit may be required where the site abuts an existing or planned public transit route. The required facilities shall be based on the following:

- a. The location of other transit facilities in the area.
- b. The size and type of the proposed development.
- c. The rough proportionality between the impacts from the development and the required facility.

2. The required facilities shall be limited to such facilities as the following:

- a. A waiting shelter with a bench surrounded by a three-sided covered structure, with transparency to allow easy surveillance of approaching buses.
- b. A turnout area for loading and unloading designed per regional transit agency standards.
- c. Hard-surface paths connecting the development to the waiting and boarding areas.
- d. Regional transit agency standards shall, however, prevail if they supersede these standards.

3. The transit stop shall be located as close as possible to the main entrance to the shopping center, public or office building, or multi-family project. The entrance shall not be more than 200 feet from the transit stop with a clearly identified pedestrian link.

4. All commercial business centers (over three acres) and multi-family projects (over 40 units) may be required to provide for the relocation of transit stops to the front of the site if the existing stop is within 200 to 400 yards of the site and the exaction is roughly proportional to the impact of the development. The commercial or multi-family project may be required to provide new facilities in those cases where the nearest stop is over 400 yards away. The transit stop shall be built per subsection (H)(2) of this section.

5. If a commercial business center or multi-family project is adjacent to an existing or planned public transit stop, the parking requirement may be reduced by the multiplier of 0.9, or 10 percent. If a commercial center is within 200 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirement may be reduced by 10 percent or by a 0.90 multiplier.

6. Standards of CDC 85.200(D), Transit Facilities, shall also apply.

RESPONSE: There is an existing bus stop at the corner of Willamette Falls Drive and 11th Street, which is immediately adjacent to the main entry of the building at the northeast corner and is within 200 feet of all primary entries to the building. The stop is constructed with a bench, but without a shelter, consistent with other bus stops in the Willamette Falls Drive Commercial Design District. There is no parking requirement in the district, so parts 4 and 5 of the standard do not apply.

I. Public facilities. An application may only be approved if adequate public facilities will be available to provide service to the property prior to occupancy.

1. Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the street improvements.

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A)(3) for commercial and office projects, and CDC 85.200(A)(16) and 92.010(H) for residential projects, and applicable provisions of this chapter. Where streets bisect or traverse water resource areas (WRAs) the street width shall be reduced to the minimum standard of 20 feet (two 10-foot travel lanes) plus four-foot-wide curb flush sidewalks or alternate configurations which are appropriate to site conditions, minimize WRA disturbance or are consistent with an adopted transportation system plan. The street design shall also be consistent with habitat friendly provisions of CDC 32.060(H).

Based upon the City Manager's or Manager's designee's determination, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall

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assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

RESPONSE: All streets adjacent to the project are existing public streets that will remain.

2. Repealed by Ord. 1635.

3. Municipal water. A registered civil engineer shall prepare a plan for the provision of water which demonstrates to the City Engineer's satisfaction the availability of sufficient volume, capacity, and pressure to serve the proposed development's domestic, commercial, and industrial fire flows. All plans will then be reviewed by the City Engineer.

RESPONSE: Water facilities serving the project site are existing and will remain.

4. Sanitary sewers. A registered civil engineer shall prepare a sewerage collection system plan which demonstrates sufficient on-site capacity to serve the proposed development. The City Engineer shall determine whether the existing City system has sufficient capacity to serve the development.

RESPONSE: Sewer facilities serving the project site are existing and will remain.

5. Solid waste and recycling storage areas. Appropriately sized and located solid waste and recycling storage areas shall be provided. Metro standards shall be used.

RESPONSE: An appropriately sized solid waste and recycling storage area is provided inside the southwest corner of the building and is accessed from Knapps Alley.

J. Crime prevention and safety/defensible space.

1. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants.

RESPONSE: Windows overlook the public walks and Knapps Alley. There are no windows on the west elevation due to fire ratings.

2. Interior laundry and service areas shall be located in a way that they can be observed by others.

RESPONSE: No interior laundry is planned for the project.

3. Mailboxes, recycling, and solid waste facilities shall be located in lighted areas having vehicular or pedestrian traffic.

RESPONSE: Mailboxes and trash containers will be located inside the building lobby.

4. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime.

RESPONSE: Wall mounted sconces and gooseneck style lights will provide lighting consistent with the other buildings in the district.

5. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes.

RESPONSE: Wall mounted sconces and gooseneck style lights will provide lighting consistent with the other buildings in the district.

6. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person. All commercial, industrial, residential, and public facility projects undergoing design review shall use low or high pressure sodium bulbs and be able to demonstrate effective shielding so that the light is directed downwards rather than omni-directional. Omni-directional lights of an ornamental nature may be used in general commercial districts only.

RESPONSE: Wall mounted sconces and gooseneck style lights will provide lighting consistent with the other buildings in the district.

7. Lines of sight shall be reasonably established so that the development site is visible to police and residents.

RESPONSE: The entire project is located at the property lines. Public sidewalks and Knapps Alley allow for adequate lines of sight.

8. Security fences for utilities (e.g., power transformers, pump stations, pipeline control equipment, etc.) or wireless communication facilities may be up to eight feet tall in order to protect public safety. No variances are required regardless of location.

RESPONSE: No utility fences are planned for the project.

K. Provisions for persons with disabilities.

1. The needs of a person with a disability shall be provided for. Accessible routes shall be provided between all buildings and accessible site facilities. The accessible route shall be the most practical direct route between accessible building entries, accessible site facilities, and the accessible entry to the site. An accessible route shall connect to the public right-of-way and to at least one on-site or adjacent transit stop (if the area is served by transit). All facilities shall conform to, or exceed, the Americans with Disabilities Act (ADA) standards, including those included in the Uniform Building Code.

RESPONSE: Accessible parking spaces are provided both in the surface parking area and in the garage and connect to accessible building entries which lead to a fully accessible interior. Additionally, the central entry at the lobby exits onto a public sidewalk that connects to public transit stops. All facilities will comply with ADD requirements.

L. Signs.

1. Based on considerations of crime prevention and the needs of emergency vehicles, a system of signs for identifying the location of each residential unit, store, or industry shall be established.

RESPONSE: Building identification signage will be provided to meet the requirements of local emergency service providers.

2. The signs, graphics, and letter styles shall be designed to be compatible with surrounding development, to contribute to a sense of project identity, or, when appropriate, to reflect a sense of the history of the area and the architectural style.

RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.

3. The sign graphics and letter styles shall announce, inform, and designate particular areas or uses as simply and clearly as possible.

RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.

4. The signs shall not obscure vehicle driver's sight distance.

RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.

5. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.).

RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.

6. Signs and appropriate traffic control devices and markings shall be installed or painted in the driveway and parking lot areas to identify bicycle and pedestrian routes.

RESPONSE: Signs are shown for reference only. All signs shall be submitted by the tenant under a separate sign permit prior to installation. Sign styles will comply with the Willamette Falls Drive Commercial Design District.

M. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground, as practical. The design standards of Tables 1 and 2 above, and of subsection 5.487 of the West Linn Municipal Code relative to existing high ambient noise levels shall apply to this section.

RESPONSE: All utilities to the site are existing and will remain. The secondary feeds from the main lines to the building will be the only new work.

N. Wireless communication facilities (WCFs). (This section only applicable to WCFs.) WCFs as defined in Chapter 5Z CDC may be required to go through Class I or Class II design review. The approval criteria for Class I design review is that the visual impact of the WCF shall be minimal to the extent allowed by Chapter 5Z CDC. Stealth designs shall be sufficiently camouflaged so that they are not easily seen by passersby in the public right-of-way or from any adjoining residential unit. WCFs that are classified as Class II design review must respond to all of the approval criteria of this chapter.

RESPONSE: Not applicable – none proposed.

O. Refuse and recycling standards.

1. All commercial, industrial and multi-family developments over five units requiring Class II design review shall comply with the standards set forth in these provisions. Modifications to these provisions may be permitted if the Planning Commission determines that the changes are consistent with the purpose of these provisions and the City receives written evidence from the local franchised solid waste and recycling firm that they are in agreement with the proposed modifications.

RESPONSE: No modifications proposed for this development

2. Compactors, containers, and drop boxes shall be located on a level Portland cement concrete pad, a minimum of four inches thick, at ground elevation or other location compatible with the local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.

RESPONSE: A min. 4" thick concrete slab will be constructed in the trash enclosures where the containers will be placed on.

3. Recycling and solid waste service areas.

a. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.

b. The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.

c. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect-resistive material. The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.

d. The location of the recycling area and method of storage shall be approved by the local fire marshal.

e. Recycling and solid waste service areas shall be at ground level and/or otherwise accessible to the franchised solid waste and recycling collection firm.

f. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.

g. Recyclable material service areas shall be maintained in a clean and safe condition.

RESPONSE: Solid waste containers will be for the storage of trash and recycling containers provided by the local waste management company. These containers will be provided in a screened enclosures with swing gates. Size of containers and frequency of pick-ups will be determined by the Building Owner and the waste management company.

4. Special wastes or recyclable materials.

a. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.

RESPONSE: Hazardous wastes will be handled and disposed of per state law. Cooking grease, if any, will be stored in approved containers within the restaurant.

b. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

RESPONSE: Hazardous wastes will be handled and disposed of per state law. Cooking grease, if any, will be stored in approved containers within the restaurant.

5. Screening and buffering.

a. Enclosures shall include a curbed landscape area at least three feet in width on the sides and rear. Landscaping shall include, at a minimum, a continuous hedge maintained at a height of 36 inches.

RESPONSE: The enclosure is fully contained within the building structure. Other screening requirements of this section do not apply.

b. Placement of enclosures adjacent to residentially zoned property and along street frontages is strongly discouraged. They shall be located so as to conceal them from public view to the maximum extent possible.

RESPONSE: The enclosure is fully contained within the building structure. Other screening requirements of this section do not apply.

c. All dumpsters and other trash containers shall be completely screened on all four sides with an enclosure that is comprised of a durable material such as masonry with a finish that is architecturally compatible with the project. Chain link fencing, with or without slats, will not be allowed.

RESPONSE: The enclosure is fully contained within the building structure. Other screening requirements of this section do not apply.

6. Litter receptacles.

a. Location. Litter receptacles may not encroach upon the minimum required walkway widths.

RESPONSE: Site furnishings, such as litter receptacles, have not been selected at the time of this application. Future selections will be submitted for approval.

b. Litter receptacles may not be located within public rights-of-way except as permitted through an agreement with the City in a manner acceptable to the City Attorney or his/her designee.

RESPONSE: Site furnishings, such as litter receptacles, have not been selected at the time of this application. Future selections will be submitted for approval.

c. Number. The number and location of proposed litter receptacles shall be based on the type and size of the proposed uses. However, at a minimum, for non-residential uses, at least one external litter receptacle shall be provided for every 25 parking spaces for first 100 spaces, plus one receptacle for every additional 100 spaces. (Ord. 1547, 2007; Ord. 1604 § 52, 2011; Ord. 1613 § 12, 2013; amended during July 2014 supplement; Ord. 1623 § 6, 2014; Ord. 1635 § 26, 2014; Ord. 1636 § 37, 2014)

RESPONSE: Site furnishings, such as litter receptacles, have not been selected at the time of this application. Future selections will be submitted for approval.

55.110 SITE ANALYSIS

The site analysis shall include:

A. A vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bike ways, transit stops and utility access.

RESPONSE: See Civil drawings for this information.

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The property boundaries, dimensions, and gross area.

RESPONSE: See Civil drawings for this information.

2. Contour lines at the following minimum intervals:

- a. Two-foot intervals for slopes from zero to 25 percent; and
- b. Five- or 10-foot intervals for slopes in excess of 25 percent.

RESPONSE: See Civil drawings for this information.

3. A slope analysis which identifies portions of the site according to the slope ranges as follows:

- a. Type I (under 15 percent);
- b. Type II (between 15 to 25 percent);
- c. Type III (between 25 to 35 percent);
- d. Type IV (over 35 percent).

RESPONSE: See Civil drawings for this information.

4. The location and width of adjoining streets.

RESPONSE: See Civil drawings for this information and Existing Conditions plan (Survey).

5. The drainage patterns and drainage courses on the site and on adjacent lands.

RESPONSE: See Civil drawings for this information.

6. Potential natural hazard areas including:
 - a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
 - b. Water resource areas as defined by Chapter 32 CDC;
 - c. Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16; and
 - d. Landslide vulnerable analysis areas, designated by the Natural Hazard Mitigation Plan, Map 17.

RESPONSE: See Civil drawings for this information.

7. Resource areas including:
 - a. Wetlands;
 - b. Riparian corridors;
 - c. Streams, including intermittent and ephemeral streams;
 - d. Habitat conservation areas; and
 - e. Large rock outcroppings.

RESPONSE: See Civil drawings for this information.

8. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Community Development Department and other recognized sources.

RESPONSE: None exist on the site. Further documentation will be provided to the City if requested.

9. Identification information including the name and address of the owner, developer, project designer, lineal scale and north arrow.

RESPONSE: See Civil & Architectural drawings for this information.

10. Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage. (Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1613 § 13, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 27, 2014; Ord. 1636 § 38, 2014)

55.120 SITE PLAN

The site plan shall be at the same scale as the site analysis (CDC 55.110) and shall show:

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.

RESPONSE: See provided site plan.

B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot or parcel lines.

RESPONSE: See provided site plan.

C. Streams and stream corridors.

RESPONSE: See provided site plan.

D. Identification information, including the name and address of the owner, developer, project designer, lineal scale and north arrow.

RESPONSE: See provided site plan.

E. The location, dimensions, and names of all existing and proposed streets, public pathways, easements on adjacent properties and on the site, and all associated rights-of-way.

RESPONSE: See provided site plan.

F. The location, dimensions and setback distances of all:

1. Existing and proposed structures, improvements, and utility facilities on site; and
2. Existing structures and driveways on adjoining properties.

RESPONSE: See provided site plan.

G. The location and dimensions of:

1. The entrances and exits to the site;
2. The parking and circulation areas;
3. Areas for waste disposal, recycling, loading, and delivery;
4. Pedestrian and bicycle routes, including designated routes, through parking lots and to adjacent rights-of-way;
5. On-site outdoor recreation spaces and common areas;
6. All utilities, including stormwater detention and treatment; and
7. Sign locations.

RESPONSE: See provided site plan.

H. The location of areas to be landscaped. (Ord. 1442, 1999; Ord. 1613 § 14, 2013; Ord. 1622 § 28, 2014; Ord. 1636 § 39, 2014)

RESPONSE: See provided site plan.

55.125 TRANSPORTATION ANALYSIS

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2). (Ord. 1584, 2008)

RESPONSE: A Traffic Impact Analysis has been prepared by Lancaster Engineering on February 9th 2016 and included in this application.

55.130 GRADING PLAN

The grading and drainage plan shall be at a scale sufficient to evaluate all aspects of the proposal and shall include the following:

A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

RESPONSE: The civil site drawings show the existing contours. The proposed building will match the existing grades along the frontages and on the property line to the west. Finish grades are shown on the civil and architectural plans to demonstrate how the building fits with the existing grades

B. A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.

RESPONSE: A preliminary storm report has been prepared to demonstrate how the impervious roof area will be collected into a detention tanks with orifices that release storm water at the pre-development rates for the 2 through 25 year events. The storm water from this site will be connected to the public system with a 8-inch line at a point where the public system has a larger 12-inch line with a capacity approximately 35 times the 25-year flow from this development.

C. Storm detention and treatment plans may be required.

RESPONSE: A storm detention tank is proposed as shown on the site utility plan which will detain the developed flows and discharge at the pre-developed rates for storm events of 2-though 25 years. Because the building covers almost this entire site no infiltration or water quality swales or rain gardens are possible. A storm water pollution control manhole will provide treatment. Roof water generally does not contain harmful pollutants and in most cases is exempt from DEQ regulations for water quality.

D. Identification, information, including the name and address of the owner, developer, project designer, and the project engineer. (Ord. 1463, 2000; Ord. 1613 § 15, 2013; Ord. 1622 § 28, 2014)

RESPONSE: The civil plans provide a listing of the owner/developer, architect, engineer and surveyor with names and contact information.

55.140 ARCHITECTURAL DRAWINGS

This section does not apply to single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

Architectural drawings shall be submitted showing:

A. Building elevations and sections tied to curb elevation;

RESPONSE: See provided plans.

B. Building materials: color and type; and

RESPONSE: See provided plans.

C. The name of the architect or designer. (Ord. 1408, 1998; Ord. 1613 § 16, 2013)

RESPONSE: See provided plans.

55.150 LANDSCAPE PLAN

This section does not apply to detached single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

A. The landscape plan shall be prepared and shall show the following:

1. Preliminary underground irrigation system, if proposed;
2. The location and height of fences and other buffering of screening materials, if proposed;
3. The location of terraces, decks, patios, shelters, and play areas, if proposed;
4. The location, size, and species of the existing and proposed plant materials, if proposed; and
5. Building and pavement outlines.

RESPONSE: Due to the allowable site coverage of 100% the proposed development will only be providing concrete raised planters along the front entrances of the major Tenants. Any plantings would adhere to the list of City approved species.

B. The landscape plan shall be accompanied by:

1. The erosion controls that will be used, if necessary;
2. Planting list; and

3. Supplemental information as required by the Planning Director or City Arborist. (Ord. 1408, 1998; Ord. 1613 § 17, 2013)

RESPONSE: No erosion control measures required for this development. A planting list will be provided to the City Arborist prior to any installation.

55.170 EXCEPTIONS TO UNDERLYING ZONE, YARD, PARKING, SIGN PROVISIONS, AND LANDSCAPING PROVISIONS

A. The Planning Director may grant an exception to the dimensional building setback or yard requirements in the applicable zone based on findings that the approval will satisfy the following criteria:

1. A minor exception that is not greater than 20 percent of the required setback.
2. A more efficient use of the site.
3. The preservation of natural features that have been incorporated into the overall design of the project.
4. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.
5. Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

RESPONSE: No exceptions are being requested as part of this application.

B. The Planning Director may grant an exception to the off-street parking dimensional and minimum number of space requirements in the applicable zone so long as the following criteria are met:

1. The minor exception is not greater than 10 percent of the required parking;
2. The application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, a nursing home) and which has a low demand for off-street parking; or
3. There is an opportunity for sharing parking and there is written evidence that the property owners are willing to enter into a legal agreement; or
4. Public transportation is available to the site reducing the standards and will not adversely affect adjoining uses, and there is a community interest in the preservation of particular natural feature(s) of the site which make it in the public interest to grant an exception to parking standards.

RESPONSE: No exceptions are being requested as part of this application.

C. The Planning Director may grant an exception to the sign dimensional requirements in the applicable zone when the following criteria are met:

1. The minor exception is not greater than 10 percent of the required applicable dimensional standard for signs;

2. The exception is necessary for adequate identification of the use on the property; and
3. The sign will be compatible with the overall site plan, the structural improvements, and with the structures and uses on adjoining properties.

RESPONSE: No exceptions are being requested as part of this application.

D. The Planning Director may grant an exception to the landscaping requirements in the applicable zone based on findings that the following criteria will be met:

1. A minor exception that is not greater than 10 percent of the required landscaped area.
2. A more efficient use of the site.
3. The preservation of natural features that have been incorporated into the overall design of the project.
4. No adverse effect to adjoining property.

RESPONSE: No exceptions are being requested as part of this application.

55.180 MAINTENANCE

All on-site improvements shall be the ongoing responsibility of the property owner or occupant.

RESPONSE: The applicant acknowledges this responsibility.

55.190 SHARED OPEN SPACE

Where the open space is designated on the plan as common open space, the following shall apply:

A. The open space area shall be shown on the final plan and recorded with the Planning Director.

RESPONSE: There is no shared open space planned as part of this application.

B. The open space shall be conveyed in accordance with one of the following methods:

1. By dedication to the City as publicly owned and maintained as open space. Open space proposed for dedication to the City must be acceptable to it with regard to the size, shape, location, improvement, and budgetary and maintenance limitations.

RESPONSE: There is no shared open space planned as part of this application.

2. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:

- a. The continued use of such land for intended purposes.
- b. Continuity of property maintenance.
- c. When appropriate, the availability of funds required for such maintenance.

d. Adequate insurance protection.

e. Recovery for loss sustained by casualty and condemnation, or otherwise.

RESPONSE: There is no shared open space planned as part of this application.

3. By any method that achieves the objectives set forth in subsection (B)(2) of this section.

RESPONSE: There is no shared open space planned as part of this application.

55.195 ANNEXATION AND STREET LIGHTS

As a condition of approval for design review for any project that is being annexed to the City, the developer and/or homeowners association shall pay for all expenses related to street light energy and maintenance costs until annexed into the City. The approval for any property annexed must state: "This approval is contingent on voter approval of annexation of the subject property." This means that no permit, final plat, or certificate of occupancy may be issued or approved until annexation is complete. (Ord. 1442, 1999; Ord. 1604 § 53, 2011).

RESPONSE: The subject property is located within the city limits. The requirements of this section do not apply.

End of Chapter 55 Response

Chapter 58 - WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT

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 80c1915 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 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.

RESPONSE: The proposed building frontage (north elevation) is located on this property 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. The setback should be consistent with the rhythm of adjacent structures, or at least not deleterious to it. (ORD. 1391)

RESPONSE: West (side) building elevation is setback 2'0" from the existing property line to allow for the building to have reliefs and pilasters without extending into the adjacent property.

c. Rear: 20-foot setback. Setbacks between 0-20 feet are permitted only if the applicant can demonstrate that he can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.

RESPONSE: South (rear) building elevation is on the property line, and fronts onto Knapp's Alley. The alley provides the separation from adjacent properties to mitigate the impact of this project. Access to employee parking and the trash enclosure will occur from Knapp's Alley as well.

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

RESPONSE: The proposed lot coverage based on the street level ground floor area is 66.33%.

Site area = .0344 acres = 15,000 s.f.

2. Minimum landscaping required: Structures in this area are exempt from landscaping requirements as identified in Section 55.100(A)(1)(b), Design Review. The provision of CDC Section 55.100(A)(1)(c)(1-8) shall still apply where parking lots are proposed.

RESPONSE: There is no landscaping required for this project. There will be landscaping provided at the proposed water quality facility at the west property line.

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3. Building height limitations: Maximum building height shall be 35feet (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.

RESPONSE: All proposed building heights are at or below the maximum allowable code (35'0" height)

Front (north) parapet = 32-35 feet

Rear (south) parapet = 30-33 feet

Side (west) parapet = 26 feet

Side (east) parapet = 32-35 feet

4. External ground level or first story minimum height: 10feet to allow transoms.

RESPONSE: The ground level first story height is 14'0" A.F.F to allow for window transoms.

5. Roof form: Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.

RESPONSE: All proposed flat sloped roof run from front to back of the building.

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.

RESPONSE: The proposed exterior elevations emphasize many vertical elements using tall windows, cornices, and awnings. The second floor has been provided with many windows that align with the main floor below that enhance the "verticality" of each building elevation. Building reliefs have been incorporated throughout the overall design by off- setting the building footprint and providing awnings and cornice projections. Proposed window alterations still meet this criteria. Applicant's response remains the same.

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

RESPONSE: Appropriate spacing and vertical breaks in the building vernacular, have been incorporated into all the building elevations. No vertical spacing exceeds 50' -0" in length (see elevation sheet).

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.

RESPONSE: All roofs are 'flat' for the entire building, and are concealed by "Western False Front" facades (see elevations sheet).

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

RESPONSE: The cornice at the northeast corner is enhanced with supporting brackets. All other cornices are enhanced with framed panel decoration (see elevations & wall section sheets.)

10. Building materials and orientation: Wood shall be the principal building material. Horizontal wood siding in 1" X 8" dimensions shall be used for siding. Brick and certain concrete configurations are permitted only by a variance under Section 58.090.

RESPONSE: The primary materials will be wood:

Siding: 1x8 horizontal siding minimum (hardiplank)
Cornices/trim: 2x wood trim – painted
Ornamental trim: Wood – painted

The applicant requests a variance under the terms of Section 55.100 for a brick base and partial elevation.

The applicant proposed hardie plank siding within the DR-16-01 HRB application (as indicated within the section above). During the May 17th 2016 HRB hearing (approximately 1:27:00 into the hearing), it was determined that hardie plank siding could be an acceptable alternate siding material, but, because this section of code specifically states 'wood siding' shall be the principal building material, the HRB determined a variance would be required to consider hardie plank as a replacement to wood. Through this application, the applicant is now requesting a variance to CDC 58.090 and asks to replace wood siding with hardie plank fiber cement siding throughout the main body of the building.

11. Awnings: All buildings shall have awnings extending out from building/ace. 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 4" X 4" wood post extending down to the outside of the sidewalk. Awnings shall, therefore, extend beyond the front property line to the outside edge of the sidewalk, and shall possess a seven-foot clearance to the valance or any other part. The pitch of the awning shall be 10-40 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. (ORD. 1401)

RESPONSE: Building awnings will be a combination of fabric awnings and metal canopies that extend beyond the building and above the existing sidewalk. However, due to the possibility of vehicles damaging the awnings, the applicant would petition to reduce the awnings depth to 7'-0" instead of the full sidewalk width of 8'-6". All supports will be fastened to the building by metal supports and have a minimum clearance height of 7'-0". Each building window façade will have a separate awning with a slope between 10 – 40 degrees (see elevations).

12. Extruded roofs: As a substitute for an awning, extruded roofs have a 10-40 degree pitch and extend 1-2 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.

RESPONSE: No "extruded roofs" are being proposed. Transom windows will be provided beneath both the fabric awnings and metal canopies.

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 door on the corner at an angle as depicted in the illustration. The doors may be single or double doors. The doors shall be recessed 3-5feet 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.

RESPONSE: Recessed double entrance doors have been provided at the center of the building along with additional recessed entry doors at each end of the building (see elevation and floor plan). The door styles will be full glass light style and will meet the intent of the code.

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

RESPONSE: Clear glass is proposed for all windows.

15. Display or pedestrian level windows: Shall extend across at least 80 percent of building front. The windows shall start 1-112 - 2-1/2feet above grade to a height of 7-8 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 impossible.

RESPONSE: The proposed street level windows and storefronts extend across the entire front elevation and meets or exceeds the intent of the code (see elevation sheet).

Propose window alterations are on the second floor only. There are no requested window changes on the first floor. Applicant's response to the approval criteria above, did not change.

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 (1-112' - 2' 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.

RESPONSE: The proposed upper level windows have a double-hung appearance that meets or exceeds the intent of the code (see elevation sheet).

Proposed window alterations by elevation:

a) North Elevation (Willamette Falls Drive) impacted area only – over entrance:

Prior window configuration:

(3) units total: (2/0x7/0 : 5/0x7/0 : 2/0x7/0) x3

Modified window configuration:

(4) units total: (2/6x7/0) x2 and (2/0x7/0 : 4/0x7/0 : 2/0x7/0) x2

b) East Elevation (11th Street) impacted area only – parking garage wall face

Prior window configuration:

(4) units total: (3/0x6/6) x2 and (3/0x6/6 : 3/0x6/6 : 3/0x6/6) x2

Modified window configuration:

(2) units total: (3/0x6/6 : 3/0x6/6) x2

c) South Elevation (Knapps Alley) impacted area only – across 2nd story wall plane

Prior window configuration:

(13) units total: (3/0x6/6) x8 and (3/0x6/6 : 3/0x6/6 : 3/0x6/6) x5

Modified window configuration:

(12) units total: (3/0x6/6 : 3/0x6/6) x4 and (4/0x6/6) x8

RESPONSE: The proposed window alterations still align with the prior approval. Widths and heights follow the same sizing patterns as previously approved. Double-hung appearance has not changed.

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

RESPONSE: The applicant would like to propose an alternate brick masonry wainscoting instead of the primary wood material used on the building (see 55.090.10). This alternative provides for a more durable building longevity and is consistent with other buildings in the district (see attached photo for example).

18. Shutters: Shutters are not allowed.

RESPONSE: No shutters are proposed.

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

RESPONSE: No balconies are proposed.

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

RESPONSE: All exit stairs are fully enclosed within the building envelope design (see elevation sheet).

21. Roof mounted mechanical equipment: Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. Section 55.100(A)(4), "Privacy and Noise," shall apply.

RESPONSE: The mechanical rooftop units (RTUs) will be located in a structurally designed "mechanical zone" that is located at the middle of the building. This location will allow the parapets to provide adequate screening from below to hide the units (see roof plan sheet). A preliminary noise study has been provided with this application.

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

RESPONSE: All air conditioning/units will be mounted on the roof (see Item 21).

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

RESPONSE: All exterior light fixtures will meet the intent of the code "period fixtures 1880-1915". A cutsheet of the light fixture can be provided to the city at a later date.

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.

RESPONSE: The storefront windows proposed will have a metal canopies or fabric awnings above their entire width. No upper separate transom windows are proposed, however the window style will have transom influence by the use of grids and mullions. All window sizes will meet the intent of the code (see elevations).

25. Signs:

- a. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in Section 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The "10percent" shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on 4 X 4 awning posts. Signs shall not be of the internally lit "can" type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project out from building face.
- b. Sign typeface: Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties or P. T Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be either white, black, or gold with black shading.
- c. Temporary signs: Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and typeface provision.

RESPONSE: All signage shall meet the intent of the code. A separate sign permit will be obtained from the City prior to the installation of any tenant or building signage.

26. Planters: No planters are allowed.

RESPONSE: The proposed site/plaza plan provides for "no planters."

27. 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 of acceptable 1880-1915 period colors shall be the basis for color selection. No other colors are allowed. The palette is available at the Planning Department.

RESPONSE: A material and color board has been submitted with this application. The applicant was told by the city that a color palette that was referenced in the city code was not available at this time. The City will review the proposed colors/materials submitted by the applicant. The colored elevations provided indicate the proposed color locations.

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

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RESPONSE: No flags, pennants, or banners are being proposed.

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

RESPONSE: The only 'new' material being proposed is the brick masonry on the north and east walls of the building. This material will help provide longevity to the building for years to come due to the amount of pedestrian traffic, and is consistent with similar materials on buildings along Willamette Falls Drive.

The applicant proposed hardie plank siding within the DR-16-01 HRB application (as indicated within the section above). During the May 17th 2016 HRB hearing (approximately 1:27:00 into the hearing), it was determined that hardie plank siding could be an acceptable alternate siding material, but, because this section of code specifically states 'wood siding' shall be the principal building material, the HRB determined a variance would be required to consider hardie plank as a replacement to wood. Through this application, the applicant is now requesting a variance to CDC 58.090 and asks to replace wood siding with hardie plank fiber cement siding throughout the main body of the building.

58.100 VARIANCE 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 variance in those cases where one of the following criteria is met:

1. 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.

2. The applicant is incorporating exceptional 1880-1915 architecture into the building which overcompensates for an omission. The emphasis is upon superior design, detail, or workmanship.

RESPONSE: A variance to the standards is requested to allow the lower portion of the north and east walls, along with a full height portion of the north wall, to be brick masonry. This alternative provides superior design and detail to the wood standard by helping to break up the elevations in a more attractive way than strictly wood and pain. It also provides a more durable base to the building which will withstand ongoing pedestrian traffic and the elements.

RESPONSE: A variance to the standards is requested to allow the principal siding material to be Hardie Plank fiber cement siding instead of wood. Applicant shall demonstrate that criteria #2 is met.

Willamette Falls Mixed Use

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58.100 VARIANCE PROCEDURES

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58.090 STANDARDS THAT REQUIRE A VARIANCE TO CHANGE SIDING FROM WOOD

The following standards shall apply to new construction and remodels.

10. Building materials and orientation: Wood shall be the principal building material. Horizontal wood siding in 1" X 8" dimensions shall be used for siding. Brick and certain concrete configurations are permitted only by a variance under Section 58.090.

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

OVERVIEW, HISTORY AND REASON FOR VARIANCE REQUEST:

The applicant, Icon Construction and Development, LLC, is the developer and current owner of the 1880, 1980, 1914 and 2008 Willamette Falls Drive Commercial Buildings. All buildings have been sided with either, ALL Hardie Plank siding or a combination of wood and Hardie Plank siding. Based on the applicants experience with these buildings, it has been concluded that the durability and maintenance of Hardie Plank siding far exceeds that of wood. Although the applicant is extremely diligent with perpetual upkeep and maintenance on all of these Willamette Falls buildings, it is apparent that the Hardie Plank materials are not only easier to maintain than wood, they are superior in make-up and quality, they lay flat, they don't rot, and are much more withstanding to typical wear and tear from the elements, maintenance trades, and every day occurrences. The applicant is hopeful that this variance is approved so that this 1969 building will be much less prone to

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damage and wear that wood displays, by using more durable and superior siding materials, while still conforming to the objectives set forth by HRB and applicable code. Below are photos of these buildings, reflecting current conditions, as a comparison between wood and Hardie Plank siding.

Wood Siding – Blistering/Peeling – 1914 Building



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Wood Siding – Sunken Nails and Visible Lamination – 1914 Building



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Wood Siding – Damaged and Split – 1914 Building



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Wood Siding – Damaged and Blistering – 1914 Building



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Hardie Plank Siding – Laying Flat – 1980 Building



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Wood Siding – Bowed, Visible Lamination, Nails – 1914 Building



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Wood Siding – Visible Lamination, Peeling, Nails – 1914 Building



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Wood Siding – Rot – 1980 Building



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Wood Siding – Bowed, Visible Lamination – 1980 Building



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Wood Siding – Damage – 1980 Building



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**Side By Side Comparison – Wood Siding – Damage, Bowing, Lamination, Rot
1980 Building**



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**Side By Side Comparison – Hardie Plank Siding – No bowing, No damage, No peeling, Lays Flat
1914 Building**



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RESPONS8E TO CRITERIA #2 OF 58.100

The applicant is incorporating exceptional 1880-1915 architecture into the building which overcompensates for an omission. The emphasis is upon superior design, detail, or workmanship. The only deviation between the approved wood siding and the Hardie Plank proposed siding, is the material itself. The Hardie Plank Smooth Colonial product, shall match the profile and overall appearance of wood. Samples of wood colonial siding and Hardie Plank colonial siding, as installed on the 1980 Willamette Falls Dr. building, are shown below as a comparison. By installing the Colonial Smooth Hardie product on the 1969 building, the applicant will adhere to matching siding profiles from the 1880-1915 era, adhere to the intent of this criteria, and do so with a superior and longer lasting building product. Therefore, the applicant feels criterial #2, of 58.100, has been met.

Requested Siding Materials to be used on the 1969 Mixed Use Building:

CUSTOM COLONIAL SMOOTH®**

Timber Bark



Wood Colonial Siding as Installed on 1980 Willamette Falls Dr.:



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Hardie Plank Colonial Siding as Installed on 1980 Willamette Falls Dr.:



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Samples of Colonial Siding Elements Found in 1880 – 1915 era.

Fechheimer & White Building in Portland circa 1883



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First Simpson Cottage in Salem circa 1890



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Barquist House in Salem circa 1895



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Henry and Rosa Wenger House in Salem circa 1904



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Clara Patterson Durbin House, Salem circa 1892



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