



CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 PLANNING MANAGER DECISION**

DATE: April 4, 2019

FILE NO.: DR-18-09

REQUEST: Class I Design Review – Modify window configurations, as approved in March 2017 (DR-17-01), west building elevations and a variance for siding material

PLANNER: Jennifer Arnold, Associate Planner


Planning Manager 

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GENERAL INFORMATION

**OWNER/
APPLICANT:** PNW Properties, LLC
19860 SE HWY 212
Damascus, OR 97089

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

SITE LOCATION: 1748 Willamette Falls Drive

SITE SIZE: 5,153 square feet (0.12 acres)

**LEGAL
DESCRIPTION:** Clackamas County Assessor's Map 3S-1E-02BA, Tax lot 01902

**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: This application became complete on January 16, 2019. The 120-day maximum application-processing period ends on May 17, 2019.

PUBLIC NOTICE: Public notice was mailed to the all neighborhood associations and affected property owners on March 5, 2019. The property was posted with a notice sign on March 7, 2019. The notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The subject property is 1748 Willamette Falls Drive and located in the Willamette neighborhood. The applicant received prior design approval for the construction of an approximately 6,000 square foot commercial structure in May 2017 (DR-17-01). The Historic Review Board (HRB) reviewed and made a recommendation on the previous approval in March 2017. The role of the HRB in this proposal is to make a recommendation to the Planning Manager per Community Development Code Chapter 99.060.D.2(c). As this is a modification of a previous approval, the review and recommendation will be limited to the modification of the west side elevation windows and the request for a variance.

The Historic Review Board (HRB) held a public hearing on March 19, 2019 for the purpose of making a recommendation to the Planning Manager (designee) per Community Development Code Chapter 99.060.D.2(c). 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 west side elevation windows and the request for a CDC Chapter 58 Variance.

Public comments:

No public comments were received by the close of the comment period (April 4, 2019 at 4:00pm).

DECISION

The Planning Manager (designee) approves this application (DR-18-09), 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 Exhibits PD-4 and PD-5.

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


Jennifer Arnold, Associate Planner

April 4, 2019
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 substantial construction has not occurred.

Mailed this 4th day of April, 2019. Therefore, the 14-day appeal period ends at 5 p.m.,
on April 18, 2019.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
DR-18-09

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 6,000 square foot commercial structure at 1748 Willamette Falls Drive in March 2017 (DR-17-01). 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 7 and 8 of the applicant's revised submittal (Exhibit PD-5). 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 fronts Willamette Falls Drive (water, sanitary sewer, and storm 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 is proposing a variance to utilize Hardie-Plank siding in place of the wood siding approved in May 2017 (HRB approval March 2017; PC approval May 2017, DR-17-01). 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 is proposing to modify the windows on the west side elevation. There are not proposed changes to the south (front) elevation windows. The west elevation (side of building) proposal replace a large bank of windows with 3:1 ratio windows matching the south (front) elevation windows. All proposed windows are double-hung and have a minimum of two lights. 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 Hardie-Plank siding in place of the previously approved wood siding (HRB approval March 2017; PC approval May 2017, DR-

17-01). The Historic Review Board recommended approval of the variance at its March 19, 2019 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 HRB approval for three variances in March 2017 (DR-17-01): 1. Allowing metal materials to be used as the awning rather than the required vinyl or canvas; 2. Allowing a 10 foot setback to front doors under front porch rather than the 3-5 foot requirement; 3. Allowing 70 percent of the buildings frontage to contain pedestrian level windows due to construction limitations, rather than the 80 percent requirement.

The Planning Commission granted two of the three variance requests in their ultimate approval in May 2017. The Planning Commission required the applicant to recess the front entry doors 3-5 feet from the building line, but granted variances to allow an alternative material type (metal) to the awning and the reduction in the percentage of pedestrian level windows.

The applicant is now requesting an additional variance to allow the use of Hardie-Plank 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 March 19, 2019 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-18-09 Applicant's Name SCOT SUTTON, SB ARCH.

Development Name _____

Scheduled Meeting/Decision Date HRB 3-19-19 Planning Mgr 4-4-19

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) 3/7/19 (signed) Jennih Arnold

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) 3-5-19 (signed) S. Skroyer
- B. Affected property owners (date) 3-5-19 (signed) S. Skroyer
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 3-5-19 (signed) S. Skroyer
(ALL)

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: 3-5-19 (signed) S. Skroyer

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

(date) 3-8-19 (signed) S. Skroyer

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

(date) 4-4-19 (signed) S. Skroyer

**CITY OF WEST LINN
HISTORIC REVIEW BOARD PUBLIC HEARING NOTICE
AND
NOTICE OF PLANNING MANAGER DECISION
FILE NO. DR-18-09**

The West Linn Historic Review Board (HRB) is scheduled to hold a public hearing on **Tuesday, March 19, 2019, 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 **April 4, 2019**. The proposal is to reconfigure window placement and replace wood siding with hardiplank siding at 1748 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 April 4, 2019. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.

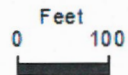
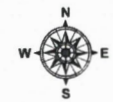
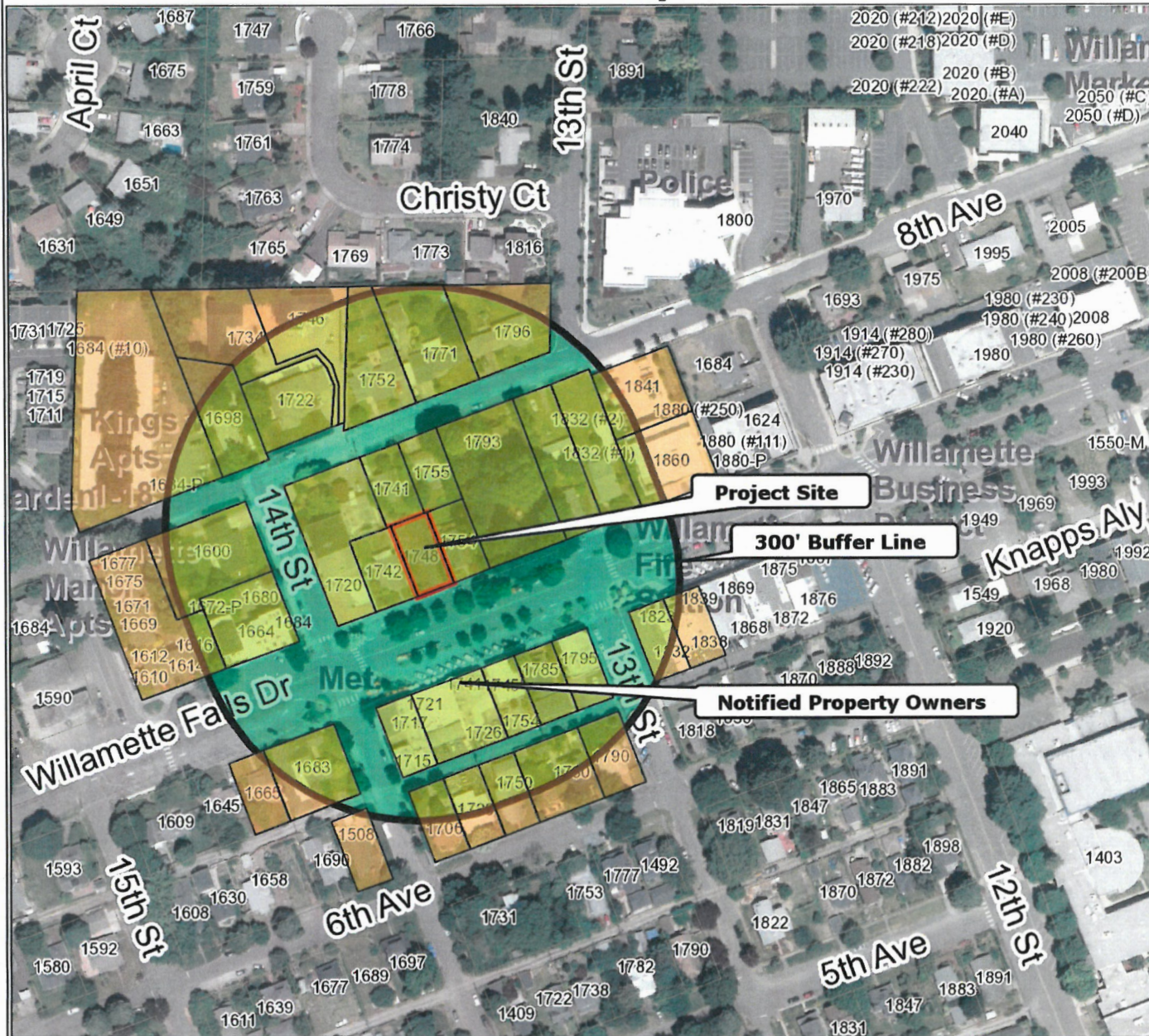
Criteria applicable to the request are found in CDC Chapters 55 and 58. A recommendation of approval or disapproval of the request by the HRB will be based solely upon these criteria. At the hearing, it is important that comments relate specifically to the applicable criteria listed. The approval criteria 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 1902, 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 website at <https://westlinnoregon.gov/planning/1748-willamette-falls-drive-class-i-design-review-exterior-modifications>. 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 Jennifer Arnold at jarnold@westlinnoregon.gov or 503-742-6057. 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.

1748 Willamette Falls Drive Notification Map



Scale 1:2,400 - 1 in = 200 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 04-Mar-19 09:12 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 MEETING
AND
PLANNING MANAGER DECISION**

**PROJECT # DR-18-09
MAIL: 3/5/19 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

January 16, 2019

Scott Sutton
SG Architecture, LLC
10940 SW Barnes Road #364
Portland, OR 97225

SUBJECT: DR-18-09 application for Class I Design Review, including Willamette Falls Drive Commercial Design District Review at 1748 Willamette Falls Drive

Dear Scott:

You submitted this application on December 27, 2018. The Planning Department found that this application was incomplete on January 15, 2019. All required information was subsequently provided on January 15, 2019 and the application has now been deemed **complete**. The city has 120 days to exhaust all local review; that period ends May 17, 2019.

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 for the purposes of making a recommendation to the Planning Manager. This notice will also identify the earliest potential decision date by the Planning Manager.

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Jennifer Arnold
Associate Planner

PD-3 HISTORIC REVIEW BOARD RECOMMENDATION

**WEST LINN HISTORIC REVIEW BOARD
CHAPTER 58 RECOMMENDATION
DR-18-09**

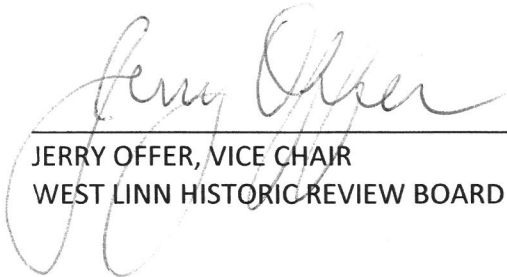
**IN THE MATTER OF A PROPOSAL TO MODIFY WINDOW CONFIGURATIONS, AS APPROVED IN March
2017, AND A VARIANCE FOR SIDING MATERIAL AT 1748 WILLAMETTE FALLS DRIVE**

The Historic Review Board (HRB) held a public hearing on March 19, 2019. The purpose of the public hearing was to make a recommendation to the West Linn Planning Manager on DR-18-09 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, Nowacki, to recommend approval of the application as presented in Exhibit HRB-3. The motion was seconded by HRB member, Watton, 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.



JERRY OFFER, VICE CHAIR
WEST LINN HISTORIC REVIEW BOARD



DATE

PD-4 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Jennifer Arnold</i>	PROJECT NO(S). <i>DR-18-09</i>	
NON-REFUNDABLE FEE(S) <i>2,100.00</i>	REFUNDABLE DEPOSIT(S) <i>—</i>	TOTAL <i>2,100.00</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input checked="" 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: <i>1748 WILLAMETTE FALLS DRIVE WEST LINN, OR 97068</i>	Assessor's Map No.: <i>31E02BA</i>
	Tax Lot(s): <i>1902</i>
	Total Land Area: <i>5,153 sq ft (0.12 AC)</i>

Brief Description of Proposal:
APPLICANT REQUESTS ALTERATIONS TO HIS APPROVED DESIGN REVIEW APPLICATION (DR 17-01). REQUEST TO REVISE WINDOWS ON WEST ELEVATION & CHANGE WOOD SIDING TO FIBER CEMENT.

Applicant Name: <i>SCOT SUTTON</i> <small>(please print)</small>	Phone: <i>503.347.4685</i>
Address: <i>10940 SW BARNES RD. #264</i>	Email: <i>ssutton@sq-avch.net</i>
City State Zip: <i>PONTIAC, OR 97225</i>	

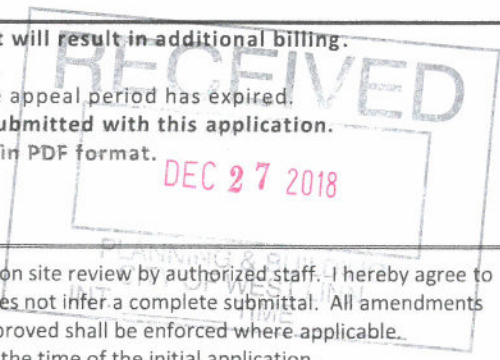
Owner Name (required): <i>TRENT DOMAN / JENNY DOMAN</i> <small>(please print)</small>	Phone: <i>503.658.8157</i>
Address: <i>19800 SE HWY 212</i>	Email: <i>trent@domanpa.com</i>
City State Zip: <i>DAMASCUS, OR 97089</i>	

Consultant Name: <i>SAME AS APPLICANT</i> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

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.



 Applicant's signature	Date	 Owner's signature (required)	Date
---------------------------	------	----------------------------------	------

Doman Office/Mixed-Use Building 1748 Willamette Falls Dr., West Linn, OR Class I Design Review Narrative December 2018

Applicant requests alterations to the approved Design Review application (DR-17-01) at 1748 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.



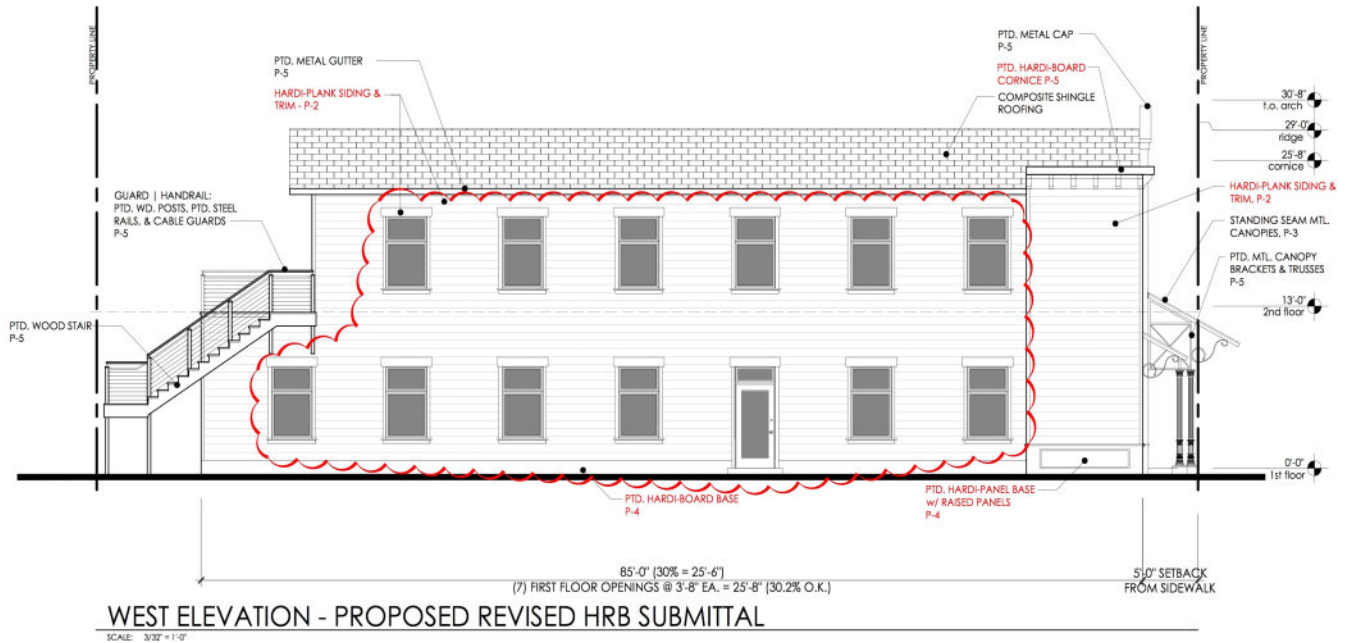
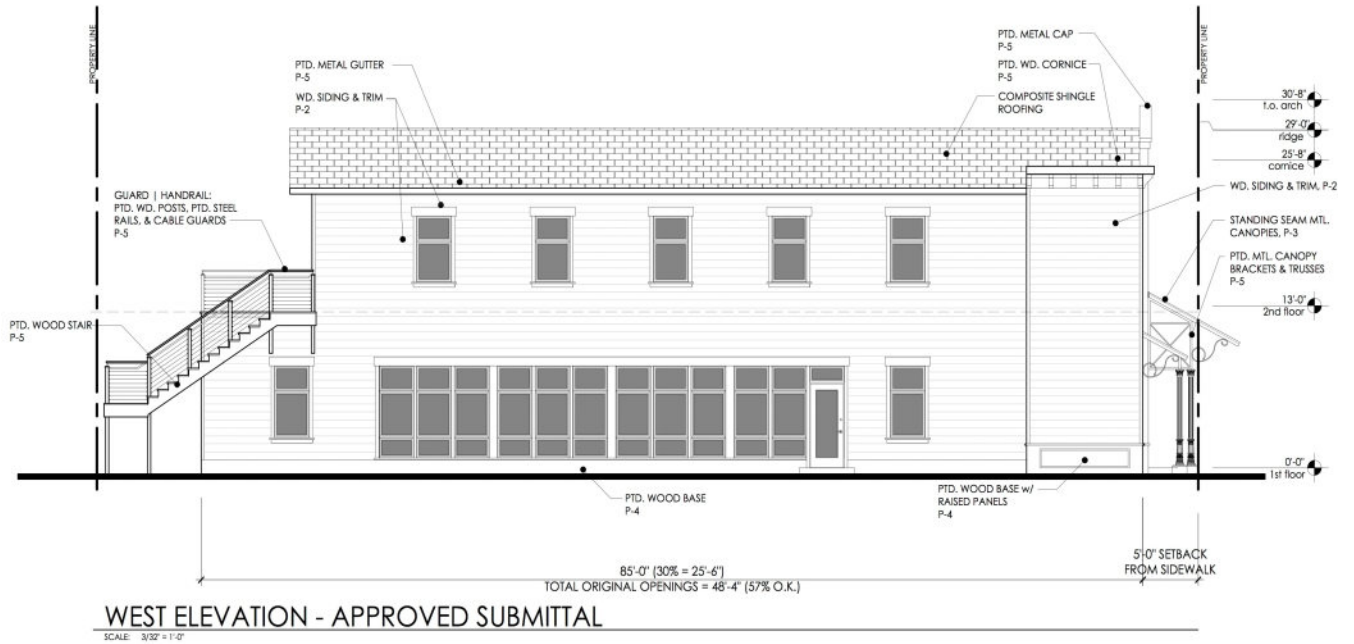
VICINITY N.T.S.

OVERVIEW, SPECIFIC REQUESTS AND REASONS FOR ALTERATIONS:

Windows: The applicant was approved to construct this commercial building per DR-17-01 approval. After HRB approvals were obtained, market forces and considerations caused the applicant, a financial services firm who will be the building owner and principal tenant to elect to occupy the upper floor of the building in lieu of the ground floor as originally intended. This will allow the ground floor to be occupied by a variety of tenants, potentially including retail tenants, which would more closely meet the intent of the district. The window changes are limited to the west side elevation and are intended to improve the attractiveness of the interior tenant spaces to retail tenants, who traditionally prefer fewer windows on the non-storefront elevations.

Siding: In the original HRB application, the applicant proposed wood siding in response to the requirements of the Standard, and after reviewing the results of the Icon building at 1969 Willamette Falls Drive. After reviewing the results of Icon's recent revision to their HRB application, the applicant is requesting a variance to CDC 58.090 to replace wood siding with Hardie-Plank fiber cement siding and trim on the main body of the building.

Prior Approved West (Side) Elevation



Proposed Alteration of West (Side) Elevation

Please see an 11 x 17 version of these elevations, drawn to scale, attached to this application.

CHAPTER 55 DESIGN REVIEW

55.010 PURPOSE AND INTENT - GENERAL

No response required.

55.020 CLASSES OF DESIGN REVIEW

No response required.

55.025 EXEMPTIONS

No response required.

55.030 ADMINISTRATION AND APPROVAL PROCESS

No response required.

55.040 EXPIRATION OR EXTENSION OF APPROVAL

No response required.

55.050 DESIGN REVIEW AMENDMENT TRIGGER

No response required.

55.060 STAGED OR PHASED DEVELOPMENT

No response required.

55.070 SUBMITTAL REQUIREMENTS

No response required.

55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

No response required.

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

No response required.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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 side yard setback is required. The west wall of the building is set back 5'0", and the east wall is set back 6'-0", meeting 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 standards of this chapter do not apply.

5. Chapter 44 CDC, Fences.

RESPONSE:

1. Per section 44.020.1.e, the existing fence at the rear property line does not exceed 6'-0". The existing fence along the west property line is on the adjacent property. No fences are proposed for the east or south property lines.

2. Per section 44.030.A & B, the trash enclosure at the rear of the property will be surrounded by a sight-obscuring fence meeting the requirements of section 44.050.

3. The remaining sections 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, and no parking is provided as part of this proposal. Bicycle parking complying with the standards of this chapter are located along the walkway adjacent to the east wall.

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

RESPONSE: The subject property is a legal lot of record (Sec. 2, Parcel 1, T3S R1E W.M., P.P. No. 2015-061, TL1900) and has direct access to Willamette Falls Drive along the south property line. The remaining three sides of the lot are bounded by existing private lots.

Vehicle access is proposed via a frontage area between Willamette Falls Drive proper and the site. An existing 10-foot sidewalk with curb within this frontage area provides pedestrian access. Street parking also exists within this frontage area and bicycle parking is provided on site as noted above.

An existing curb cut along Willamette Falls Drive will be removed and replaced with sidewalk to match the adjacent existing. There are no new curb cuts proposed.

A traffic study for the property has been completed and is included with this application.

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 stub outs 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.

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

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

RESPONSE: The site slopes approximately 2%, and generally from west to east. Since this is a commercial property, most of the site area will be covered by building or paving. The flow from the new impervious surfaces 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 south property boundary, the proposed building faces onto a public way. 6-foot and 5-foot setbacks are proposed along the west and east property boundaries respectively (note that no side yard setbacks are required in the district). To the north, a 10-foot rear yard setback is proposed, increasing to 20’ on the second floor.

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 to the west, and a two-story residential style structure to the east. Both structures house commercial uses. The planned building design is similar in height, size, and style to these existing structures, and transitions gradually between the two. The proposed design 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.

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: Please refer to response above.

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. A covered front porch extends to the sidewalk, inviting pedestrians in to the entry.

The porch also serves to better integrate the proposed design into the context of its neighbors. It does this by matching their front porches, and by pushing the major massing of the proposed building back off the property line. This ‘setback’ attempts to mitigate the contrast between the existing building locations, and the setback requirements of the current CDC.

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: The front elevation is 40’0” long with 28’0” of windows, or 70%. The east elevation is 99’8” long, with 59’0” of window or other openings, or 59%. The remaining south, east, and west elevations are along internal lot lines and are exempt from the requirement.

(Note: In the original application, the length of the west wall and the amount of opening were listed incorrectly. The original values were shown as 99'-8" for the length of wall with 59'-0" of opening, for a total of 59% opening on the elevation – nearly double the required 30%. The values have been corrected for this proposal)

PROPOSED REVISION (TYPE 1 REVIEW): Per this proposed alteration, the windows on the west elevation will be revised from a single large opening flanked by 2 smaller windows to six evenly spaced windows and a glass man door. The new layout will result in 25'-8" of opening in an 85'-0" of elevation for a total of 30.2%. With this proposed change, the percentage of opening requirement for the side elevation is still met.

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: None of the elevations exceed 100'-0" in length. The standards of this section do not apply.

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 side, users are protected by nearly continuous awnings. On the south side, the covered front porch provides protection for visitors, while awnings provide shade for building users. Adjacent existing buildings and fencing, along with existing and proposed vegetation will provide shade for ground floor users. There is only one ground floor window on the east side, and it - as well as the upper floor windows - will have interior shading devices for the user's convenience.

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 frontage area (see the existing site conditions plan).

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: There is an existing 10'0" wide sidewalk along the south property boundary.

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 adjacent to the street lot line, including the main entry on the south (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.

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 elevation fronting onto the public right-of-way is located within 10' of the lot line, with 25% on the lot line (refer to site plan, and to our explanation of extenuating circumstances noted above in our response to 6d).

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 south elevation is existing, 10'0" wide.

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 walkway along the south boundary is an existing public walk that directly connects 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: The primary entry fronts onto Willamette Falls Drive.

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 1/2 block to the west of the site at the corner of Willamette Falls Drive and 14th Street, with another 1-1/2 blocks to the east at the corner of Willamette Falls Drive and 12th Street. The main building entry is on Willamette Falls Drive.

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 along Willamette Falls Drive. At its tallest point the building is 30’8” tall. Although this is 4’4” below the 35’0” height limit allowed in the district, we felt we needed to balance the desire for taller buildings expressed in this standard with the desire for appropriate transition between buildings expressed in section 6b of this Standard.

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 office 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 a public right-of-way on the south side, and matching non-residential zoning on the east and west. The rear lot has a 10’/20’ setback (see above), with landscaping and a 6’ tall solid fence.

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:

- 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: The trash area will be screened from view. There are no other service or parking areas proposed.

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

RESPONSE: HVAC units will be ground mounted.

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 a bus stop 1/2 block to the west of the site (within 200 feet of all primary entries to the building) at the corner of Willamette Falls Drive and 14th Street, and another 1-1/2 blocks to the east at the corner of Willamette Falls Drive and 12th Street. The main building entry is on Willamette Falls Drive.

The closer stop at 14th Street has a bench and shelter. The stop at 12th has no bench or cover, which is 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 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 at the northeast corner of the site. Roll carts will be brought to the sidewalk by the Owner for pick-up, consistent with the adjacent properties to the east and west.

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 walk.

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

RESPONSE: No interior laundry or service area 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 will be located inside the building lobby. The back and sides of the building will have lighting appropriate for security as well as to the zone and adjacent zones.

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, as well as to the zone and adjacent zones.

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 lights will provide lighting consistent with the requirements of this section and the district (refer to the lighting plan included with this application).

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

RESPONSE: The project fronts onto Willamette Falls Drive and is surrounded on the other three sides by commercial and residential buildings with windows facing the subject property, allowing 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: All facilities will comply with ADA requirements, including access from the public walk into the building (see site and building plans).

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 57 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 57 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.

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: The solid waste service area will be for the storage of trash and recycling containers provided by the local waste management company. These containers will be housed in a screened enclosure 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.

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: There are no cooking oils, grease, or animal renderings anticipated.

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 a site obscuring fence and gates.

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 located adjacent to a residential lot, but is fully contained within a site obscuring fence and gates.

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 a site obscuring fence and gates. The fence will be of solid materials in keeping with the building wall construction.

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: Please refer to sheet DR.0 and the 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 Architectural and Civil drawings.

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

RESPONSE: See provided Architectural and Civil drawings.

C. Streams and stream corridors.

RESPONSE: See provided Architectural and Civil drawings.

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

RESPONSE: See provided Architectural and Civil drawings.

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 Architectural and Civil drawings.

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 Architectural and Civil drawings.

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 Architectural and Civil drawings.

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 Architectural and Civil drawings.

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: 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.

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.

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: Please refer to the Landscape drawings showing plantings which selected from the list of City approved species. Erosion control measures required for this development are shown on the Civil drawings.

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 effect 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 Responses

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 I 880c1915 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.

ACTION: The covered front porch of the proposed building frontage (south elevation) is set on the property line. The primary south building wall and entry has been located 10' back from the property line to bring it more in line with the predominant building line of the adjacent existing neighbors (see site plan).

- b. Side and Side Street: zero-foot setback. Building may not be set back from the side property line except for side passageway, access way, 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)

ACTION: East (side) building elevation is setback 5'0" from the existing property line to accommodate pedestrian passage to the back of the building, exiting, and trash roll carts to be brought to the sidewalk. The West (side) building elevation is set back 6'0" from the existing property line to allow for the exterior exit stair from the second floor. These side setbacks are also consistent with those of the existing neighboring structures on each side of the proposed building.

- 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.

ACTION: North (rear) building elevation is setback 10'0" from the rear property line at the ground floor level. This encroachment into the prescribed 20' setback is mitigated at the ground floor by a 6' tall fence and landscaping along the north property line. At the second floor level, the building is set back the full 20' from the property line, fully mitigating the impact on the adjacent property.

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

ACTION: The proposed lot coverage based on the street level ground floor area is 63%. (Site Area = 5,100 s.f. (0.117 acres) / Ground Floor Footprint = 3,200 s.f)

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

ACTION: The landscaping is "exempt" for this structure per Section 55.100(A)(II)(b), Design Review. Decorative landscaping amounting to 21% of the site area will be provided, which will include some screening between properties.

3. Building height limitations: Maximum building height shall be 35 feet (as measured by this Code), and two stories. False fronts shall be considered as the peak of the building if it exceeds the gable roof ridgeline.

ACTION: The tallest point on the building is the false front at the south elevation at 30'8".

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

ACTION: The ground level first story height is 13'0" 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.

ACTION: The false front at the south elevation conceals a gable roof whose ridgeline extends from front to back.

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

ACTION: The proposed south elevation emphasizes vertical elements using tall windows, cornices, awnings, and trim. The second floor has been provided with windows that align with the main floor below which enhance "verticality". Trim depth offsets to either side of the entry, along with awnings and cornice projections provide horizontal relief.

PROPOSED REVISION (TYPE 1 REVIEW): This standard applies only to the Willamette Falls Drive elevation. Since the proposed window | door opening change is only to the west side elevation, this standard does not apply.

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

ACTION: Trim depth offsets occur on each side of the entry, and within the 25 to 50 foot spacing requirement.

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.

ACTION: Proposed gables, hipped and pitched roofs for the entire building have been concealed with a "Western False Front" facade.

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

ACTION: Cornices have been enhanced with "overlapping" trim boards, and/or brackets.

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.

ACTION: The primary materials list will be 1 x 8 wood siding.

PROPOSED REVISION (TYPE 1 REVIEW): Per the standard, wood siding shall be the principal building material. Through this application, the applicant is requesting a variance to CDC 58.090, and is asking to replace the wood siding with Hardie-Plank fiber cement siding and trim on all elevations where wood is currently shown.

11. Awnings: All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transom and awnings, although transoms are not required. Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support, either attached to the building or a simple 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)

ACTION: Building awnings are proposed to be metal, with curved metal supports. They are located above windows with transoms. The cover over the front porch is also metal, supported on a curved metal truss supported by decorative cast iron columns. In an effort to orient the proposed building closer to the predominant building line of the existing neighbors, we have held the front of the porch awning to the back of the sidewalk rather than extending to the curb. This will make the proposed building more consistent with its neighbors, as well as minimizing the chance of damage caused by vehicles.

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.

ACTION: No "extruded roofs" are proposed. Transom windows will still be provided.

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 3-5 feet back from the building line. Doors shall have glazing in the upper two-thirds to half of the door. Panels should decorate the lower portions. The entryway shall have windows all the way around at the same level as the other display windows. Wood doors are preferable although alternatives with a dark matte finish may be acceptable.

ACTION: Double entrance doors have been provided at the center of the building. They are located 10'0" back from the property line, under the covered porch. This orientation provides the effect of keeping the door swings out of the sidewalk, and is consistent with the existing neighbors to the east and west. The doors will be wood, with the upper 2/3s glazed, and lower 1/3 wood panels.

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).

ACTION: 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 1-1/2 - 2-1/2 feet 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 is possible.

ACTION: The proposed street level windows are multi-light, with sills at 30" A.F.F., and are 7' tall. Due to structural limitations we are requesting that they be allowed to extend only 70% across the building front.

PROPOSED REVISION (TYPE 1 REVIEW): This standard applies only to the Willamette Falls Drive elevation. Since the proposed window | door opening change is only to the west side elevation, this standard does not apply.

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 (1-1/2' - 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.

ACTION: The proposed upper level windows are double hung, and proportionately centered over the first floor, and are divided to create panels with a 3:1 ratio.

PROPOSED REVISION (TYPE 1 REVIEW): This standard applies only to the Willamette Falls Drive elevation. Since the proposed window | door opening change is only to the west side elevation, this standard does not apply.

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

ACTION: The proposed wainscot will be wood paneling.

18. Shutters: Shutters are not allowed.

ACTION: No shutters will be proposed.

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

ACTION: No balconies are proposed.

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

ACTION: The exit stairs proposed are on the west side and rear of the building.

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.

ACTION: The mechanical equipment will be ground mounted along the west wall.

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.

ACTION: Heat pump units will be ground mounted as described above, with fan units located indoors.

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.

ACTION: Proposed exterior light fixtures will be 'goose neck' style sign fixtures, or period style fixtures. A cut sheet of the light fixture is included with this application.

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.

ACTION: The ground floor windows proposed will have metal awnings above their entire width. Transom windows are proposed.

25. Planters: No planters are allowed.

ACTION: No planters are proposed.

26. Paint colors: Body color typically included white, cream, or a light warm color of low intensity. Accents, trims, windows, etc. should be dark colored. Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed. A palette or color wheel 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.

ACTION: A color & 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, and that the City will review the proposed colors/materials submitted by the applicant.

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

ACTION: No ornamental or advertising flags, pennants, or banners are proposed.

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

ACTION: Standing seam metal roofing is proposed for the awnings and porch canopy, selected for its durability.

PROPOSED REVISION (TYPE 1 REVIEW): Per the standard, wood siding shall be the principal building material. Through this application, the applicant is requesting a variance to CDC 58.090, and is asking to replace the wood siding with Hardie-Plank fiber cement siding and trim on all elevations where wood is currently shown.

29. 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.

ACTION: All signage shall meet the intent of the code. A separate sign plan will be submitted to the City before the construction of any tenant improvements.

D. Variance Procedures

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.

ACTION: The Applicant is requesting variances to the following standards:

1. Standards 11 & 28: Variance requested to the required canvas or vinyl, as described above. Metal roofing is proposed as a more durable roofing material that would be most appropriate on a large porch canopy as proposed. Cast Iron Columns are requested as a superior design detail per the standard.

2. Standard 13: Variance requested to the required 3-5 foot inset entry doors. In lieu of this requirement, proposed entry doors are located 10 feet back from the property line, under the porch canopy. This is consistent with the adjacent neighboring buildings, and achieves the result of not allowing the doors to swing over the property line as intended by the Standard.

PROPOSED REVISION (TYPE 1 REVIEW): Per the standard, wood siding shall be the principal building material. Through this application, the applicant is requesting a variance to CDC 58.090, and is asking to replace the wood siding with Hardie-Plank fiber cement siding and trim on all elevations where wood is currently shown. Applicant shall demonstrate via the attached exhibits that criteria 'B' is met.

**Doman Office/Mixed-Use Building
1748 Willamette Falls Dr., West Linn, OR
Class I Design Review Narrative
December, 2018
Variance Request - Siding**

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.

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 has taken note of the experiences of one of the more prolific developers along Willamette Falls Drive, Icon Construction and Development, LLC. Icon 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 Icon's experiences with these buildings, they have concluded that the durability and maintenance of Hardie Plank siding far exceeds that of wood.

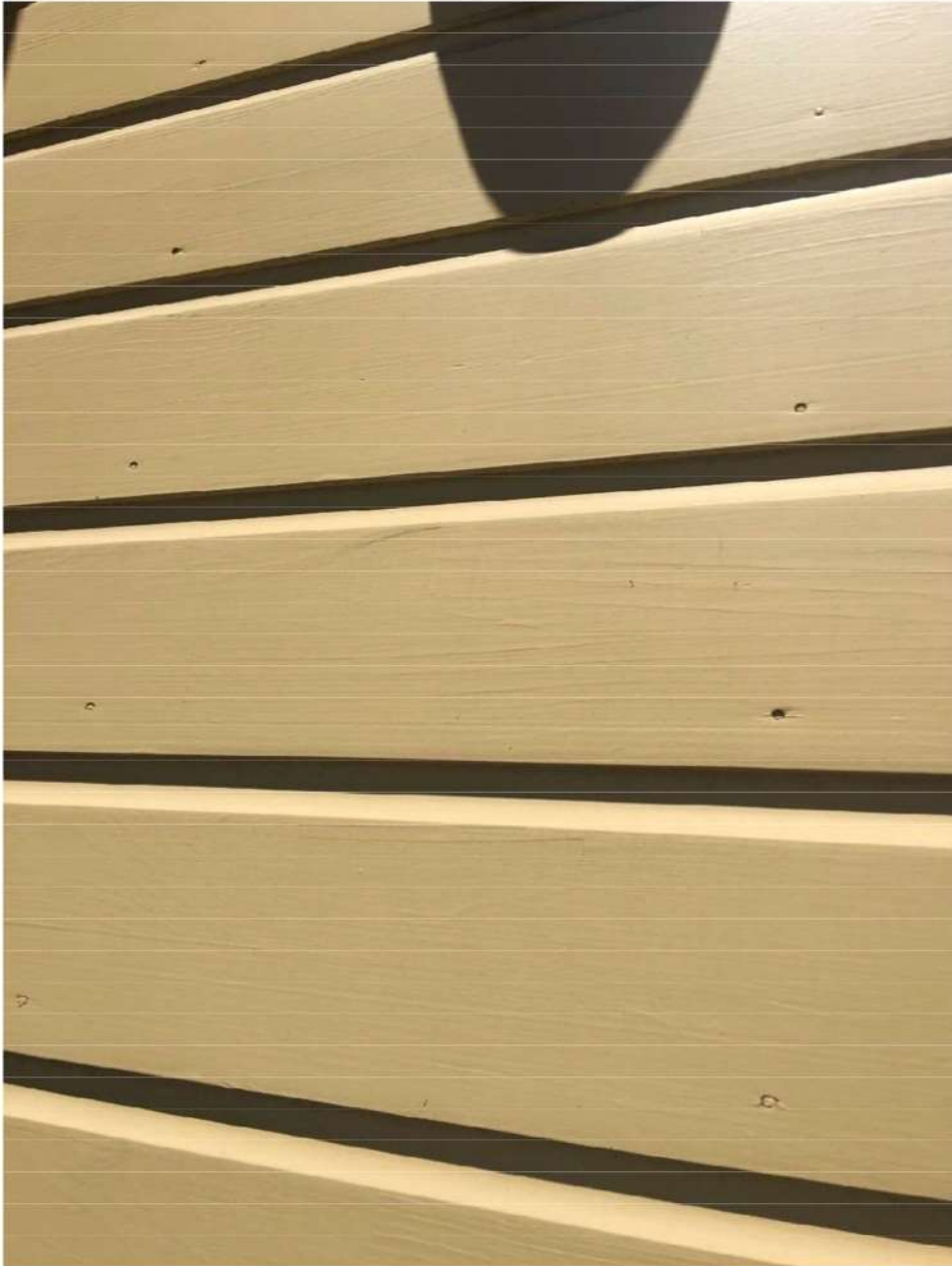
Icon is extremely diligent with upkeep and maintenance on all of their Willamette Falls buildings and have determined that the Hardie Plank materials are not only easier to maintain than wood, they are superior in make-up and quality. They lay flat, they don't rot, and are much more withstanding to typical wear and tear from the elements, maintenance trades, and every day occurrences. The applicant is hopeful that this variance is approved so that their building will be much less prone to 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. Photos of a selection of Icon's Willamette Falls Drive buildings are attached, reflecting current conditions, as a comparison between wood and Hardie Plank siding.

Note: The following examples were originally provided by Icon Construction & Development for their HRB hearing in August of 2018. They have been reproduced here with their permission, and with the understanding of Staff.

Wood Siding – Blistering/Peeling – 1914 Building



Wood Siding – Sunken Nails and Visible Lamination – 1914 Building



Wood Siding – Damaged and Split – 1914 Building



Wood Siding – Damaged and Blistering – 1914 Building



Hardie Plank Siding – Laying Flat – 1980 Building



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



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



Wood Siding – Rot – 1980 Building



Wood Siding – Bowed, Visible Lamination – 1980 Building



Wood Siding – Damage – 1980 Building



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



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



RESPONSE TO CRITERIA 'B' 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 1748 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 Criteria 'B', of 58.100, has been met.

Requested Siding Materials to be used on the 1748 Office | Mixed Use Building:

CUSTOM COLONIAL SMOOTH®**

Timber Bark



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



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



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

Fechheimer & White Building in Portland circa 1883



First Simpson Cottage in Salem circa 1890



Barquist House in Salem circa 1895



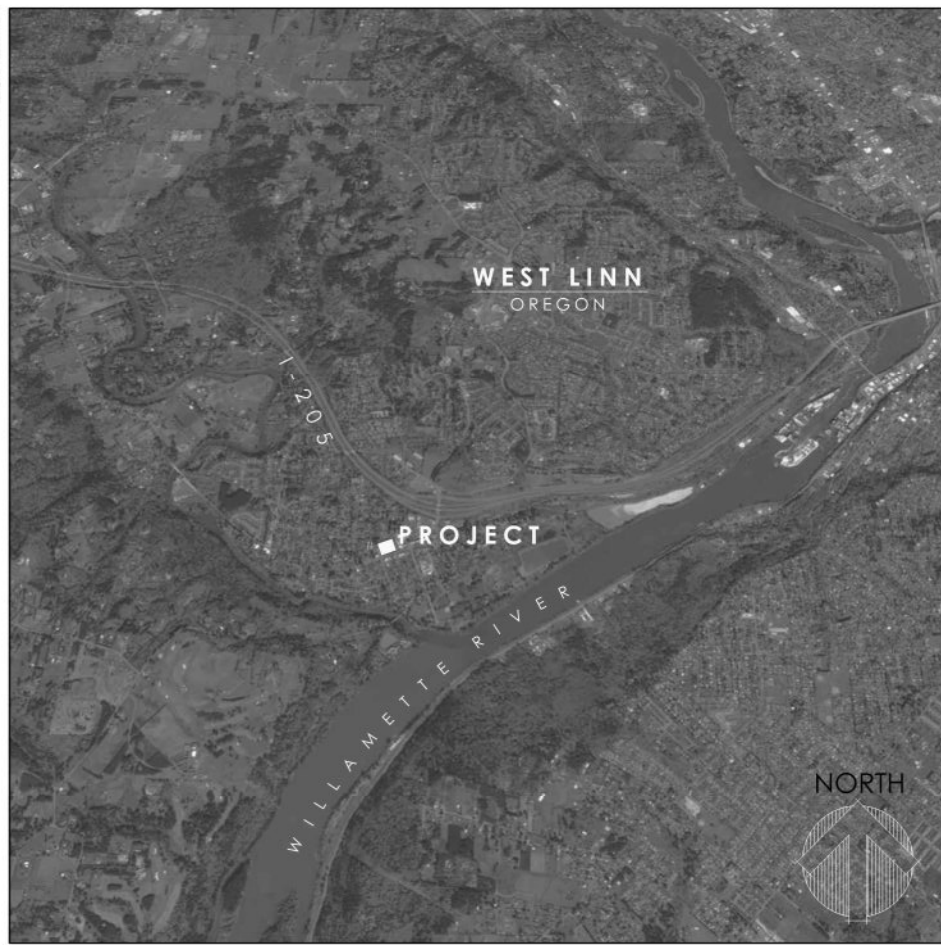
Henry and Rosa Wenger House in Salem circa 1904



Clara Patterson Durbin House, Salem circa 1892



WEST LINN



PROJECT



VICINITY N.T.S.

SGA
SG ARCHITECTURE, LLC

10940 SW Barnes Road #364
Portland, Oregon 97225
503-201-0725 | 503-347-4685

DOMAN OFFICE

1748 WILLAMETTE FALLS DRIVE
WEST LINN, OREGON

PNW Properties, LLC

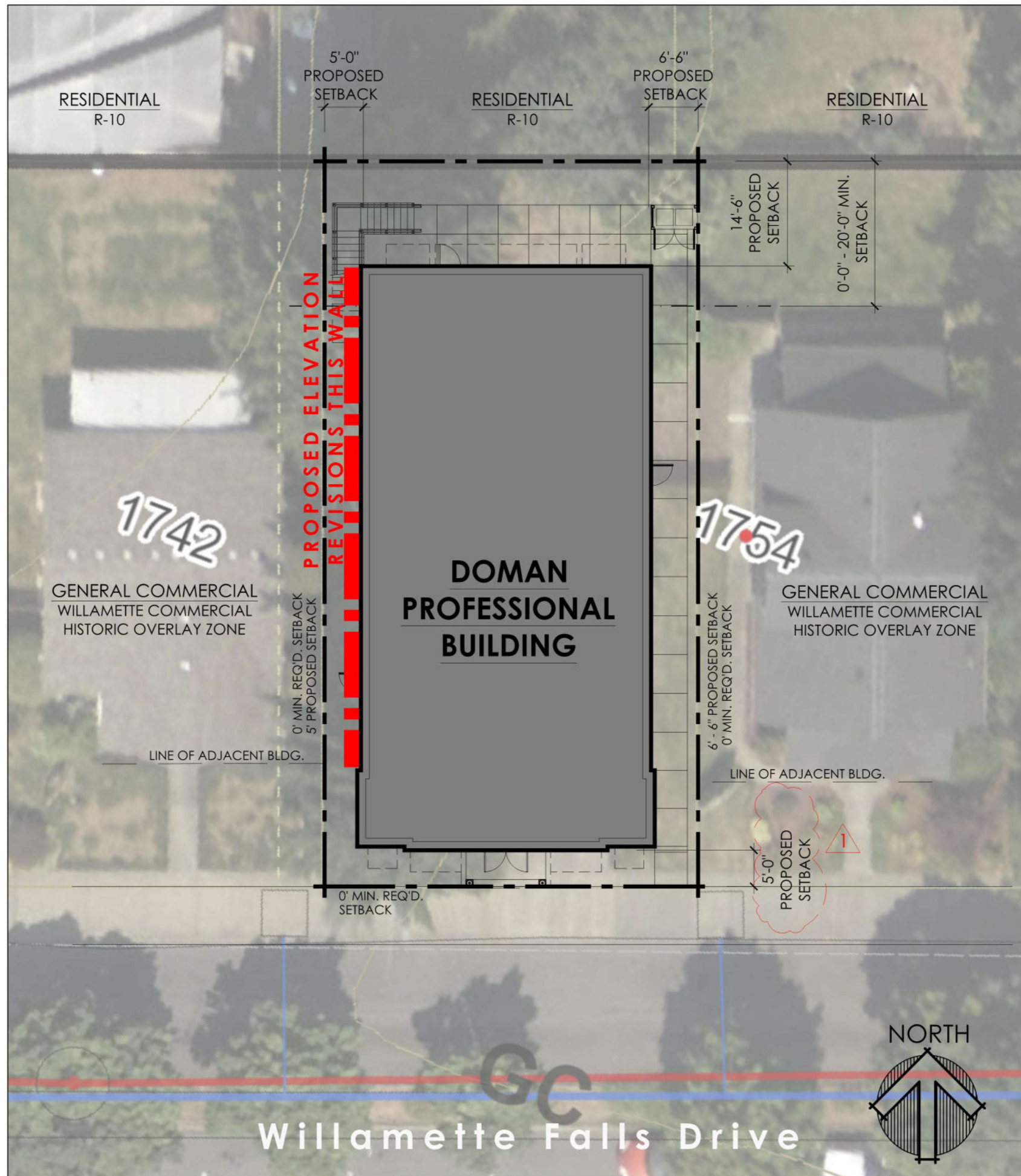
19860 SE Highway 212
Damascus, OR 97089

PROPOSED HRB
REVISION
CLASS 1
DESIGN REVIEW
SUBMITTAL

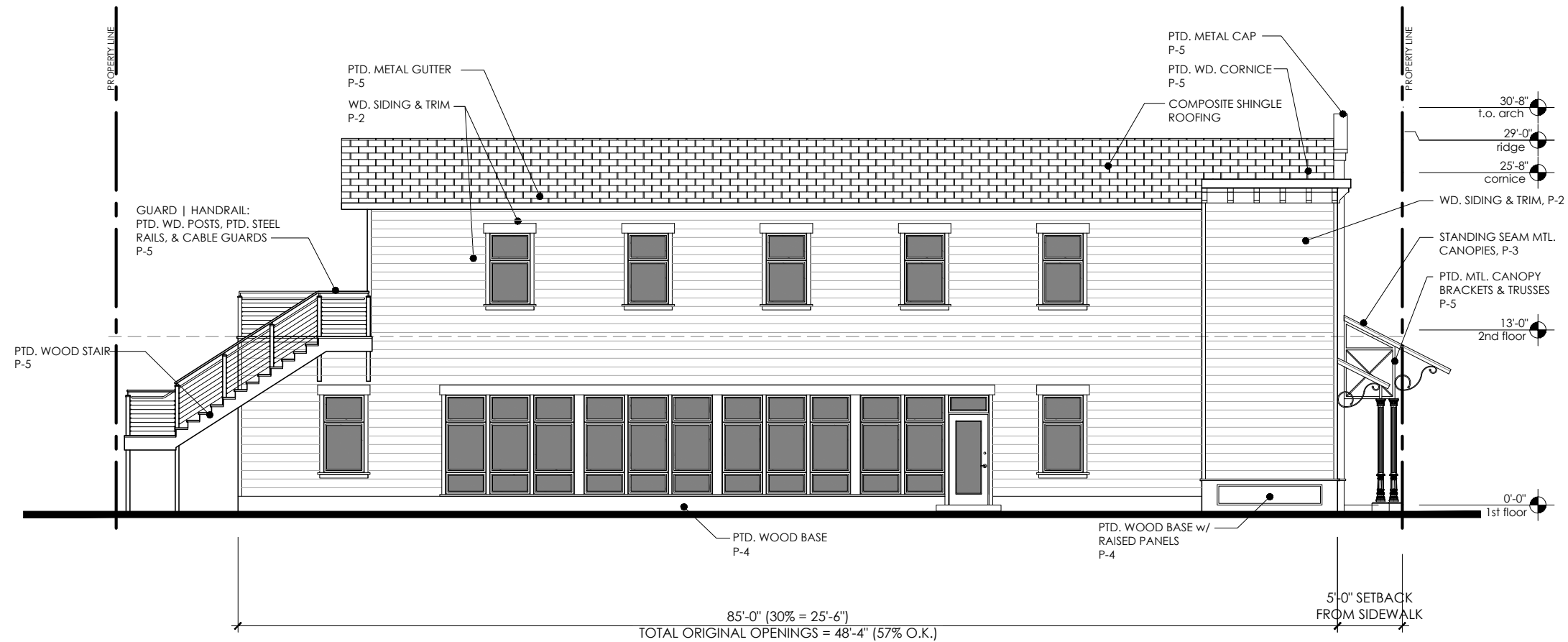
12-21-2018

SITE PLAN

DR.0

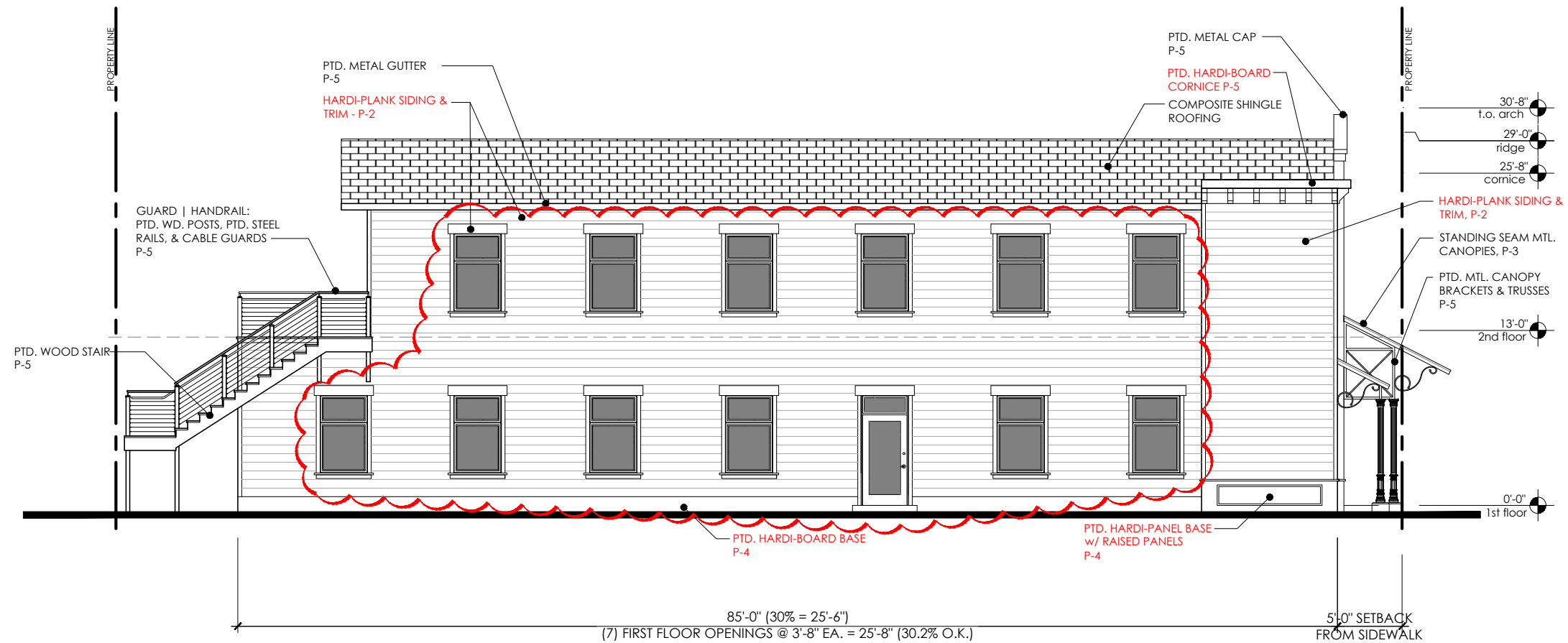


CODE SITE PLAN SCALE: 1/16" = 1'-0"



WEST ELEVATION - APPROVED SUBMITTAL

SCALE: 3/32" = 1'-0"



WEST ELEVATION - PROPOSED REVISED HRB SUBMITTAL

SCALE: 3/32" = 1'-0"

12-21-2018

PD- APPLICANT REVISED SUBMITTAL

Doman Office/Mixed-Use Building 1748 Willamette Falls Dr., West Linn, OR Class I Design Review Narrative December 2018

Applicant requests alterations to the approved Design Review application (DR-17-01) at 1748 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.



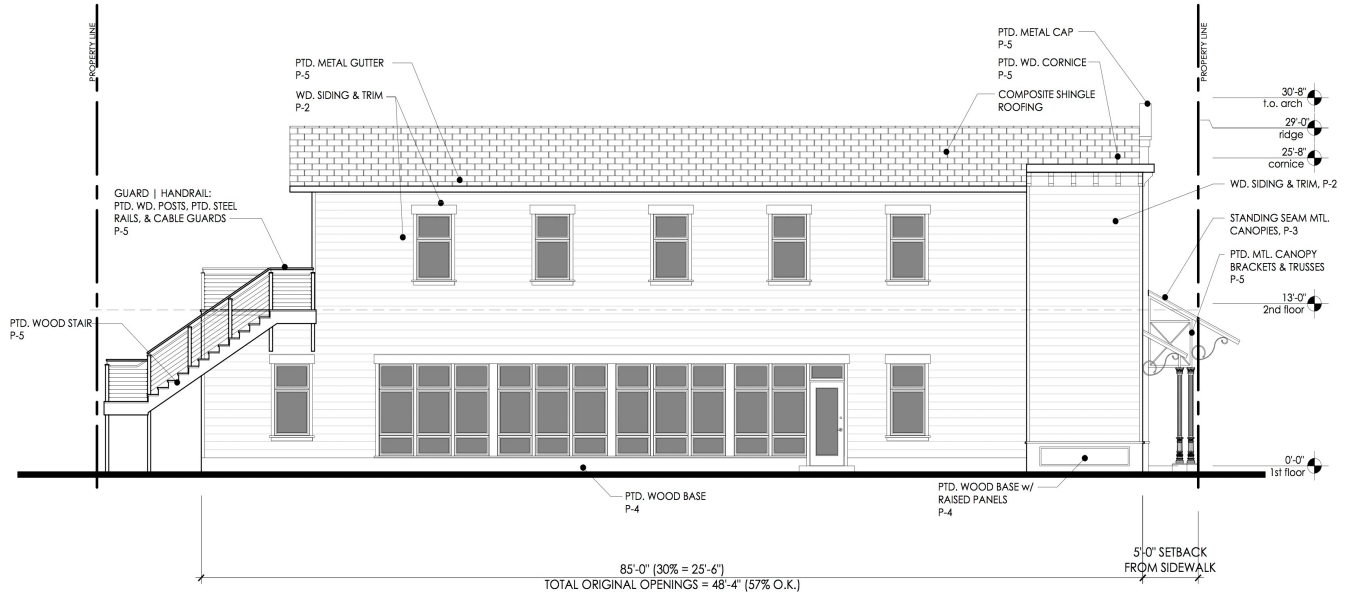
VICINITY N.T.S.

OVERVIEW, SPECIFIC REQUESTS AND REASONS FOR ALTERATIONS:

Windows: The applicant was approved to construct this commercial building per DR-17-01 approval. After HRB approvals were obtained, market forces and considerations caused the applicant, a financial services firm who will be the building owner and principal tenant to elect to occupy the upper floor of the building in lieu of the ground floor as originally intended. This will allow the ground floor to be occupied by a variety of tenants, potentially including retail tenants, which would more closely meet the intent of the district. The window changes are limited to the west side elevation and are intended to improve the attractiveness of the interior tenant spaces to retail tenants, who traditionally prefer fewer windows on the non-storefront elevations.

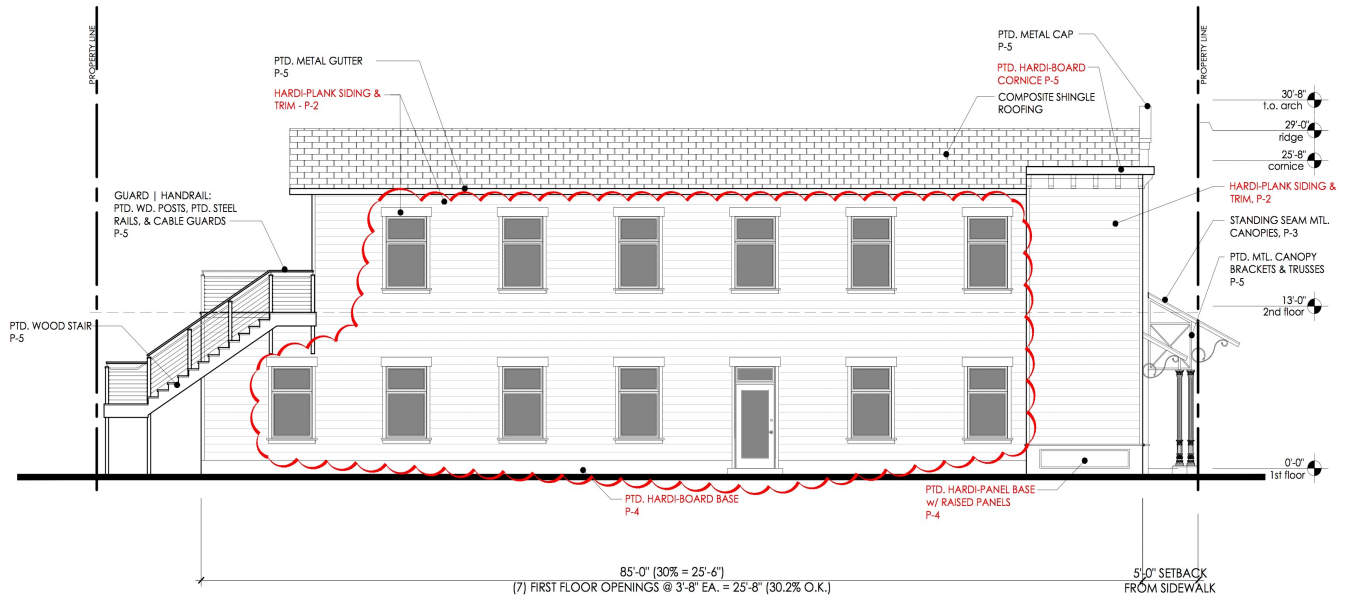
Siding: In the original HRB application, the applicant proposed wood siding in response to the requirements of the Standard, and after reviewing the results of the Icon building at 1969 Willamette Falls Drive. After reviewing the results of Icon's recent revision to their HRB application, the applicant is requesting a variance to CDC 58.090 to replace wood siding with Hardie-Plank fiber cement siding and trim on the main body of the building.

Prior Approved West (Side) Elevation



WEST ELEVATION - APPROVED SUBMITTAL

SCALE: 3/32" = 1'-0"



WEST ELEVATION - PROPOSED REVISED HRB SUBMITTAL

SCALE: 3/32" = 1'-0"

Proposed Alteration of West (Side) Elevation

Please see an 11 x 17 version of these elevations, drawn to scale, attached to this application.

CHAPTER 55 DESIGN REVIEW

55.010 PURPOSE AND INTENT - GENERAL

No response required.

55.020 CLASSES OF DESIGN REVIEW

A. Class I Design Review. The following are subject to Class I Design Review:

1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).

PROPOSED REVISION (TYPE 1 REVIEW): Per this proposed alteration, the windows on the west elevation will be revised from a single large opening flanked by 2 smaller windows to six evenly spaced windows and a glass man door. The change is being made for purposes of enhancing the aesthetics of the building and not increasing the interior usable space.

55.025 EXEMPTIONS

No response required.

55.030 ADMINISTRATION AND APPROVAL PROCESS

No response required.

55.040 EXPIRATION OR EXTENSION OF APPROVAL

No response required.

55.050 DESIGN REVIEW AMENDMENT TRIGGER

No response required.

55.060 STAGED OR PHASED DEVELOPMENT

No response required.

55.070 SUBMITTAL REQUIREMENTS

No response required.

55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

No response required.

55.090 APPROVAL STANDARDS – CLASS I DESIGN REVIEW

No response required.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

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 side yard setback is required. The west wall of the building is set back 5'0", and the east wall is set back 6'-0", meeting 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 standards of this chapter do not apply.

5. Chapter 44 CDC, Fences.

RESPONSE:

1. Per section 44.020.1.e, the existing fence at the rear property line does not exceed 6'-0". The existing fence along the west property line is on the adjacent property. No fences are proposed for the east or south property lines.

2. Per section 44.030.A & B, the trash enclosure at the rear of the property will be surrounded by a sight-obscuring fence meeting the requirements of section 44.050.

3. The remaining sections 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, and no parking is provided as part of this proposal. Bicycle parking complying with the standards of this chapter are located along the walkway adjacent to the east wall.

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

RESPONSE: The subject property is a legal lot of record (Sec. 2, Parcel 1, T3S R1E W.M., P.P. No. 2015-061, TL1900) and has direct access to Willamette Falls Drive along the south property line. The remaining three sides of the lot are bounded by existing private lots.

Vehicle access is proposed via a frontage area between Willamette Falls Drive proper and the site. An existing 10-foot sidewalk with curb within this frontage area provides pedestrian access. Street parking also exists within this frontage area and bicycle parking is provided on site as noted above.

An existing curb cut along Willamette Falls Drive will be removed and replaced with sidewalk to match the adjacent existing. There are no new curb cuts proposed.

A traffic study for the property has been completed and is included with this application.

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 stub outs 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.

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

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

RESPONSE: The site slopes approximately 2%, and generally from west to east. Since this is a commercial property, most of the site area will be covered by building or paving. The flow from the new impervious surfaces 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 south property boundary, the proposed building faces onto a public way. 6-foot and 5-foot setbacks are proposed along the west and east property boundaries respectively (note that no side yard setbacks are required in the district). To the north, a 10-foot rear yard setback is proposed, increasing to 20' on the second floor.

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 to the west, and a two-story residential style structure to the east. Both structures house commercial uses. The planned building design is similar in height, size, and style to these existing structures, and transitions gradually between the two. The proposed design 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.

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: Please refer to response above.

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. A covered front porch extends to the sidewalk, inviting pedestrians in to the entry.

The porch also serves to better integrate the proposed design into the context of its neighbors. It does this by matching their front porches, and by pushing the major massing of the proposed building back off the property line. This ‘setback’ attempts to mitigate the contrast between the existing building locations, and the setback requirements of the current CDC.

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: The front elevation is 40'0" long with 28'0" of windows, or 70%. The east elevation is 99'8" long, with 59'0" of window or other openings, or 59%. The remaining south, east, and west elevations are along internal lot lines and are exempt from the requirement.

(Note: In the original application, the length of the west wall and the amount of opening were listed incorrectly. The original values were shown as 99'-8" for the length of wall with 59'-0" of opening, for a total of 59% opening on the elevation – nearly double the required 30%. The values have been corrected for this proposal)

PROPOSED REVISION (TYPE 1 REVIEW): Per this proposed alteration, the windows on the west elevation will be revised from a single large opening flanked by 2 smaller windows to six evenly spaced windows and a glass man door. The new layout will result in 25'-8" of opening in an 85'-0" of elevation for a total of 30.2%. With this proposed change, the percentage of opening requirement for the side elevation is still met.

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: None of the elevations exceed 100'-0" in length. The standards of this section do not apply.

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 side, users are protected by nearly continuous awnings. On the south side, the covered front porch provides protection for visitors, while awnings provide shade for building users. Adjacent existing buildings and fencing, along with existing and proposed vegetation will provide shade for ground floor users. There is only one ground floor window on the east side, and it - as well as the upper floor windows - will have interior shading devices for the user's convenience.

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 frontage area (see the existing site conditions plan).

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: There is an existing 10'0" wide sidewalk along the south property boundary.

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 adjacent to the street lot line, including the main entry on the south (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.

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 elevation fronting onto the public right-of-way is located within 10' of the lot line, with 25% on the lot line (refer to site plan, and to our explanation of extenuating circumstances noted above in our response to 6d).

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 south elevation is existing, 10'0" wide.

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 walkway along the south boundary is an existing public walk that directly connects 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: The primary entry fronts onto Willamette Falls Drive.

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 1/2 block to the west of the site at the corner of Willamette Falls Drive and 14th Street, with another 1-1/2 blocks to the east at the corner of Willamette Falls Drive and 12th Street. The main building entry is on Willamette Falls Drive.

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 along Willamette Falls Drive. At its tallest point the building is 30’8” tall. Although this is 4’4” below the 35’0” height limit allowed in the district, we felt we needed to balance the desire for taller buildings expressed in this standard with the desire for appropriate transition between buildings expressed in section 6b of this Standard.

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 office 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 trail-head 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 a public right-of-way on the south side, and matching non-residential zoning on the east and west. The rear lot has a 10'/20' setback (see above), with landscaping and a 6' tall solid fence.

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:

- 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: The trash area will be screened from view. There are no other service or parking areas proposed.

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

RESPONSE: HVAC units will be ground mounted.

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 a bus stop 1/2 block to the west of the site (within 200 feet of all primary entries to the building) at the corner of Willamette Falls Drive and 14th Street, and another 1-1/2 blocks to the east at the corner of Willamette Falls Drive and 12th Street. The main building entry is on Willamette Falls Drive.

The closer stop at 14th Street has a bench and shelter. The stop at 12th has no bench or cover, which is 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 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 at the northeast corner of the site. Roll carts will be brought to the sidewalk by the Owner for pick-up, consistent with the adjacent properties to the east and west.

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 walk.

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

RESPONSE: No interior laundry or service area 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 will be located inside the building lobby. The back and sides of the building will have lighting appropriate for security as well as to the zone and adjacent zones.

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, as well as to the zone and adjacent zones.

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 lights will provide lighting consistent with the requirements of this section and the district (refer to the lighting plan included with this application).

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

RESPONSE: The project fronts onto Willamette Falls Drive and is surrounded on the other three sides by commercial and residential buildings with windows facing the subject property, allowing 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: All facilities will comply with ADA requirements, including access from the public walk into the building (see site and building plans).

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 57 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 57 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.

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: The solid waste service area will be for the storage of trash and recycling containers provided by the local waste management company. These containers will be housed in a screened enclosure 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.

- 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: There are no cooking oils, grease, or animal renderings anticipated.

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 a site obscuring fence and gates.

- 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 located adjacent to a residential lot, but is fully contained within a site obscuring fence and gates.

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 a site obscuring fence and gates. The fence will be of solid materials in keeping with the building wall construction.

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: Please refer to sheet DR.0 and the 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 Architectural and Civil drawings.

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

RESPONSE: See provided Architectural and Civil drawings.

C. Streams and stream corridors.

RESPONSE: See provided Architectural and Civil drawings.

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

RESPONSE: See provided Architectural and Civil drawings.

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 Architectural and Civil drawings.

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 Architectural and Civil drawings.

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 Architectural and Civil drawings.

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 Architectural and Civil drawings.

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: 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.

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.

- 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: Please refer to the Landscape drawings showing plantings which selected from the list of City approved species. Erosion control measures required for this development are shown on the Civil drawings.

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 effect 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 Responses

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 I 880c1915 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.

ACTION: The covered front porch of the proposed building frontage (south elevation) is set on the property line. The primary south building wall and entry has been located 10' back from the property line to bring it more in line with the predominant building line of the adjacent existing neighbors (see site plan).

- b. Side and Side Street: zero-foot setback. Building may not be set back from the side property line except for side passageway, access way, 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)

ACTION: East (side) building elevation is setback 5'0" from the existing property line to accommodate pedestrian passage to the back of the building, exiting, and trash roll carts to be brought to the sidewalk. The West (side) building elevation is set back 6'0" from the existing property line to allow for the exterior exit stair from the second floor. These side setbacks are also consistent with those of the existing neighboring structures on each side of the proposed building.

- 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.

ACTION: North (rear) building elevation is setback 10'0" from the rear property line at the ground floor level. This encroachment into the prescribed 20' setback is mitigated at the ground floor by a 6' tall fence and landscaping along the north property line. At the second floor level, the building is set back the full 20' from the property line, fully mitigating the impact on the adjacent property.

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

ACTION: The proposed lot coverage based on the street level ground floor area is 63%. (Site Area = 5,100 s.f. (0.117 acres) / Ground Floor Footprint = 3,200 s.f)

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

ACTION: The landscaping is "exempt" for this structure per Section 55.100(A)(II)(b), Design Review. Decorative landscaping amounting to 21% of the site area will be provided, which will include some screening between properties.

3. Building height limitations: Maximum building height shall be 35 feet (as measured by this Code), and two stories. False fronts shall be considered as the peak of the building if it exceeds the gable roof ridgeline.

ACTION: The tallest point on the building is the false front at the south elevation at 30'8".

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

ACTION: The ground level first story height is 13'0" 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.

ACTION: The false front at the south elevation conceals a gable roof whose ridgeline extends from front to back.

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

ACTION: The proposed south elevation emphasizes vertical elements using tall windows, cornices, awnings, and trim. The second floor has been provided with windows that align with the main floor below which enhance "verticality". Trim depth offsets to either side of the entry, along with awnings and cornice projections provide horizontal relief.

PROPOSED REVISION (TYPE 1 REVIEW): This standard applies only to the Willamette Falls Drive elevation. Since the proposed window | door opening change is only to the west side elevation, this standard does not apply.

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

ACTION: Trim depth offsets occur on each side of the entry, and within the 25 to 50 foot spacing requirement.

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.

ACTION: Proposed gables, hipped and pitched roofs for the entire building have been concealed with a "Western False Front" facade.

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

ACTION: Cornices have been enhanced with "overlapping" trim boards, and/or brackets.

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.

ACTION: The primary materials list will be 1 x 8 wood siding.

PROPOSED REVISION (TYPE 1 REVIEW): Per the standard, wood siding shall be the principal building material. Through this application, the applicant is requesting a variance to CDC 58.090, and is asking to replace the wood siding with Hardie-Plank fiber cement siding and trim on all elevations where wood is currently shown.

11. Awnings: All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transom and awnings, although transoms are not required. Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support, either attached to the building or a simple 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)

ACTION: Building awnings are proposed to be metal, with curved metal supports. They are located above windows with transoms. The cover over the front porch is also metal, supported on a curved metal truss supported by decorative cast iron columns. In an effort to orient the proposed building closer to the predominant building line of the existing neighbors, we have held the front of the porch awning to the back of the sidewalk rather than extending to the curb. This will make the proposed building more consistent with its neighbors, as well as minimizing the chance of damage caused by vehicles.

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.

ACTION: No "extruded roofs" are proposed. Transom windows will still be provided.

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 3-5 feet back from the building line. Doors shall have glazing in the upper two-thirds to half of the door. Panels should decorate the lower portions. The entryway shall have windows all the way around at the same level as the other display windows. Wood doors are preferable although alternatives with a dark matte finish may be acceptable.

ACTION: Double entrance doors have been provided at the center of the building. They are located 10'0" back from the property line, under the covered porch. This orientation provides the effect of keeping the door swings out of the sidewalk, and is consistent with the existing neighbors to the east and west. The doors will be wood, with the upper 2/3s glazed, and lower 1/3 wood panels.

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).

ACTION: 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 1-1/2 - 2-1/2 feet 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 is possible.

ACTION: The proposed street level windows are multi-light, with sills at 30" A.F.F., and are 7' tall. Due to structural limitations we are requesting that they be allowed to extend only 70% across the building front.

PROPOSED REVISION (TYPE 1 REVIEW): This standard applies only to the Willamette Falls Drive elevation. Since the proposed window | door opening change is only to the west side elevation, this standard does not apply.

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 (1-1/2' - 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.

ACTION: The proposed upper level windows are double hung, and proportionately centered over the first floor, and are divided to create panels with a 3:1 ratio.

PROPOSED REVISION (TYPE 1 REVIEW): This standard applies only to the Willamette Falls Drive elevation. Since the proposed window | door opening change is only to the west side elevation, this standard does not apply.

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

ACTION: The proposed wainscot will be wood paneling.

18. Shutters: Shutters are not allowed.

ACTION: No shutters will be proposed.

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

ACTION: No balconies are proposed.

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

ACTION: The exit stairs proposed are on the west side and rear of the building.

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.

ACTION: The mechanical equipment will be ground mounted along the west wall.

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.

ACTION: Heat pump units will be ground mounted as described above, with fan units located indoors.

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.

ACTION: Proposed exterior light fixtures will be 'goose neck' style sign fixtures, or period style fixtures. A cut sheet of the light fixture is included with this application.

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.

ACTION: The ground floor windows proposed will have metal awnings above their entire width. Transom windows are proposed.

25. Planters: No planters are allowed.

ACTION: No planters are proposed.

26. Paint colors: Body color typically included white, cream, or a light warm color of low intensity. Accents, trims, windows, etc. should be dark colored. Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed. A palette or color wheel 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.

ACTION: A color & 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, and that the City will review the proposed colors/materials submitted by the applicant.

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

ACTION: No ornamental or advertising flags, pennants, or banners are proposed.

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

ACTION: Standing seam metal roofing is proposed for the awnings and porch canopy, selected for its durability.

PROPOSED REVISION (TYPE 1 REVIEW): Per the standard, wood siding shall be the principal building material. Through this application, the applicant is requesting a variance to CDC 58.090, and is asking to replace the wood siding with Hardie-Plank fiber cement siding and trim on all elevations where wood is currently shown.

29. 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.

ACTION: All signage shall meet the intent of the code. A separate sign plan will be submitted to the City before the construction of any tenant improvements.

D. Variance Procedures

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.

ACTION: The Applicant is requesting variances to the following standards:

1. Standards 11 & 28: Variance requested to the required canvas or vinyl, as described above. Metal roofing is proposed as a more durable roofing material that would be most appropriate on a large porch canopy as proposed. Cast Iron Columns are requested as a superior design detail per the standard.

2. Standard 13: Variance requested to the required 3-5 foot inset entry doors. In lieu of this requirement, proposed entry doors are located 10 feet back from the property line, under the porch canopy. This is consistent with the adjacent neighboring buildings, and achieves the result of not allowing the doors to swing over the property line as intended by the Standard.

PROPOSED REVISION (TYPE 1 REVIEW): Per the standard, wood siding shall be the principal building material. Through this application, the applicant is requesting a variance to CDC 58.090, and is asking to replace the wood siding with Hardie-Plank fiber cement siding and trim on all elevations where wood is currently shown. Applicant shall demonstrate via the attached exhibits that criteria 'B' is met.

**Doman Office/Mixed-Use Building
1748 Willamette Falls Dr., West Linn, OR
Class I Design Review Narrative
December, 2018
Variance Request - Siding**

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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 has taken note of the experiences of one of the more prolific developers along Willamette Falls Drive, Icon Construction and Development, LLC. Icon 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 Icon's experiences with these buildings, they have concluded that the durability and maintenance of Hardie Plank siding far exceeds that of wood.

Icon is extremely diligent with upkeep and maintenance on all of their Willamette Falls buildings and have determined 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 their building will be much less prone to 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. Photos of a selection of Icon's Willamette Falls Drive buildings are attached, reflecting current conditions, as a comparison between wood and Hardie Plank siding.

Note: The following examples were originally provided by Icon Construction & Development for their HRB hearing in August of 2018. They have been reproduced here with their permission, and with the understanding of Staff.

Wood Siding – Blistering/Peeling – 1914 Building



Wood Siding – Sunken Nails and Visible Lamination – 1914 Building



Wood Siding – Damaged and Split – 1914 Building



Wood Siding – Damaged and Blistering – 1914 Building



Hardie Plank Siding – Laying Flat – 1980 Building



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



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



Wood Siding – Rot – 1980 Building



Wood Siding – Bowed, Visible Lamination – 1980 Building



Wood Siding – Damage – 1980 Building



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



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



RESPONSE TO CRITERIA 'B' 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 1748 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 Criteria 'B', of 58.100, has been met.

Requested Siding Materials to be used on the 1748 Office | Mixed Use Building:

CUSTOM COLONIAL SMOOTH®**

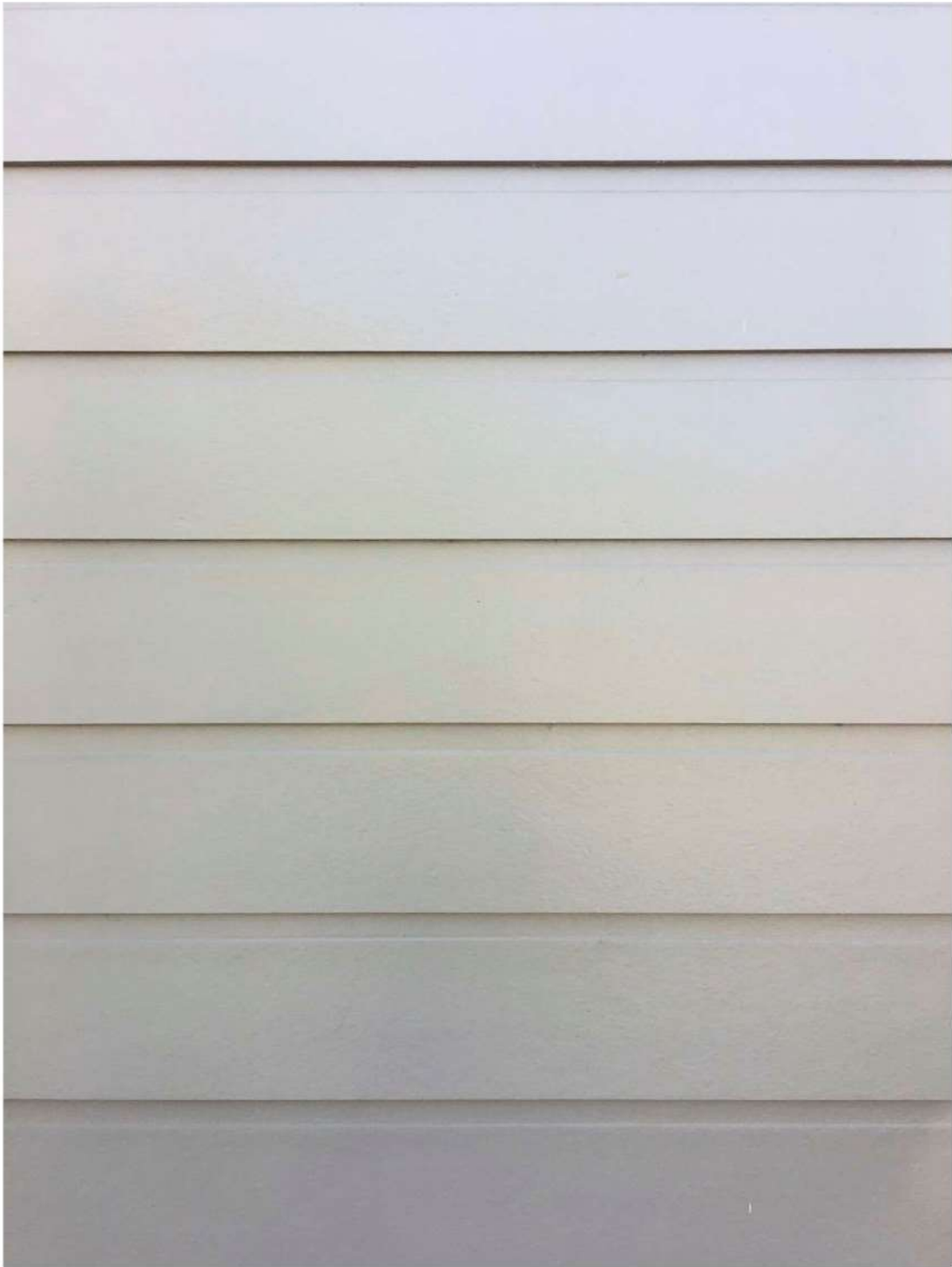
Timber Bark



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



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



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

Fechheimer & White Building in Portland circa 1883



First Simpson Cottage in Salem circa 1890



Barquist House in Salem circa 1895



Henry and Rosa Wenger House in Salem circa 1904



Clara Patterson Durbin House, Salem circa 1892



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.
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.

RESPONSES - CDC 55.100(B)(1) through (6):

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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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.

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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.

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c. Where stub outs 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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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.

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

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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

RESPONSE: The site slopes approximately 2%, and generally from west to east. Since this is a commercial property, most of the site area will be covered by building or paving. The flow from the new impervious surfaces 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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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 south property boundary, the proposed building faces onto a public way. 6-foot and 5-foot setbacks are proposed along the west and east property boundaries respectively (note that no side yard setbacks are required in the district). To the north, a 10-foot rear yard setback is proposed, increasing to 20' on the second floor.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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 to the west, and a two-story residential style structure to the east. Both structures house commercial uses. The planned building design is similar in height, size, and style to these existing structures, and transitions gradually between the two. The proposed design 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.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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: Please refer to response above.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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. A covered front porch extends to the sidewalk, inviting pedestrians in to the entry.

The porch also serves to better integrate the proposed design into the context of its neighbors. It does this by matching their front porches, and by pushing the major massing of the proposed building back off the property line. This ‘setback’ attempts to mitigate the contrast between the existing building locations, and the setback requirements of the current CDC.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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: The front elevation is 40'0" long with 28'0" of windows, or 70%. The east elevation is 99'8" long, with 59'0" of window or other openings, or 59%. The remaining south, east, and west elevations are along internal lot lines and are exempt from the requirement.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: The above response has been revised to reflect the proposed change to the west elevation.

PROPOSED REVISION (TYPE 1 REVIEW): Per this proposed alteration, the windows on the west elevation will be revised from a single large opening flanked by 2 smaller windows to six evenly spaced windows and a glass man door. The new layout will result in 25'-8" of opening in an 85'-0" of elevation for a total of 30.2%. With this proposed change, the percentage of opening requirement for the side elevation is still met.

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: None of the elevations exceed 100'-0" in length. The standards of this section do not apply.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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 side, users are protected by nearly continuous awnings. On the south side, the covered front porch provides protection for visitors, while awnings provide shade for building users. Adjacent existing buildings and fencing, along with existing and proposed vegetation will provide shade for ground floor users. There is only one ground floor window on the east side, and it - as well as the upper floor windows - will have interior shading devices for the user's convenience.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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 frontage area (see the existing site conditions plan).

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.

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: There is an existing 10'0" wide sidewalk along the south property boundary.

DECEMBER 2018 CLASS I DESIGN REVIEW NARRATIVE RESPONSE: No Change From The Original Approved Class II/HRB Application.