

To: West Linn Historical Review Board
Date: June 13, 2023
From: Audra Brown, 1968 6th Ave
Ian Brown, 1968 6th Ave
James Estes, 1992 6th Ave
Kristen Woofter 1992 6th Ave
Re: DR-23-01
1919/1949 Willamette Falls Drive Class II Design Review

Thank you for the opportunity to comment on the proposed commercial building at 1919 and 1949 Willamette Falls Drive, DR-23-23-01. While the proposal has potential, we oppose the project as submitted. Without waiving objections based on other sections of the CDC, this comment focuses on CDC 58, which is within the Historic Review Board's authority. Our objections are based on issues that have already been noted in the Staff Report, but we add the following additional comments.

I THE THIRD STORY IS IMPERMISSIBLE

In the Willamette Falls Drive Commercial Design District, "Maximum building height shall be 35 feet (as measured by this code), and two stories." CDC 58.080.C.3. While most of the building is two stories, page 10 of the applicant's submittal (both the second and third submittal) show a third-story commercial space of over 2,000 sq ft, as well as an outdoor seating area of close to 1,000 sq ft.

The Willamette Falls Drive and Knapps Alley elevation plans show the 20 feet or so of the third story that extend to the front and back of the building, but they do not show the 75 or 80 feet of the third story that extends down the middle of the building. That structure might not be visible from the ground, but it would be visible from an upper floor of a neighboring building.

At the September 14, 2022, Willamette Neighborhood Association (WNA) meeting, the applicant characterized this as a two-and-a-half story building in compliance with what the applicant asserted to be a zoning limitation of two and a half stories. The applicant has built in this area before and is aware that CDC chapter 58 limits building height to two stories.

In its submission, the applicant describes the third story area as a “mezzanine” and cites to IBC section 505.2 for the proposition that a mezzanine does not count as a separate floor. The Staff Report, at pages 11 and 12, explains clearly why the third-story area is not a mezzanine. Moreover, even if the third story were a mezzanine, IBC section 505.2 would not be applicable authority. IBC section 505.2 specifically applies to the calculation of number of stories for purposes set forth in IBC chapter 5, which pertains to things like fire safety requirements. The applicable definition of a “story” is “That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. * * *.” CDC 2.030.

The Staff Report nevertheless suggests two rationales to approve the third-story area, characterizing it as a rooftop access area or permitting a design exception. Neither rationale should be adopted.

The third-story area is clearly commercial space. It is labeled as a lounge, although other uses are possible. It is not a rooftop access area.

A design exception should not be granted. A design exception must satisfy CDC 58.090, which applies if a design proposal “cannot meet the standards” or “proposes an alternative to the standard.” The design proposal can easily meet the two-story standard by eliminating the third story. And no “alternative to the standard” has been articulated; to the contrary, the applicant has consistently represented that the design is in compliance with the applicable standards. At the WNA meeting, the

applicant specified that no exceptions were sought. Even if the applicant were to propose an alternative to the standard, neither the applicant nor the Staff Report has suggested how the applicable criteria for granting an exception has been met.

While it is undeniable that three-story buildings were built in 1880-1915, an exception under paragraph (A) requires documentation specific to the region, and especially West Linn, to establish that the architecture is correct and appropriate. The applicant has not provided such documentation. Even if such documentation were provided, the mere existence of three-story buildings in the reference era would not be an appropriate basis to disregard a specific height limitation.

Paragraph (B) applies to an omission, deviation, or non-period materials that can be overcompensated for by exceptional 1880-1915 architecture. A third story is not a deviation that can be overcompensated for by architecture, and the applicant has not identified such architecture in its application.

Paragraph (C) does not apply to new construction.

Even if there were grounds to conclude that the criteria for an exception had been met, granting an exception would be discretionary, and no exception should be granted. Every other building applicant has been faced with the two-story limitation, so fairness dictates that the requirement continue to be applied evenly. And, while the building fronts to a commercial street, it backs to a residential neighborhood, and the additional impact of the third story should be viewed in light of its impact on the residential neighbors. And the proposed third story implicates real impacts of sunlight and noise.

Every additional story is an additional obstruction of light to neighboring homes, and the standard limits that obstruction to two stories. In a different context, the applicant has suggested that the houses on the south side of Knapp's Alley do not get sunlight from north of Knapp's Alley.

Of course, even when sunlight is not direct, significant light comes from the sky to the north (which is why buildings have windows to the north). And, as the picture below shows, the houses on the south side of Knapp's Alley do receive significant direct sunlight from across the alley.



View of proposed building site from 1968 6th Ave.

Additionally, the proposed outdoor lounge would routinely generate noise during operational hours. While the sounds of nighttime revelry can be joyful, the management of such sounds in a residential neighborhood (where a neighbor can informally ask that a celebration be modified) is different from a commercial area (where noise-generating events are scheduled in advance and cannot be easily canceled at a neighbor's request). At the interface of commercial and residential areas, harmony between differing uses requires care in the management of noise impacts.

In this location, lounge noise should be contained within a building. No design exception should be granted that that would exacerbate the noise impact.

II COLUMNS SHOULD NOT BE IN SIDEWALKS

The applicant proposes that the awnings be supported by columns set on the sidewalk. The applicant acknowledges that the awning support columns require a design exception because CDC 58.080.C.11 requires awnings be “supported by an internal metal framework or metal or wood supported by a curved metal support attached to the building.” The applicant asserts that 58.090.A is satisfied by photographs of two examples in Willamette with unknown dates of construction and two examples in Portland with older dates of construction. The applicant also asserts that 58.090.B is satisfied because deeper coverings will make outdoor seating and dining possible, better protect pedestrians, and make the building design better aesthetically and functionally.

Even if a criteria for granting an exception were met, the exception is discretionary and should not be granted. The columns would obstruct the public right-of-way. The two Willamette examples are illustrative. The columns outside the Community of Faith Church do not really interfere with foot traffic because the furniture on the sidewalk is limited to a few benches and the awnings extend less than six feet. By contrast, outside Lil’ Cooperstown, a bustling restaurant with outdoor seating, pedestrian access along the sidewalk is funneled to a narrow, crowded path.

If furniture turns out to be too disruptive to pedestrians, the furniture can be rearranged. But if support columns turn out to be too disruptive to pedestrians, the options to remedy the problem become much more limited. For example, the obstacles to pedestrians outside Lil’ Cooperstown are greater than the obstacles outside other restaurants in Willamette, and that difference results from the placement of the columns. Even if Lil’ Cooperstown were to use smaller tables under the awnings, doing so would not open the sidewalk space at all.

In any event, paragraph (A) is not satisfied because none of the examples are documented to be from the appropriate period. And paragraph (B) is not satisfied because the applicant has not identified “exceptional 1880-1915 architecture” with an emphasis on “superior design, detail, or workmanship” that compensates for the sidewalk obstruction.

III BRICK EMPHASIZES HORIZONTAL BREAKS

One theme of CDC chapter 58 is the emphasis on vertical, rather than horizontal, lines. CDC 58.080.C.6 requires a building to “emphasize the vertical.” CDC 58.080.C.7 requires regular placement of “[s]trong vertical breaks or lines.”

Brick is not an allowed material, but exceptions have been allowed for brick in the past, and the applicant requests an exception for brick in this case. In support of its request, the applicant reasons that brick will “help to emphasize the vertical distinctions.”

However, the front elevation shows brick used to emphasize horizontal lines. The building is divided into roughly three sections, including one large section in the middle (which is not further divided) and a section on each side that is further divided by appearance. On the left section of the building, there are two separate brick subsections partially separated by a subsection with lap siding. However, brick is also used to join the two brick sections by creating a horizontal line under the “lap siding” subsection and interrupting the vertical breaks between the three subsections. On the right section of the building, the second story has a regular vertical rhythm, but the first story is all brick, which creates a solid horizontal section and interrupts the vertical rhythm. Insofar as an exception for brick is requested to enable the applicant to meet the design motif of the District, it is counterproductive. (And, while brick may have been a common building material in the 1880-1915 era, the Willamette examples cited by the applicant are of much more recent vintage.)

Rather than creating strong vertical breaks or lines, the applicant proposes a patchwork design that does not satisfy CDC 58.050.C and does not support a design exception under CDC 58.090.

IV CONCLUSION

The proposal has a lot to offer the community. This proposal includes parking, which would be much appreciated by neighbors. However, it does not meet the requirements for the Willamette Falls Drive Commercial Design District. We ask that this particular proposal be disapproved.

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JOINED IN EACH PART AND THE CONCLUSION BY

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Our home is on the same block as the proposed development just across Knapp's Alley.

From: [Audra and Ian Brown](#)
To: [Floyd, John](#)
Subject: DR-23-01 comment (1919/1949 Willamette Falls Drive)
Date: Tuesday, June 13, 2023 10:03:25 AM
Attachments: [HRB submission.pdf](#)
[HRB submission.pdf](#)

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Good morning. Attached should be a comment for the Historic Review Board meeting tonight regarding the proposed development at 1919 and 1949 Willamette Falls Drive, e-mailed at 10:02 am.

Please let me know if you have any questions or problems opening the document.

Thank you,
Ian Brown