



CITY OF West Linn

Memorandum

Date: November 14, 2023

To: Chair Manning
West Linn Historic Review Board

From: John Floyd, Senior Planner

Subject: Additional Public Comments Received for DR-23-01

Four additional parties have submitted public testimony prior to the noon deadline. Combined with the two letters provided to the HRB on November 9th, this brings the total to six. The latest comments are attached, with the names of and dates of the parties listed below:

- Robert Beegle (11-12-23)
- Karin Pappin-O'Brien (11-13-23)
- Ian & Audra Brown (11-14-23)
- Nikki Hydes (11-14-23)

As staff has received questions on this matter, we wish to reiterate that the Historic Review Board has been tasked by the Planning Commission with the review of the new design exception regarding maximum height, which was not considered or contained in the existing HRB recommendation of June 13th, and not an entire reconsideration of the application.

As always, please feel free to reach out to me with any questions at 503-742-6058 or jfloyd@westlinnoregon.gov.

From: [Robert Beegle](#)
To: [Floyd, John](#)
Subject: Historic Review Board Exception
Date: Sunday, November 12, 2023 12:50:49 PM

You don't often get email from robertbeegle@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

John -

We believe the Historic Review Board should enforce the existing Community Development Code and not grant any exceptions on building height. We lived in Coupeville, Whidbey Island, Washington for over thirty years. Their historic district review board was strict, but they maintained the look and feel of that old town and it proved to be an asset for both the community and existing merchants.

1. I do not believe that a new three-story building with a rooftop deck would be a good fit for the existing character of this “Old Town”. Also, if the building *sneaks* under the existing code it will weaken future regulations and open a wide door to further exceptions granted under the old - “*hey you already approved one exception, so why can’t we do something similar*” rule.

2. Traffic and parking on Willamette Falls Drive, 11th Street, 12th Street, Knapps Alley, Sixth Avenue and Fifth Avenue will be adversely affected by the new two story building, even without the third story being added, but it is obviously something we can live with. Why though make traffic and parking even worse that it already is, which is what would happen if a third story and rooftop patio is added. Parking is already scarce for residents of 5th and 6th Avenues. On Fridays and Saturdays we have to sometimes have to park a block or two away from our house - and we often find ourselves timing our returns based on best guess on finding a spot.

Many transient, non-resident cars now use residential side streets, especially Fifth and Sixth Avenues, to bypass congestion on Willamette Falls Drive. Earlier this week it took us a half hour to drive from SW Bosky Dell Lane & Borland Road to our house on Sixth Avenue. We had to follow a “train” of other cars who were obviously just passing through. Many of these drivers do not pay attention to statutory residential speed limits and rolling stops at stop signs are common. This is still a family neighborhood and there are always walkers, kids, dogs on the streets.

Three days ago one Willamette Falls driver did stop at the 14th Street crosswalk, but apparently never looked around as my wife and I crossed. He started moving again when we were only three feet from the side of his car and close enough to hear me shout even with his window shut and radio on. More traffic, more people, more congestion - this problem will obviously continue to grow. These cars passing through will continue regardless of whether a third story is added or not, but does it make sense to add even more?

We enjoy living in West Linn and hope that the Historic Review Board and planning department takes note of our opinion.

Bob and Lorraine Beegle
1850 6th Avenue
West Linn

From: [Karin O'Brien](#)
To: [Floyd, John](#)
Subject: 3 story business
Date: Monday, November 13, 2023 10:47:30 PM

You don't often get email from karin9166@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi,

I live on 11th St. across from the new "Willamette" Bldg. To say I oppose the 3 story building that is being proposed, would be an understatement!! The owner of the Willamette building already lights the building up so extensively, one can probably see it from space! I've had to put blinds up in my bedroom window just to make it dark enough to sleep. God forbid they build a 3rd story on the next one; because, that would light up a two block radius! Thank you for taking time to read my opinion.

Karin Pappin-O'Brien
1547 11th St.
West Linn
503.422.9373

"Once man has mastered the winds, the waves, and gravity, he shall harness for God the energy of love; and then, for the second time in the history of the world....Man will have discovered fire."

----Teihard de Chardin

To West Linn Historic Review Board
From Ian Brown (1968 6th Ave)
Audra Brown (1968 6th Ave)
Re DR 23-01 (1919/1949 Willamette Falls Drive), 11/14/23 meeting

Thank you for providing the opportunity for public comment regarding the proposed development of 1919 and 1949 Willamette Falls Drive. The development site is part of the Willamette Falls Commercial Design District. Our home is immediately to the south of the development site, in an area zoned R-5. The proposal has many good qualities, and we would not be objecting if the application matched the neighboring building at 1969 Willamette Falls Drive. However, we have specific concerns and, at this stage, we object to the request for a design exception to exceed the two-story height limitation.

Throughout the history of this application, the applicant has inaccurately described its proposal, the applicable criteria, or the prior proceedings.

- At the September 14, 2022, Willamette Neighborhood Association meeting, the applicant represented that the zoning allowed a two-and-a-half story building, and the project met the zoning criteria because the proposed third story was less than half the area of the second story. The zoning allows only two stories.
- At the June 13, 2023, Historic Review Board meeting, the applicant asserted that the second story included the story above the second story. The story above the second story is the third story.
- At the October 4, 2023, Planning Commission meeting, the applicant cited five buildings as examples to support its request for a design exception under CDC 58.090.A. None of those buildings are similar to the requested design exception.
- In its submission for this November 14, 2023, Historic Review Board meeting, the applicant asserts that the Planning Commission had determined that the proposed rooftop deck is “allowed.” The Planning Commission did not address objections to the deck, but instead simply remanded to the Historic Review Board for the sole purpose of evaluating the requested exception to the two-story limitation of CDC 58.080.C.3.

The applicant requests an exception under CDC 58.090.A, which allows that an exception “may” be granted if a design proposal proposes an alternative to the standard and “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.” The phrasing establishes that an exception is not allowed if the applicant does not meet the criteria, but the Historic Review Board has discretion to either grant or not grant the exception if the applicant meets the criteria.

After the Historic Review Board first considered the application, the applicant modified its proposal for a third story. The proposed third story is now split into a center section and a west section, with an outdoor deck in between. As seen on the elevation drawings, the west section of the third story is extremely prominent. (Pages 35-37).¹ The third-story-level wall on the north side of the building, facing Willamette Falls Drive, runs approximately 25'.² It has three large sets of windows running the entire length. On the west side of the building, facing 12th Street, the third-story wall runs 100', the entire length of the building. This side has a segment that matches the north side, with three large sets of windows, a longer segment sided with fiber cement panels, and a shorter segment composed of brick. The brick segment shows a window between the second and third story. On the south side of the building, facing Knapp's Alley, the third story wall is approximately 25' of featureless brick topped with a plain wall. Thus, the design creates the unmistakable appearance of a rectangular third-story that is approximately 25' by 100'.

The applicant requests the exception to allow for storage, access to a rooftop deck, and exiting from the outdoor patio. These are all things that the applicant could achieve with a two-story building, if the applicant were so inclined. They would simply require trade-offs that the applicant has not been willing to make.

The applicant's assertion that the planning commission deemed the proposed rooftop deck to be "allowed," and so third story access and exits for the deck are "required," is not accurate. The applicant's position is that the rooftop deck is allowed because the outdoor rooftop area is not, by itself, a third story. Our position is that the third story is not allowed. If that prohibition, which is an objective standard that all builders in the Willamette Falls Commercial Design District must abide by, prevents the access and exits for a rooftop deck above the second story, it simply prevents a rooftop deck above the second story. If a rooftop deck requires a structural story at its level, then a rooftop deck above the first story would be permissible, assuming that all other CDC requirements were met.³ Including such a rooftop deck would, however, involve a choice to forgo enclosed commercial space. Such trade-offs are inherent in any development that is subject to dimensional restrictions such as a height limitation. The applicant has chosen to enclose the entire second story, which is an entirely reasonable commercial choice. But the implication that the applicant's choice to enclose a second story

¹ Page citations are to the staff report prepared for the November 14, 2023, Historic Review Board meeting.

² Many dimensions are not specified, so dimension descriptions are approximate based on the applicant's illustrations.

³ We preserve our other objections to this particular rooftop deck proposal based on other provisions of the CDC. We also note that there are other areas in West Linn where taller commercial buildings are allowed, and the applicant's vision would better fit the zoning in those areas.

entitles it to a partial third story, simply because it would like to also have an open deck above the second story, is at odds with the CDC's requirement that an applicant make the trade-offs necessary to keep the building within two stories.

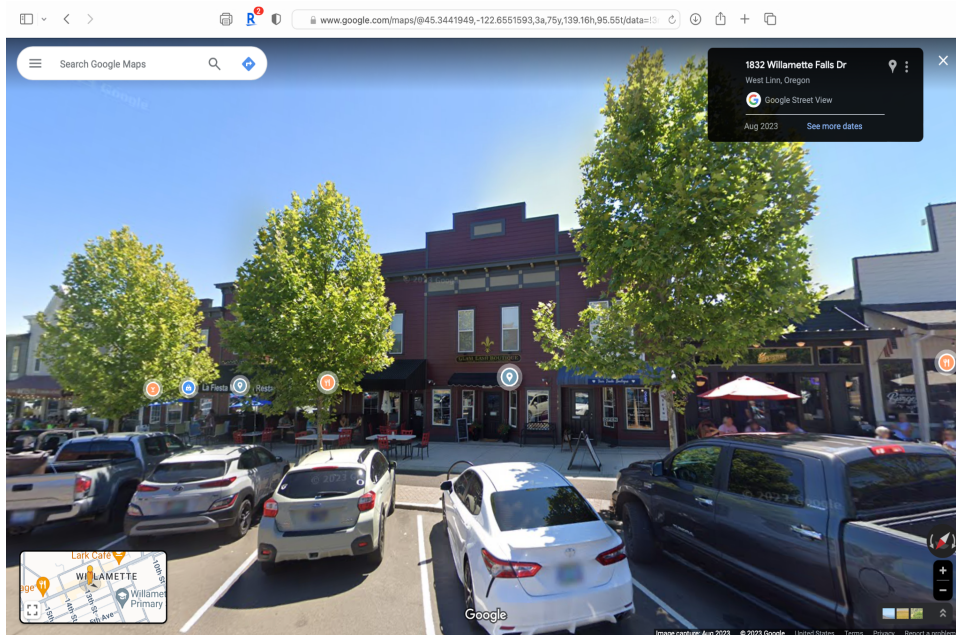
Likewise, the applicant's statements regarding on-site storage does not lead to the conclusion that a third story should be allowed. The applicant contends that on-site storage is a green alternative. The applicant could incorporate storage space within an allowed two-story building, but it has chosen not to do so. We do not dispute the value of storage, and we encourage the applicant to include all necessary storage within a CDC-complaint design. Increasing the amount of on-site storage, however, requires trade-offs. By excluding storage from the allowed two stories, the applicant has made a choice. If the storage is required, as the applicant asserts, it can be moved to the allowed second story. If it is not required, the applicant may choose to omit it. Again, it is a choice for the applicant to make based on the requirements and goals that the applicant sees.

As the applicant notes, it built the 1969 Willamette Falls Drive structure, and the current application has been presented as a complement to that structure. The applicant has presented that structure, which is a two-story building, as a success. We agree. The applicant was able to make whatever trade-offs were necessary to allow 1969 Willamette Falls Drive to meet the height limitations of the CDC. We would drop our objections if the applicant's proposal matched that existing structure.

In any event, the application is not consistent with an exception. CDC 58.090 first requires that an alternative standard be proposed. The applicant's "proposed design exception" does not articulate a standard that is consistent with the application. Moreover, CDC 58.090.A requires that a review of historical records or photographs demonstrates that the alternative is correct and appropriate to the architecture in the region, and especially West Linn, in the 1880 to 1915 era.⁴ The applicant cites five buildings in the Willamette Falls Commercial Design District: 1672, 1849, 1880, 1914, and 1980 Willamette Falls Drive (Pages 25, 33). Four of these five buildings were approved in the 1994 to 2007 era, rather than the relevant 1880 to 1915 era, and none of them even include third-story spaces that are readily observable from the street. The applicant's proposal, which includes an extremely prominent third story, is not similar to any of the cited examples.

⁴ The applicant's submission also refers to CDC 58.090.B, which requires the incorporation of overcompensating exceptional 1880 – 1915 architecture. Whereas the applicant has included examples of buildings in an attempt to satisfy criterion A, the application identifies no characteristics that are suggested to relate to criterion B. However, the reference to criterion B illustrates that the applicant has not identified a proposed alternative to the standard.

1849 Willamette Falls Drive is a modest example of an older local building with third-story space hidden behind a western false front.⁵ The third-story space is in a conventional “half-story” configuration, making use of the space under a gable roof. The false front has the appearance of a tall parapet rising from the second story. It has the same lap siding material, painted in the same color scheme, as the first and second story. It has no windows. It runs only along the side of the building that faces Willamette Falls Drive and joins no right angles. It steps down as the distance from the gable ridge line increases and plainly could not be the wall of a full third story. Because the false front faces only the street side of the building, a person viewing it at an angle off of center can easily see empty space behind it, creating the impression that there is no third story structure at all. The overall effect is to render the third story structure very difficult to identify from Willamette Falls Drive, 12th Street, or 13th Street.



⁵ The “western false front” is the preferred style in the Willamette Falls Commercial Design District. CDC 58.080.C.8. CDC Chapter 2 provides the following definition:

“Western false front. An architectural style that was intended to create visual continuity and a prosperous urban atmosphere during the early settlement period of American western towns. Defining characteristics include:

“1. The street facing facade(s) rises to form a parapet (upper wall) which hides most or nearly all of the roof;

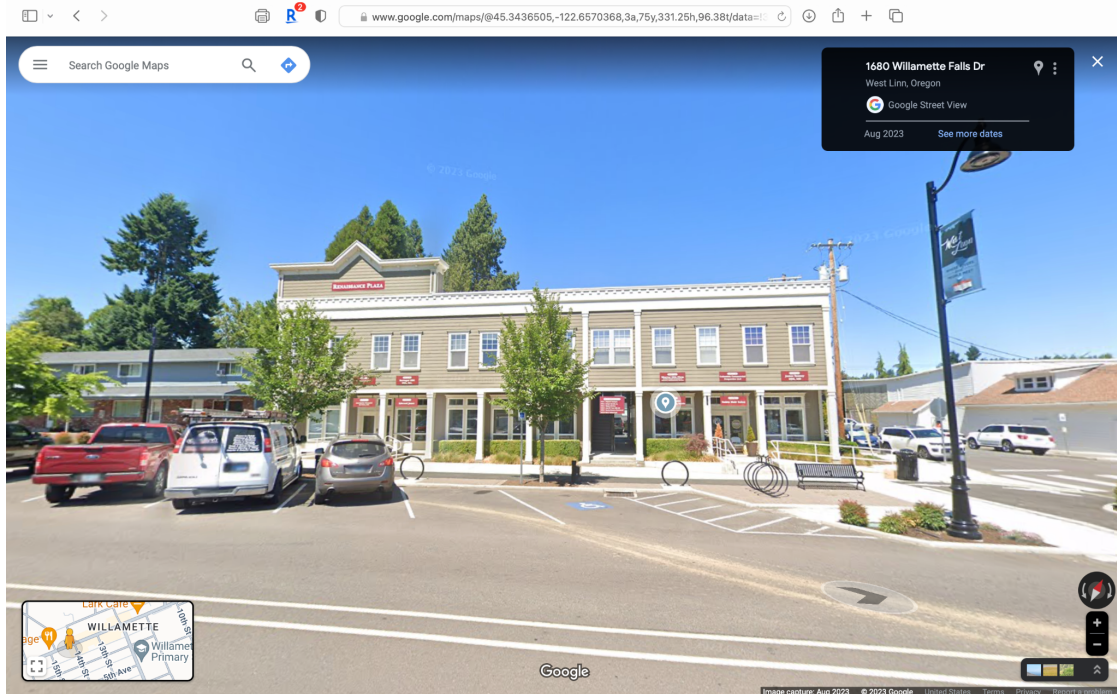
“2. The roof is almost always a front gable, though gambrel and bowed roofs are occasionally found;

“3. The street facing facade(s) may exhibit greater ornamentation than other sides of the building.”

The applicant's third-story structure is completely different. Rather than a street-facing false front that steps down with distance from a ridgeline, it has four straight walls joined by at right angles, creating the visually unambiguous appearance of a 25' by 100' box. Rather than using a half-story configuration with a sloping roof to minimize visibility, it has a flat roof to maximize space. Rather than being set back from the streets on the sides to minimize visibility, it is set at the edge of the second story on all three sides that are visible to the public. Rather than eliminating windows altogether from the street-facing side, it displays large sets of windows on the most prominent corner of the building, windows that clearly correspond to the second-story windows below. Unlike the third-story structure of 1849 Willamette Falls Drive, which is well-hidden from three sides, the applicant's third-story structure is impossible to miss from the north, west, or south.

The comparison with 1849 Willamette Falls Drive does not support the application of criterion A. Rather, it shows that the applicant's proposal is not correct for the period architecture in the area.

The next-oldest building cited by the applicant, 1672 Willamette Falls Drive, is far out of the relevant time period. As the relevant Historic Review Board decision (DR-94-07) shows, the building is a 1990s structure that began the application process before the codification of the Willamette Falls Drive overlay zone. However, a comparison with 1672 Willamette Falls Drive shows that the present application is inconsistent with the design criteria.



The Historic Review Board recognized that the proposal for a third-story structure required a variance. In granting the variance, the Historic Review Board reasoned that the “extra half story” would be permissible because it would “not be seen” from Willamette Falls Drive. As the photograph shows, the third story structure is mostly hidden from Willamette Falls Drive behind a western false front with no windows. The third story is a gable roof, to minimize its visual impact, and it is set far from 14th Street and Dollar Street. While the structure can be seen from some angles, as the applicant’s photographs show, the design was largely successful in hiding the structure from casual observation (as was the intent of the approval).

The building at 1672 Willamette Falls Drive was built approximately 80 years outside of the relevant time period, so it is not a sufficient example to review to support criterion A. It is an interesting example of how the Historic Review Board might evaluate a proposal for third-story space. As an example, however, it illustrates why the applicant’s request for an exception should be denied.

As the applicant’s 12th Street elevation depictions show, the third story defines the scale of the west side of the building. (Page 36). The applicant has outlined the portion of the west wall of the building that is the wall of the storage room (it’s not “concealed by the parapet,” it’s a third-story wall). The entire 100’ length of the wall emphasizes the three-story scale of the building. As the “section looking south” image (Page 38) shows, a person to the west of the structure would have to avert their gaze from the building altogether and look to the sky to miss the third story. As the “section looking east” (Page 38) shows, a person to the south of the structure and a person to the north of the structure would, likewise, have to gaze skyward, away from the building, to miss the third story. Additionally, while not depicted in the applicant’s submission a person standing to the northeast of the structure on Willamette Falls Drive would see the northeast corner and the north and east walls of the third story, and a person standing to the southeast of the structure on Knapp’s Alley would see the southeast corner and the south and east walls of the third story. None of these angles hint at a false front with vacant space behind. All of these views reveal a large, solid structure.

Additionally, the “section looking east” image overstates the extent to which the viewing angles would obscure any third-story features that are set back from the south side of the building. The image reduces the scale of the houses to the south. The following are pictures of 1969 Willamette Falls Drive, a building almost identical in scale to the first and second stories of the applicant’s proposal, taken from our second story. The pictures show that the residences to the south would have a much better view of whatever is above the second story than the applicant’s submission depicts.



The applicant's proposal has a box-shaped configuration set on three edges of the building. It has prominent vertical walls on all sides and a grand set of windows anchoring the most prominent corner. It is not comparable to the configuration of 1672 Willamette Falls Drive, which has a false front with no windows hiding a gabled half-story set far from the side streets.

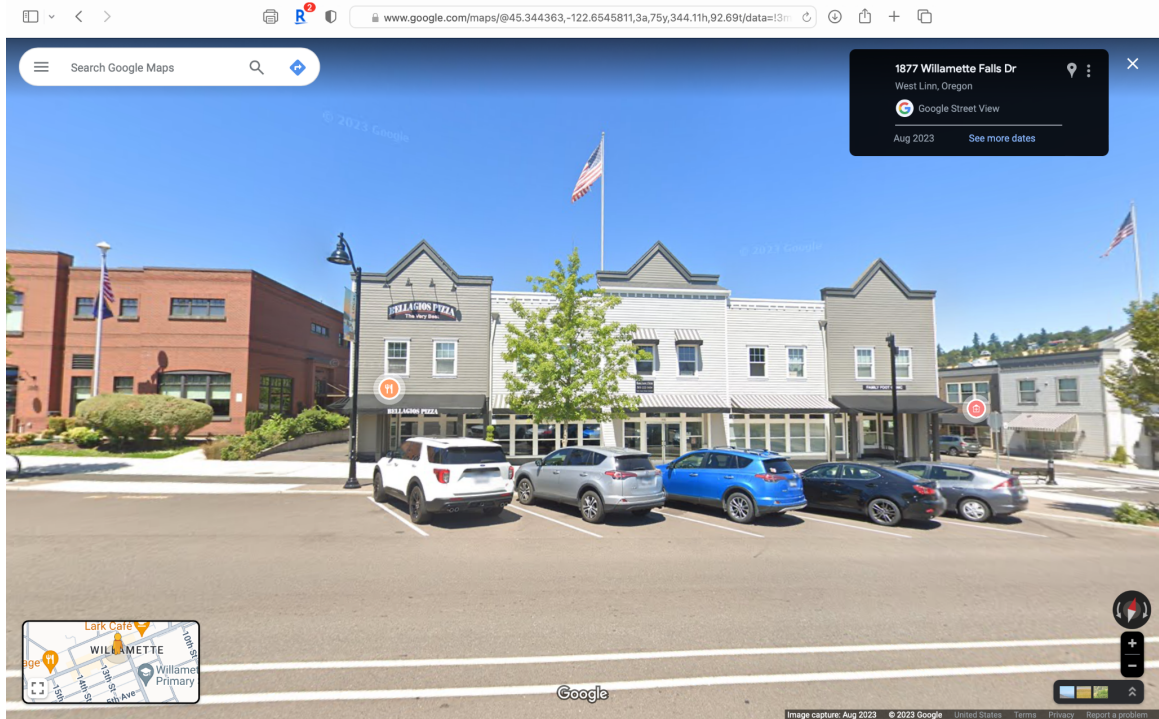
It is incompatible with the rationale for the exception granted for 1672 Willamette Falls Drive, which was based on the third-story structure being difficult to see. Based on this example, even assuming that the Historic Review Board would grant the same exception if given the chance, it is difficult to imagine the same Historic Review Board approving an exception for the present application.

The next three examples share certain design characteristics. They are very new, with application numbers in the 2000s era. They were built far outside of the reference era and, therefore, the applicant's reference to these buildings is not responsive to the exception criteria. In addition, the three buildings (none of which include third-story space beyond HVAC housing, nor any design elements suggesting third-story space)⁶ are very different from the applicant's proposal.

The Historic Review Board approval of 1880 Willamette Falls Drive (DR-00-28), a recent building, did not approve an exception for a third story or indicate any awareness of any third-story space.⁷ It did require that any HVAC on the roof be screened and mitigated.

⁶ CDC 55.100.C requires buffering between differing uses, such as residential and commercial, and CDC 55.100.C.3 specifically requires that rooftop HVAC and other mechanical equipment be visually screened. Thus, HVAC housing differs, analytically, from other third-story space such as extra storage, elevator lobbies, or stair landings.

⁷ The Historic Review Board decision referred to 1824 Willamette Falls Drive. However, the decision describes the building on the corner of 12th Street and Willamette Falls Drive, which is currently the 1880 Willamette Falls Drive building.

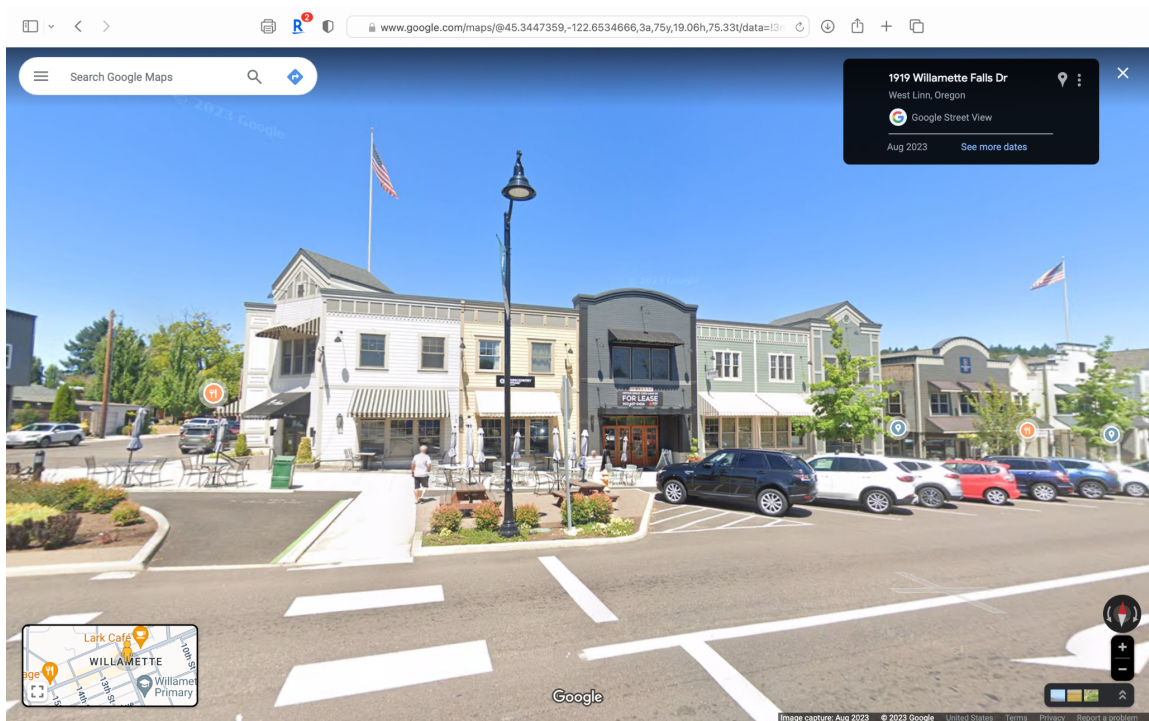


The 1880 Willamette Falls Drive building has a small rooftop structure, as seen in the overhead photograph in the applicant’s submittal.⁸ (Page 33). The rooftop structure is entirely tucked behind the false front at the middle of the building, as far away from the sides of the building as possible. There is no structure behind the other false fronts, and there is no window in the middle false front suggesting the presence of any structure above the second story.

The applicant's proposal would be considerably taller than the 1880 Willamette Falls Drive building, which sits diagonally across the same intersection. The new building’s windows would proclaim its design as a three-story building, whereas 1880 Willamette Falls is built without a hint of the appearance of a third story. These two structures are not comparable.

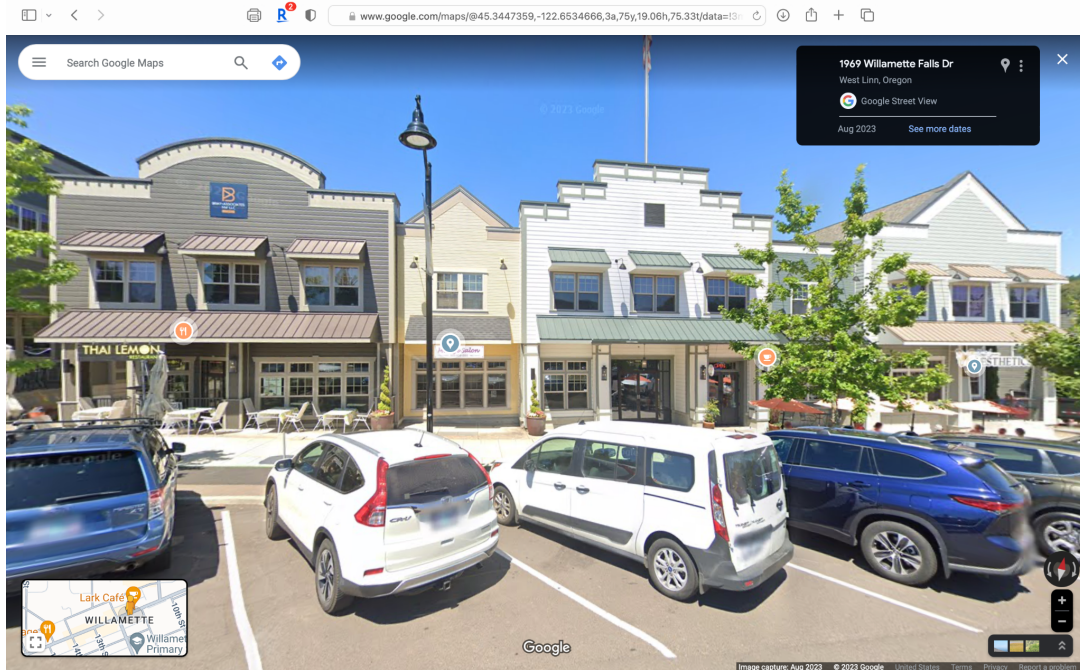
The design of 1914 Willamette Falls Drive, another recent building located at the same intersection as 1880 Willamette Falls Drive and the applicant’s proposal, shows attempts at a similar effect. The rooftop structures are small, with gable roofs, and they have the appearance of mechanical screening. There is no appearance of usable third-story space. The design review process (DR-06-46) shows that even the appearance of a third story was to be avoided. The pre-application conference resulted in the elimination of “third floor” windows, and the Historic Review Board then required the elimination of “the circles/cutouts at the top of the false gable end.”

⁸ The photograph that the applicant identifies as the front of 1880 Willamette Falls Drive is actually a picture of a different building, which is a nearby two-story building with no third-story space. 1880 Willamette Falls Drive is the building pictured above with the Bellagios Pizza sign.



Again, the applicant's proposal, with a prominent third story, would stand in stark contrast to 1914 Willamette Falls Drive, which was built to avoid any features suggestive of a third story.

1980 Willamette Falls Drive, another relatively recent building on the same block as 1914 Willamette Falls Drive, also has the appearance of a two-story building with some structure to house rooftop mechanical equipment. The Historic Review Board (DR-01-43) required any HVAC on the roof to be visually screened on all sides. It also required two of the three vents, which were cut into the western false fronts, to be eliminated. As a comparison of the overhead and front views shows, the remaining vent is on the false front that is in the middle of the building, not attached to a rooftop structure. There was no exception granted for a third story. As with the other very new buildings, it has rooftop structures that have gable roofs, are screened from the street by western false fronts, and have no windows to suggest the presence of a third story.



Again, the applicant’s proposal would be an obvious three-story building sitting across the street from 1980 Willamette Falls Drive, a two-story building designed to eliminate the hint of a third story.

Taken as a group, these three most recent examples (1880, 1914, and 1980 Willamette Falls Drive) show a pattern of allowing structures above the second story only to house mechanical equipment, and only when designed to eliminate even the appearance of a third story. The applicant’s proposal, by contrast, involves an obvious third story along the entire west end of the building.

Most of the buildings cited by the applicant are far outside the reference era and are not responsive to the exception criteria. Most of the buildings do not include any space above the second story beyond mechanical screening. What they all show, however, is that the western false front design is used to conceal structures over the second story. It does not have a window to suggest interior space. It does not join another wall at a right angle to suggest an enclosed structure. It does not run the entire length of a building (as the 100’-long wall overlooking 12th St would), but instead steps down to indicate the absence of a third story. The criteria for an exception are not satisfied.

Moreover, the height of buildings matters because of its impact on neighbors. Height limitations are how we balance neighbors’ access to views and sunlight, and the applicant chose to build in a zone with a two-story height limitation. The applicant has, in the past, suggested that buildings on the north side of Knapp’s Alley have no impact on the light received by homes

on the south side of Knapp's Alley. As this picture from our back yard shows, we get a lot of sun from the direction of the proposed building.



The applicant is not asking to build as allowed by the zoning. The applicant is asking for an exception to exceed the limitations imposed by the zoning, limitations that have generally applied to all development in the area for decades and which continue to apply to all other development in the area. When an application asks for such unique and favorable treatment, it is appropriate to consider what that treatment means to the people around the project.

Finally, the applicant's citation of such non-responsive examples as support for its proposal suggests that Chapter 58's height limitation would ultimately become meaningless if its exception request were granted. If the Historic Review Board adopts the reasoning that two-story, 21st-century buildings show the appropriateness of a partial third story in this case, there really would be no rationale to prevent the addition of even larger third stories to other buildings in the Willamette Falls Commercial Design District.

We recognize that this site will be developed. The current proposal has a lot of positive attributes. But it exceeds the maximum height limitation. The height limit has applied to every other building in the Willamette Falls Commercial Design District that began the application

process after the implementation of the standards. This application proposes a radical deviation from the existing character of the District. No exception should be given.

From: [Nikki Hydes](#)
To: [Floyd, John](#)
Subject: Request to Deny Exception of DR-23-01
Date: Tuesday, November 14, 2023 11:25:01 AM
Attachments: [DR-23-01 Request to deny exception \(11.14.23\).pdf](#)

You don't often get email from nikkihydes@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Tuesday, November 14, 2023

Dear Mr. Floyd,

I am writing to you about the new building proposed at 1919/1949 Willamette Falls Drive. I live at 1847 6th Ave, West Linn, OR 97068 and would be directly impacted by this project. I am in strong opposition to the Historic Review Board making an exception to allow this proposed building to be three stories tall. The added noise and light pollution diminish the quality of life of the neighboring homes, and further reduces privacy and parking for residences. Our little community simply cannot handle the added tenants and visitors it would bring to our already overcrowded streets. While 33 underground parking spaces sounds like it would assist with the overcrowding, the access to parking on 11th Street is inadequate. First, the lack of signage to direct traffic to the parking garage is minimal, if non-existent. Most visitors, and many residents, have no idea of existence, forcing visitors to park in front of the homes on 6th Ave which displaces residents. Secondly, the condition of our sidewalks on 6th Ave between 12th and 16th is so poor, combined with the narrowness of our street, most visitors park on top of it, forcing pedestrians and the children walking to Willamette Primary, to walk down the middle of the street. Thirdly, there is a gate at the entrance of that parking garage, which is typically closed, prohibiting all access.

The Community Development Code exists for a reason and should be protected and observed. Furthermore, it is the Historic Review Board's responsibility to do so. As a resident of 6th Avenue, I respectfully request that you deny the request for a third story, require a second access point to the 33 underground parking spaces which must remain open during business hours, and add parking signage to inform visitors and tenants of its availability.

Sincerely,

Nicolette Hydes

1847 6th Ave

West Linn, OR 97068

503-502-1691

NikkiHydes@gmail.com