

**WEST LINN HISTORIC REVIEW BOARD
CHAPTER 58 RECOMMENDATION
DR-23-01**

**IN THE MATTER OF A PROPOSAL FOR A CLASS II DESIGN REVIEW AT 1919 & 1949
WILLAMETTE FALLS DRIVE.**

The Historic Review Board (HRB) held a public hearing on June 13, 2023 and made an initial recommendation to the Planning Commission as required by CDC 99.060.D(2)(c). The purpose of the public hearing was to make a recommendation to the West Linn Planning Commission regarding DR-23-01 and its compliance with Chapter 58 of the Community Development Code (CDC).

On October 4, 2023, the Planning Commission remanded the application to the HRB to consider a design exception requested by the applicant on September 15, 2023. The requested Design Exception was to exceed the two-story limit within the Willamette Falls Drive Commercial Design District (CDC Chapter 58). As CDC 58.090 assigns the Historic Review Board the sole authority to grant a Design Exception, and this exception was not considered by the HRB in their June 13 recommendation, the City Attorney and Planning Commission determined that a remand to the HRB was appropriate.

The hearing began with City Attorney Bill Monahan addressing legal standards, appeal rights, substantive rights, and procedural issues. Historic Review Board member Watton recused himself based on potential bias. Chair Manning declared a site visit. Member Schreiber noted that he lives within a block of the subject property. No other declarations of ex-parte contacts, conflicts of interest, or bias were made. The City Attorney asked if any audience member wished to challenge the Historic Review Board's jurisdiction, impartiality, or ex-parte disclosures of any members. There were none.

Senior Planner John Floyd presented the application to the Historic Review Board, including the additional Design Exception to exceed the two-story height limit within the Willamette Falls Drive Commercial Design District, and a summary of revised plan and elevations drawings to aid the HRB in considering the new Design Exception.

Scott Sutton of SG Architecture presented the design exception for rooftop storage on behalf of the applicant. He stated that the enclosed area on top of the building would be unoccupied, accessory storage intended to store the rooftop furniture in the winter. A second enclosed area would screen the mechanical equipment. Sutton testified that all proposed building heights are at or below the maximum allowable by code (35'0"). The building would have a below-grade garage, two floors above grade, and a roof-top deck. The proposed rooftop spaces would not be visible to the public. He stated that the rooftop deck is, by definition, not a third floor because it does not have a roof. He emphasized that the design exception request is for accessible, enclosed accessory space for storage. He stated that the city has previously approved covered rooftop spaces for roof access and storage for five other buildings in the District, making their proposal align with existing building

Members asked clarifying questions about the windows and architectural features of the building.

Chair Manning asked for public testimony.

- Ian Brown submitted written testimony, and objected to the height of the building and third-story windows and proposed a third story.
- Audra Brown objected to the applicant's request to allow 2,400 square feet of storage space on top of a two-story building.
- Kathi Halicki of the Willamette Neighborhood Association objected to the applicant's proposal based on building height, noise, and lighting.
- Yarrow Currie, Al Secchi, and James Estes testified in opposition to the proposed design exception.

Sutton rebutted that the proposed rooftop storage area is only 1,200 square feet. Additionally, he commented on the light and noise concerns. Finally, he noted that the building is within the District's 35-foot height limit and reiterated his perspective that the rooftop storage is not a third floor.

The HRB discussed the potential need for a continuance. There were no requests for continuances.

Senior Planner Floyd clarified issues for consideration.

Chair Manning closed the public hearing and opened deliberations. Members discussed:

- Concerns about the height of the building;
- Third floor precedent;
- Historic character and design detail of the proposed design exception; and
- Proposed windows above the second floor.

Member Schreiber moved to deny the proposed design exception to exceed the 2-story maximum height limit for DR-23-01, and directed staff to prepare a Recommendation and Order adopting findings that the applicant had failed to satisfy approval criteria 58.090.A & B with the following findings:

- The requested design exception did satisfy approval criterion 58.090.A as the application did not demonstrate historical precedence within the District for the proposed deviation.
- The requested design exception did not satisfy approval criterion 58.090.B, as the proposed design did not incorporate exceptional 1880 – 1915 architecture that demonstrated superior design, detail, or workmanship to a degree that overcompensated for the height deviation.

On behalf of the HRB, I would like to express our appreciation for being provided the opportunity to review the proposal and make this recommendation.

James Manning, Chair
West Linn Historic Review Board

Date