



CITY OF West Linn

Memorandum

Revised

Date: February 21, 2024

To: Chair Carr
West Linn Planning Commission

From: John Floyd, Senior Planner

Subject: Public Comments Received for DR-23-01 (Icon Commercial Building)
Revised to include additional testimony delivered to incorrect email address

As of noon today, three parties have submitted written testimony after the publication of the staff report. The first is a letter from ODOT distributed to the Planning Commission on February 16th under a separate memorandum. The second is a letter from Ian Brown received on February 20th, and the third an email from Yarrow Currie received today. The latter two are attached for the Planning Commission's consideration.

As always, please contact me with any questions at jfloyd@westlinnoregon.gov or 503-742-6058.

To: West Linn Planning Commission
From: Audra Brown (1968 6th Ave)
Ian Brown (1968 6th Ave)
Re: DR 23-01 (1919/1949 Willamette Falls Drive), 2/21/24 Planning Commission 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, and the new building will overlook our bedroom.

We are not happy about the idea of a rooftop deck. We are concerned about noise and light impacts. And we doubt it is even practical to build while complying with the CDC 58.080.B.3¹ height limit of a maximum of 35 feet and a maximum of 2 stories. This application was remanded to the Historic Review Board to consider a request for an exception to the 2-story height limit. The Historic Review Board rejected the exception, and the applicant has revised its application.²

With this latest round of revisions, we believe that a handful of additional conditions are required for approval.

I Height

The application still includes a small third story. There is a stairwell and an elevator stop with an elevator lobby.

The staff report (staff finding 4, page 14 of the staff report) interprets the stairwell and elevator to fall within CDC 41.030, which states, “Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flag poles, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.” We disagree with this interpretation.

The examples enumerated in CDC 41.030 are decorative or mechanical features that would not be occupied by people. There is a big difference between an enclosed stairwell and the top of an elevator shaft that houses motors and cables in terms of human occupancy. The former is designed for human occupancy and the latter is not. And none of the examples enumerated in CDC 41.030 contain the essential elements of a “story” as defined by CDC

¹ CDC 58.080.C was renumbered to CDC 58.080.B while this application was pending.

² In its January 29, 2024, letter withdrawing its request for an exception to the height limitation, the applicant described “substantial adjustments.” Changes related to height, design, and buffering were required by specific CDC provisions.

Chapter 2: a floor and a ceiling (or higher floor). CDC 41.030 allows certain types of projections to exceed height limits as measured in feet, but does not allow additional stories. An elevator lobby is a heavily-used room that falls within the CDC Chapter 2 definition of a “story.”

Without applying the CDC’s height limitations to these structures, there would be no limit to how tall a tower with an observation deck, accessed by an elevator and a stairwell, could be. That is not the outcome that CDC 41.030 allows.

Additionally, as seen in the front elevation drawings (page 54 of the staff report), the center of the front parapet exceeds the 35-foot line by a small amount, despite the applicant’s representation that the parapet has been lowered below the 35-foot line. Contrary to the applicant’s position that CDC 58.080.B.3 allows a parapet to exceed 35 feet in height, CDC 58.080.B.3 specifies that “A false front shall be considered as the peak of the building if it exceeds the gable roof ridgeline.” Further, based on our own communication with the applicant, we are concerned that the applicant will modify the stairwell to exceed the 35-foot limit. We want to ensure that the building ultimately complies with the CDC-mandated height limit.

To ensure conformance with CDC 50.080.B.3, we request the following conditions of approval:

- (1) The elevator lobby shall be removed.
- (2) Except for that portion of the elevator shaft housing housing cables and motorized equipment, no portion of the stairwell, parapet, or other portion of the building may exceed 35 feet above grade.

II Noise and Light

We are concerned that not enough attention has been paid to the buffering of noise and light between the proposed rooftop deck and the nearby homes. CDC 55.100.C requires buffering, to reduce noise levels and provide a visual barrier between different types of land uses, with the sole exception of single-family homes and duplexes or single-family attached units. CDC 55.100.D specifies that noise, light, and glare must be buffered from adjoining residential uses and that noise studies, and potentially mitigation, may be required if a proposed use may generate noise exceeding the municipal noise ordinance.³

³ CDC 55.100.D.3 and 4 provide:

“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.

Regarding noise, the staff report (staff finding 23, page 29) reasons that the rooftop deck is not expected to generate noise greater than other uses and street level activities permitted within the Willamette Falls Drive commercial corridor and that the deck is located away from the edge of the building. However, whether the rooftop deck is anticipated to generate noise commensurate with commercial uses occurring on Willamette Falls Drive is not responsive to the obligation to protect residential uses from noise. More importantly, the noise buffering offered by an entire building separating a sidewalk café along Willamette Falls Drive from residential uses behind that building is not commensurate to a 5'6" inch steel screen wall. No professional noise study has been offered to support a finding that activities occurring on the rooftop deck will not exceed the noise standards contained in MC Section 5.487 or that the proposed screen wall will serve any noise attenuation objective at all. Lacking study, the Planning Commission should impose conditions of approval making clear that the deck will not be used to the same degree that a street level commercial activity, such as a sidewalk café, and that a noise study will be commissioned to ensure that the City standards are met. Achieving these objectives requires imposition of the following conditions of approval:

- (3) The rooftop deck will be used solely for the use by tenants and their guests and in no case will the deck be used by the general public in furtherance of any commercial retail, service or restaurant uses.
- (4) Sometime during the first summer that the building is fully occupied by tenants, the owner must supply a professional noise study conducted when the deck is fully occupied and if that study shows that the City's noise standards are not satisfied, make modifications, including modifying the screen wall to include additional noise baffling measures, to mitigate any excessive noise.

Regarding lighting, the application materials fail to provide sufficient evidence to show that lighting on the walls of the building as well as on the rooftop deck will be buffered. The applicant's diagram (page 57 of the staff report) uses incorrect angles to overstate the degree of buffering that would be provided by the parapet wall and the screen separating the deck use from the neighbors. The grade actually places houses to the south of Knapp's Alley higher than the commercial lots to the north, so the residential second stories have a better view over the second

"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."

story. This picture shows a laser level mark at my eye level from our bedroom (the red dot at the end of the arrow), and it shows that my eye level is slightly higher than the top of the second-story window of the 1969 Willamette Falls Drive building. The roof of this building is fairly visible from my window, and rooftop activities of the proposed building would be quite visible without sufficient physical buffering. The applicant's lighting plan does not identify any rooftop lighting, which must be identified to show that lighting will be sufficiently buffered.



Further, CDC 55.100.J.6 requires a demonstration that all lighting maintain “effective shielding so that light is directed downward rather than omni-directional.” The cut sheets detailing the exterior lighting appears to be omni-directional and will produce glare. Included with this submittal are photographs showing the companion building at 1969 Willamette Falls Drive, which is widely regarded as excessively bright, causing significant glare. Some of that building's lights are actually directed up rather than down. To avoid a similar outcome, the following condition should be imposed.

- (5) The applicants lighting plan shall be revised to show: (1) the location and type of lights to be used to illuminate the rooftop deck, and no part of these features will be visible from neighboring properties; (2) the use of full cut off fixtures on the rooftop deck and the rear elevation that are directed down with an luminescence area that does not reach beyond the edge of knapp's alley and includes glare guards that block glare from the sides; and (3) that a qualified lighting designer has reviewed the revised plan and concluded that, overall, the exterior lighting scheme will be less bright than the companion 1969 building.





From: [Schroder, Lynn](#)
To: [Floyd, John](#)
Subject: FW: 1919 and 1949 Willamette Falls Drive- Public Comment
Date: Wednesday, February 21, 2024 2:24:24 PM

From: Yarrow <yarrowcurrie@yahoo.com>
Sent: Wednesday, February 21, 2024 11:56 AM
To: Planning Commission (Public) <askthepc@westlinnoregon.gov>
Subject: 1919 and 1949 Willamette Falls Drive- Public Comment

Some people who received this message don't often get email from yarrowcurrie@yahoo.com. [Learn why this is important](#)

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Dear Planning Commission,

This letter is in regard to the new ICON building proposed on 12th Street and Willamette Falls Drive, at 1919 and 1949 Willamette Falls Drive. I live within 500 feet of this proposed project, near the primary school.

I do not believe this building follows the building guidelines for Willamette set up to preserve the historic roots of our community. This building is set up to look like a three-story building instead of the two-story requirement. The exterior of this building does not fit in with other buildings in town which are clearly only two-story. **Please require ICON to follow the building guidelines and create a building that is only two stories, both inside and out.**

I am also very concerned that ICON is still asking for a 3rd floor roof top deck area, with upper structures and access elevators that do not meet the code requirements. **Please require ICON to follow all the building requirements, including the height restrictions.** The proposed deck area will create light, noise and privacy issues for ALL the neighbors who live next to this new building. Roof top deck areas can be great in large, urban settings, on top of high-rise buildings where street noise is prevalent and single family dwellings aren't next door. This isn't Willamette. Single family, neighborhood homes are closer than 35 feet from this new building. A primary school is one block to the South. **Please do not allow ICON to build a third story, roof top deck next to our homes and neighborhood.**

One of the incredible things about Willamette is the way in which we've been able to coexist with a small town center so close to the neighborhood area, primary school, and natural area. I've always appreciated when I've overheard folks say about Willamette, "it looks like old Sellwood." Take this statement to heart and require thoughtful, respectful development that allows everyone to coexist without losing those pieces of Willamette that make it so special.

Sincerely, Yarrow Currie

Lynn Schroder

Community Development Management Analyst

Planning

[#6061](#)



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