



CITY OF West Linn

Memorandum

Date: October 4, 2023

To: Chair Carr
West Linn Planning Commission

From: John Floyd, Associate Planner

Subject: Public Comments Received for DR-23-01

Five parties submitted written testimony after the publication of the staff report and before the expiration of the written comment period at noon today. Comments are attached and names listed below:

- Shannen Knight (9-23-23)
- Ian & Audrey Brown (10-3-23)
- Dee Deatherage (10-4-23)
- Jason Hall (10-4-23)
- Rachel Goebert (10-4-23)

From: [REDACTED]
To: [Floyd, John](#)
Subject: DR-23-01 Testimony
Date: Saturday, September 23, 2023 3:02:20 PM

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Dear Planning Commission:

Please accept my testimony for DR-23-01. I am writing on behalf of myself, not any affiliated group or organization.

As a business owner, we are in desperate need of more commercial space. I am extremely excited about having a potential roof top patio in our area. I think this would be an attraction that not very many local cities have, and that will draw customers from outside the city to our district especially during summer months.

However, as you may know, I am a stickler for code. I understand this is where it can get a bit tricky. Here are a few ways I think the code could be interpreted.

While I understand that it looks like 3 stories from the front, many of the buildings on the street do look like 3 stories because of the Western False fronts. The applicant also referenced this in their submittal with pictures. They are higher pitched, typically in the center, and that can make it look like 3 stories. If I look at the buildings from the side, I can see that some of these buildings have a pitched roof behind this false front. I don't know if there is attic space in there, but presumably, that space could be used as an attic.

I also believe that the building where Rubia salon is may actually be 3 stories if you consider some of the attic offices they have as a "story". I remember walking around that building getting lost when I was handing out flyers for the streetscape design. I kept finding more and more floors to go up into and they appeared when I got inside to be attic type spaces. It has been several years since I've been in that building, but I do recall that it felt like I kept climbing up more than 2 floors.

But what I don't know is if an "attic" is technically a "story" as attic is not defined in the code. Websters defines it as:

“ a low story or wall above the main order of the façade in the classical styles” Or “a room or space immediately below the roof of the building”.

Thus, it would seem that an attic is a story from this definition. If so, I believe many of the

buildings are that have attics are then 3 stories and in violation therefore of the 2 story limit. Not to say that just because other buildings have it make it alright, but there is that "precedence" where code must have been interpreted to be that an attic (or storage space above the 2nd floor) is not a story for those buildings to be built.

If we look at the code's definition of a "story", it states:

"Story. 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. If the finished floor level directly above a basement or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter, or is more than 12 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story." (side note for future code updates, you may want to figure in attic space per the above mentioned definition into what a story is)

The key here is the "ceiling or roof". The topmost story ends at the roof. Again, we have no "roof" definition so we go to Websters:

"Roof: The cover of a building"

Presumably there will be an entire roof that covers that topmost floor, and the patio is on top of that "roof". If so, then it is not a story per code definition of a "story". There is no ceiling or roof closing off the entire patioed area to make it a "story". The part of the proposed plan that becomes a gray area is the storage areas as those have what looks to be "roofs". If there were no proposed storage areas, then it would be pretty cut and dry to me that this is not a story. However, once you start adding structures with a "roof", then it becomes more confusing.

The definition of a roof is the "cover of a building" but what is a "building". Per the code definition, a building is:

"Building: Any structure used or intended for supporting or sheltering any use or occupancy"

"any use" being the key words here. These "structures" on top of the roof have a use. Does this make them then part of the building underneath? Or are they more like an accessory structure or "shed" on top of the patio. If they were not "built in" and were just portable sheds on top of the roof, again it would be clear that they are not part of the building. But does the pure fact that these are permanent structures with "roofs" on top of the building then make them a story? Or is it simply a two story building with an accessory structure on top of the building?

If we look at the definition of an “accessory structure”, there is some discretion here. The code says

“Accessory Structure: a subordinate structure with a maximum area of 1500 square feet... where the use is clearly incidental and associated with the principal use. Examples of accessory structures includes but is not limited to”

4. Sheds

10. Appurtenances such as mailboxes and heat pumps; and

11. Similar structures as determined by the Planning Director.”

These storage areas are clearly “incidental and associated with a principal use”. Thus, they should be considered “accessory structures”. I don’t know the square footage of these storage units. It was unclear from the drawings. If over 1500 square feet each, then maybe a condition needs to be made so that they are under the 1500 square feet. However, under definition and I think these storage areas would qualify either as #4 Shed, or #11 definition of “similar structures as determined by the planning director”. There is also nothing that says that an accessory structure can’t be located on top of a building. #10 references a heat pump, and heat pumps are sometimes located on the roof of a buildings. Thus, I think it is fair to assume that these storage areas (sheds) are accessory structures on top of the building and not a “story” under the code definition of a “story”.

To look at it another way, what would be the difference if someone came in with an application to convert the roof of an existing WFD building to patio space by adding a railing or façade to the building, and building in some storage areas? Would you approve that under this code? If so, then I feel like this application is no different and does meet the two story requirements.

I will also say that the other testimony received (at least in the HRB hearing) were from neighbors upset that any structure was going to ruin their view and/or natural light, and potential noise and traffic. These are not approval criteria in the code. Regardless of whether it is 2 or 3 stories, 2 stories is enough to block their view and sunlight. The extra few feet of façade enclosing the patio area is not going to change that. As to noise and traffic, one of the downsides to living adjacent to a commercial district is that you trade off walkability for potential noise and traffic. The tenants of the already existing building could change at any time to a restaurant with outdoor seating causing similar noise and traffic concerns. Having a new building doesn’t guarantee that this will be a problem. Parking issues are addressed with applicant building underground parking spaces. They are doing this presumably to reduce parking demands on the neighborhood. I appreciate that the applicants are doing this when is not required and adds costs to construction.

Again having an option for outdoor space whether restaurant, hotel, or just a rooftop garden

would be great attraction for the area, bringing more business to the Willamette area. I understand that this is something new that the commission has never encountered for the historic overlay district. However, I think between there being other buildings on the street that could be considered to be more than two stories, and that the code definition of a “story” ends at the roofline, I think it is justifiable to approve this application. It is reasonable to conclude that this is indeed a roof top patio with accessory structures, and not “story” per code definition, thus meeting the code.

One last comment, and this is more for the applicant. I would be one of the people interested in saving some of the landscaping. I can go and dig out plants to transplant elsewhere if given the opportunity.

Thanks as always for your service.

Shannen Knight
West Linn resident and Business Owner

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To West Linn Planning Commission
From Ian Brown (1968 6th Ave)
Audra Brown (1968 6th Ave)
Re DR 23-01 (1919/1949 Willamette Falls Drive), 10/4/23 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. Although the proposal has many good qualities, we object to specific third-story features. The proposal exceeds the 35-foot height limitation, exceeds the 2-story height limitation, does not qualify for an exception to the height limitations, and does not include required noise and sound buffering. These details are out of step with the character of the neighborhood and violate specific requirements of CDC Chapters 55 and 58.

The applicant went before the Historic Review Board on June 13, 2023, to address the CDC Chapter 58 criteria. We objected to several features, but our main concern was the third-story features. The Historic Review Board discussed the concerns regarding the third story and passed a motion to recommend approval except for the third story (described by the applicant as a “mezzanine”). The Historic Review Board recommended that the Planning Commission further consider the third story issues.

The removal of these particular third-story features would allow the project to go forward in better harmony with the overall character of the neighborhood as well as in compliance with both the letter and the spirit of the Community Development Code.

I Height objection

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. The application contains a partial third story consisting of two sections, one located approximately in the center of the building and the other on the west end of the building. (Page 58).¹ The center section of the third story is not shown in any of the elevation renderings, so it is impossible to evaluate. The west section of the third story is the most visually prominent as seen from the north, west, or south. (Pages 52, 53, 54). It runs approximately 25’ along the north side of the building facing Willamette Falls Drive, 100’ along the west side of the building (the entire length) facing 12th Street, and 25’ along the south side of the building facing Knapp’s Alley.²

¹ Page citations refer to the Planning Commission hearing packet prepared for the October 4, 2023.

² Dimensions are estimated based on the applicant’s submission.

While the applicant is now pursuing an exception, it earlier contended that the proposal complies with the applicable height limitation. The third story violates the applicable height limit, and the criteria for granting an exception are not satisfied.

A The third story exceeds the 35-foot, two-story limitation

At the September 14, 2022 Willamette Neighborhood Association meeting, the applicant represented that the zoning allowed a two-and-a-half story building. While CDC Chapter 19 allows two-and-a-half stories for General Commercial zoning, the site is also subject to CDC Chapter 58, which limits buildings to two stories to preserve the integrity of the neighboring Willamette Historic District as well as the Willamette Falls Commercial Design District.

In its submission to the Historic Review Board, the applicant asserted that the third story was actually a “mezzanine” considered part of the second story and not constituting a separate story. The applicant’s assertion was based on a citation to IBC Section 505.2. First, this provision of IBC Section 505.2 specifically limits its applicability to the calculation of stories under IBC chapter 5, which is a building code chapter pertaining to things like fire safety requirements, not zoning limitations. Second, the third story area does not meet the definition of a “mezzanine,” either under a dictionary definition or as defined by IBC chapter 5. Third, and most importantly, “story” is specifically defined by CDC Chapter 2 in terms of floors and ceilings.³ The first story is the space between the floor that exists at approximately ground level and the floor immediately above. The second story is the space between the floor above the first story and the next floor above. The third story is the space between the floor above the second story and the ceiling/roof above. By the CDC definition, the space above the second story is a third story. Although the applicant has revised its proposal to reduce the size of the third story, it continues to include a third story in two sections.

Although the west section is well-depicted in the elevation drawings, and clearly fits the CDC definition of a third story, the center section is not shown on the elevation drawings at all. If it is a fully enclosed area matching the west section in height, it would exceed the 35-foot elevation line (page 52) in addition to constituting a third story.

³ A “story” is defined as: “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. If the finished floor level directly above a basement or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter, or is more than 12 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.”

The revised submission indicates that this section will house those portions of rooftop HVAC equipment that are normally placed outdoors, suggesting that the section is not fully enclosed and may not need to be the same height as the west section. 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. If this section houses HVAC and other rooftop mechanical equipment and does not exceed the 35-foot height limitation, we would have no objection to it. However, the application does not provide sufficient information to evaluate this question.

Given the impossibility in evaluating whether the central section exceeds the 35-foot elevation line or even whether this section is fully enclosed, the application is incomplete and should be rejected, at least insofar as it pertains to the central section.

Finally, small portions of the north parapet exceed the 35-foot elevation line (page 52). The west parapet includes a peak that appears even taller (page 53). The applicant asserts that the height is measured as the midpoint between the eave and the parapet and that the flat second-story roof is the eave. However, the CDC contains no text supporting the applicant's interpretation. CDC 58.080.C.3 specifically provides, "Maximum building height shall be 35 feet (as measured by this code), and two stories. A false front shall be considered as the peak of the building if it exceeds the gable roof ridgeline."⁴

B The criteria for granting an exception are not satisfied

As seen on the elevation drawings, the west section of the third story is extremely prominent. (Pages 52, 53, 54). The third-story wall on the north side of the building, facing Willamette Falls Drive, runs approximately 25'. 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, 100' along the west side of the building, the third story wall is featureless brick.

As noted, the center section of the third story is not depicted in the applicant's elevation drawings and cannot be readily evaluated. The applicant's request for an exception The third-story section that would require an exception (assuming that the section in the middle of the roof is mere screening for the HVAC equipment) is the block that is approximately 25' by 100'

⁴ The applicant's interpretation appears to be based on an accompanying illustration in CDC Chapter 58. While this illustration is less than clear, the text is unambiguous.

on the west end of the building.⁵ From the north (page 52), the third story appears small, but it is lined by windows its entire length. From the east (page 53), the third story extends the entire length of the building, with windows on the left side and with a window from the staircase that clearly is between floors. While a portion of the wall lacks windows, it is clearly the height of a third story, and it is framed by windows on either side. From the south (page 54), it is simply an undifferentiated brick rectangle topped with a plain wall.

CDC 58.090 provides criteria for the Historic Review Board to grant an exception where a design proposal cannot meet the standards, or proposes an alternative to the standard.⁶ The Historic Review Board did not grant an exception. The Historic Review Board did not have the opportunity to consider an exception because the applicant did not request one. Several members expressed concern that the third story exceeded the height limitation, but the Historic Review Board was unable to determine the correctness of the applicant's position regarding whether the third story was "mezzanine." Rather than deciding that question, the Historic Review Board passed the buck to the Planning Commission to evaluate whether the proposed building was, in fact, two or three stories. But the CDC requires the exception to be granted by the Historic Review Board, which is charged with evaluating compliance with CDC Chapter 58 standards. Because the applicant did not request an exception at the Historic Review Board level, the CDC does not allow an exception to be granted at this point.

Even if the procedural posture allowed an exception to be granted, the criteria for doing so are not satisfied. The applicant relies on criterion A, which requires that a review of historical

⁵ Dimensional descriptions are approximate based on the applicant's illustrations.

⁶ CDC 58.090 states:

"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 design exception 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, deviation, or use of non-period materials. The emphasis is upon superior design, detail, or workmanship.

"C. The application is for the restoration or alteration of an existing, out-of-period structure where it can be demonstrated that applicant cannot reasonably comply with the standard due to existing building setbacks, orientation, roof forms, materials, architectural style, functional design, or other existing conditions; and where the exception would further the purpose of this chapter as set forth in CDC 58.010. This exception does not apply when the structure is demolished."

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. The applicant cites five buildings in the Willamette Falls Commercial Design District: 1672, 1849, 1880, 1914, and 1980 Willamette Falls Drive (page 59). 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 include third-story spaces that are even 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.

1849 Willamette Falls Drive is a modest example of an older local building with third-story space hidden behind a western false front.⁷ 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.

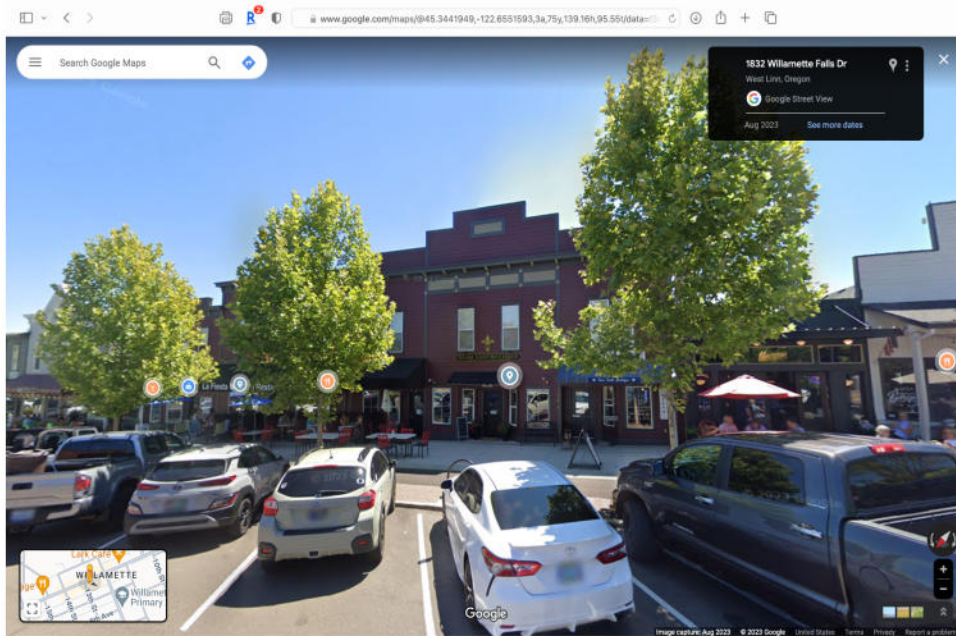
⁷ The "western false front" is the preferred style in the Willamette Falls Commercial Design District. CDC 58.080.C.8. CDC Chapter 2 provides the following definition:

"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;

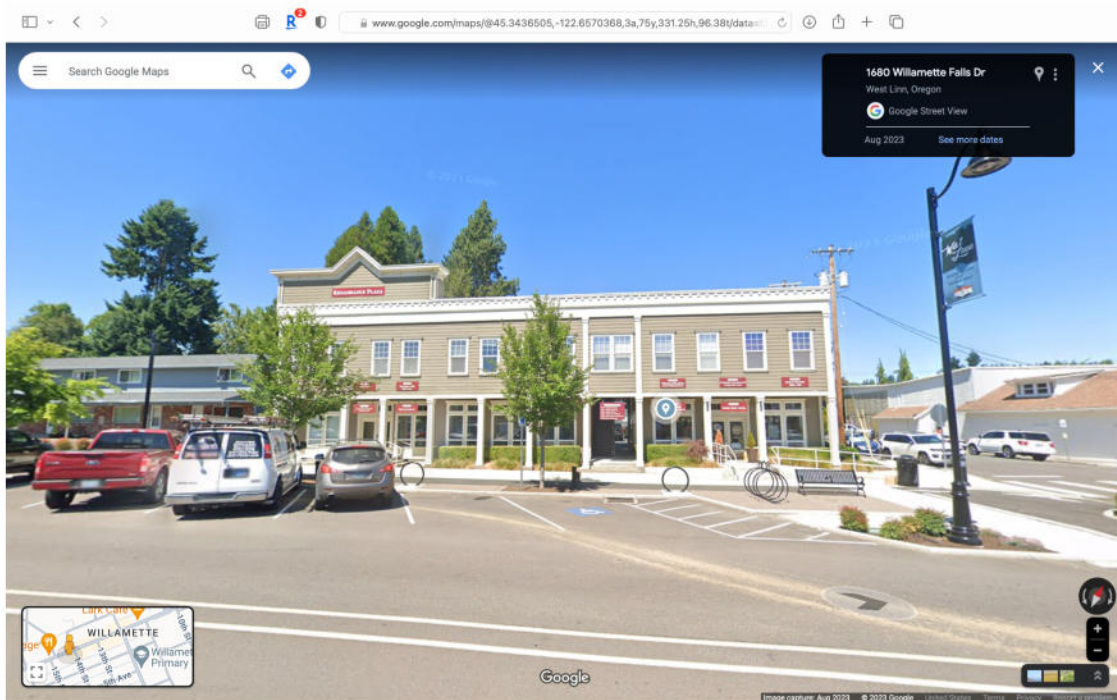
"3. The street facing facade(s) may exhibit greater ornamentation than other sides of the building."



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 does not appear to be a third story at all 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 alternative 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).

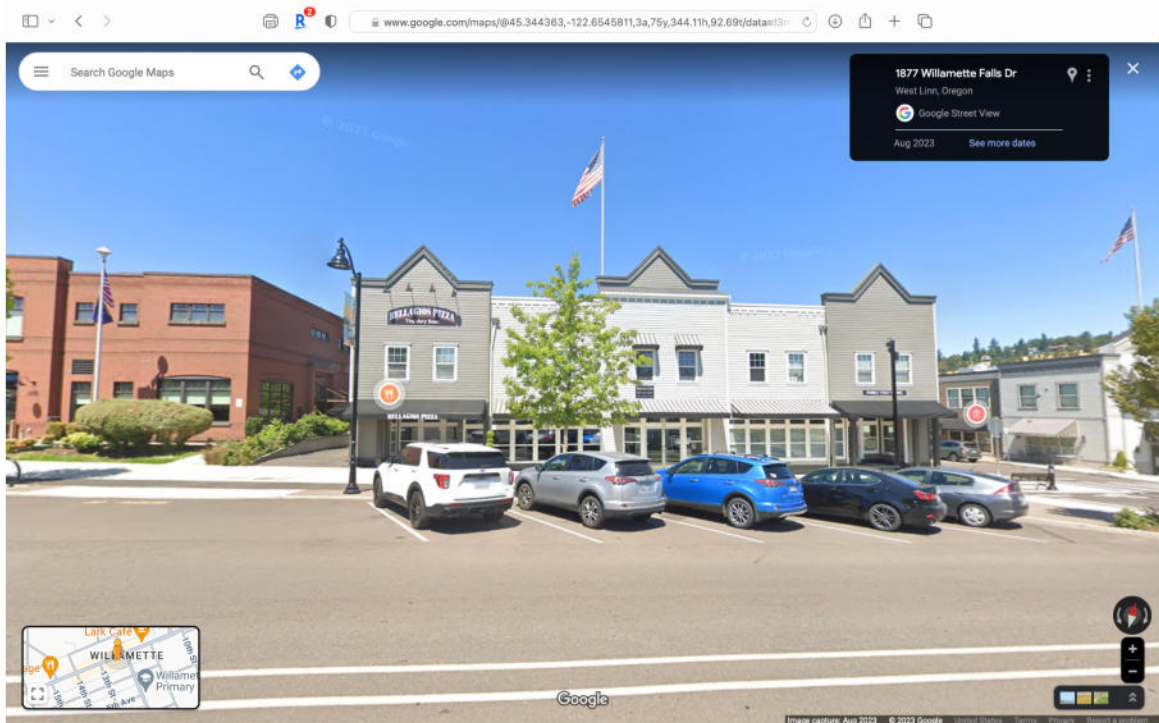
The building at 1672 Willamette Falls Drive was built approximately 80 years outside of the relevant time period, so it is not really an appropriate example to review to support criterion A. It is an interesting example of how the Historic Review Board might consider allowing third-story space. As such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

In the present application, the west section of the third story, with its box-shaped configuration with vertical walls on all sides, set on the edges of the building, and a grand set of windows anchoring the most prominent corner, is not comparable to the configuration of 1672 Willamette Falls Drive, with a false front with no windows hiding a gabled half-story set far from the side streets. The applicant’s proposal, which makes the third-story structure a defining visual characteristic from all street-facing angles, is inconsistent with the criteria for a variance granted in 1672 Willamette Falls Drive, which was based on the third story structure being

difficult to see. Based on this example, even if one assumes assume that the Historic Review Board would grant the same exception if given the chance, it is difficult to imagine the 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 or any design elements suggesting third-story space) 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.⁸ It did require that any HVAC on the roof be screened and mitigated.



The 1880 Willamette Falls Drive building itself has a small rooftop structure, as seen in the overhead photograph in the applicant’s submittal.⁹ (Page 59). The rooftop structure is entirely tucked behind the false front at the middle of the building, as far away from the sides of

⁸ 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.

⁹ 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.

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.

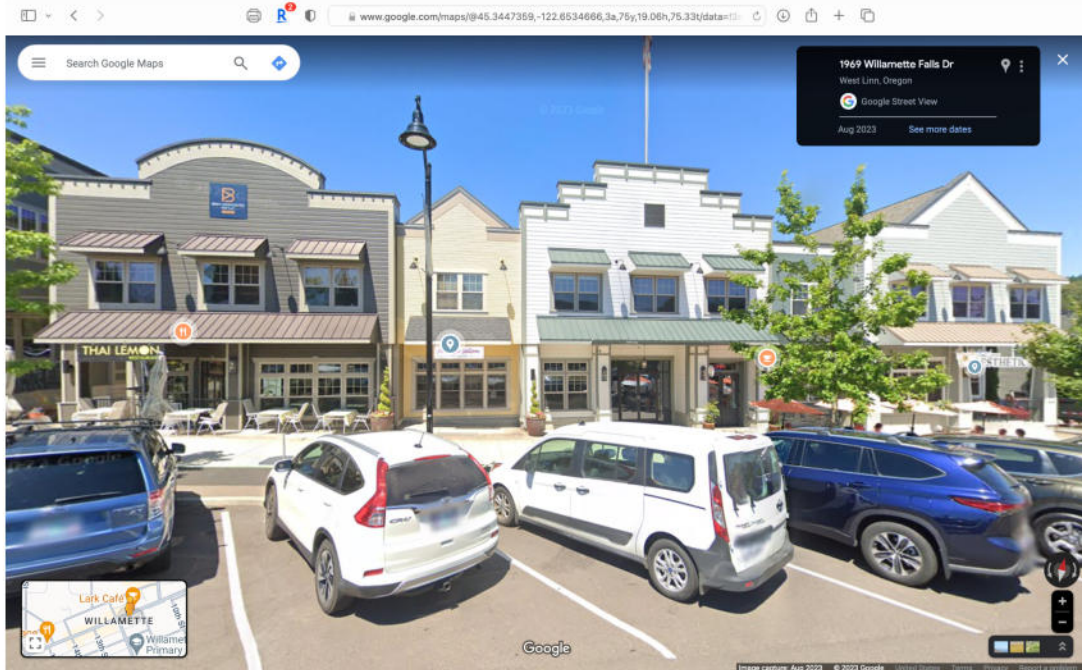
The design of 1914 Willamette Falls Drive, another recent building located at the same intersection as 1880 Willamette Falls Drive and the applicant's proposal, shows attempts at a similar effect. The rooftop structures are small, with gable roofs, and they have the appearance of mechanical screening. This building differs from 1880 Willamette Falls Drive in that the structures are not as well hidden, but 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 (DR-06-46) then required the elimination of "the circles/cutouts at the top of the false gable end."



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 that those rooftop structures avoid 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 third-story space. 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 reveal the absence of a large third story. The criteria for an exception are not satisfied.

Finally, 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 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.

C. The design of the third story west wall is not approvable

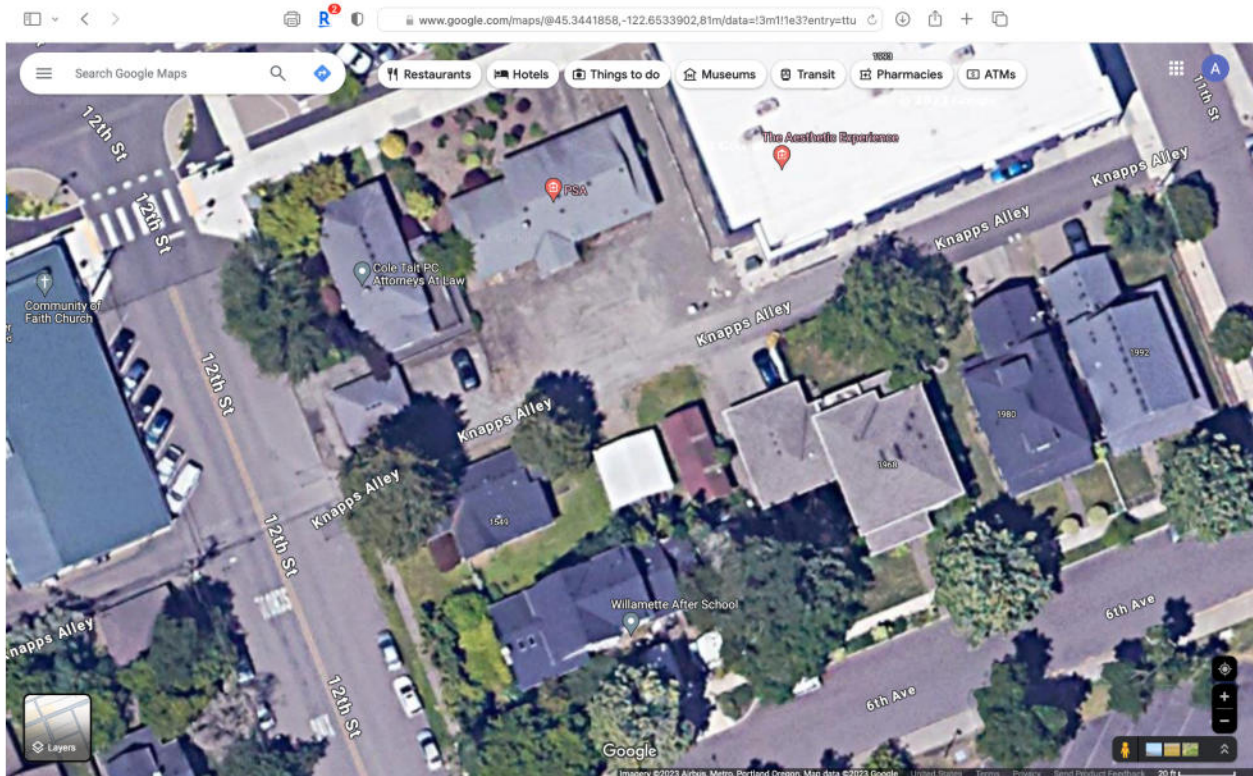
Siding materials other than wood require a design exception to be granted by the Historic Review Board. CDC 58.080.C.10. In its revised submission, the applicant has removed many of the windows from the west wall and replaced them with large squares of fiber cement panels.

(Page 53). It is a major departure from the siding approved by the Historic Review Board and requires a new exception. It also does not satisfy the criteria for an exception.

Of course, if the siding were changed back to the approved fiber cement lap siding (for which an exception was granted), the result would be a plain wall extending from the second-story windows to the parapet above the third story and from the window bay near Willamette Falls Drive to the brick stairwell section near Knapp's Alley. This would be a plain rectangle, perhaps 15' high by 60' long. This design would not be consistent with CDC Chapter 58 and would also not satisfy the criteria for an exception.

II Noise objection

To reiterate, the proposed building sits adjacent to a residential area, and the roof will overlook neighboring houses.



The proposal includes a 1,300 square foot rooftop deck (page 58). CDC 55.100.C.1 requires that buffering be provided between different types of land uses. Buffering is appropriate to decrease noise levels and to provide a visual barrier. CDC 55.100.C.1.a. Structures or on-site activity areas that generate noise, lights, or glare must be buffered from adjoining residential uses. CDC 55.100.D.2. A rooftop deck would be expected to generate noise and light at the least. The applicant's proposal includes no buffering whatsoever between the deck and the residences to the south of Knapp's Alley.

Discussing the noise concern, the applicant has noted that no use has been determined. It is the applicant's burden to establish compliance with the standards. If the applicant's position is that determination of the use is necessary to evaluate compliance with noise buffering requirements, the applicant should identify the use of the deck and explain what the noise impacts will be and how the applicant has buffered the noise.

Staff Finding 23 (page 27) reasons that the rooftop deck is not expected to "generate noise in excess of street level activities that are permitted along the Willamette Falls Drive commercial corridor." However, there are no 1,300-square-foot decks on the sidewalks of Willamette Falls Drive. The seating layout (page 58) is speculative, but it shows 56 seats comfortably arranged. A larger crowd could easily be accommodated. Any restaurant with street-level outdoor seating along Willamette Falls Drive accommodates a fraction of that size crowd.

And any street level activities on Willamette Falls Drive are inherently buffered from the residences in ways that this rooftop deck is not. Activity on the sidewalk Willamette Falls Drive is twice as far from the closest residence as this rooftop deck, which is in the middle of the building. And the commercial buildings that lie between Willamette Falls Drive and the residential area provide sound buffering. In contrast to street-level activity on Willamette Falls Drive, the rooftop deck directly overlooks the residences with no light or sound barrier.

Given the nature of crowd noise, it is doubtful that any rooftop deck this close to residences could be sufficiently buffered from noise. There are other commercial areas further from residential areas that are better candidates for that type of use. Here, though, there is no need to think about whether buffering is sufficient, because this proposal has no buffering at all.

The CDC recognizes the need to balance the rights of commercial property owners and users against the rights of neighboring residents, and every commercial developer knows they have limits to their uses. CDC 55.100.C.1 and D.2 specifically protect neighboring residents in this circumstance.

III Conclusion

We fell in love with the Willamette neighborhood because of the vibrancy we saw as a result of its historical character and its mix of residential and commercial uses. It's a great neighborhood, and its character is the result of dedicated individuals and a dedicated community.

There are a few things we don't like about this proposal: the third story space, the portions of the structure that exceed 35 feet, and the rooftop deck. These details violate the

CDC. There are a lot of good things about this proposal, and we look forward to it being built without these code violations.

The meeting was called to order at 7:05 by President, Kathie Halicki.

The Treasury remains at \$3,245.52.

The Minutes of the July 13, 2022, meeting were read and approved.

23 persons attending on Zoom.

ICON Construction

A proposed building design for the corner of 12th and Willamette Falls was presented by Scott Sutton and Kevin Godwin of SGA Architects. Images of a street elevation and a floor plan were shared-screened with design elements explained. The height limitation is 35' and 2 1/2 stories. There will be underground parking for 35 cars that connects with the adjacent ICON building.

The facade design will be compatible with the adjacent ICON building.

Office space and restaurant areas are included. A second story restaurant space is included with a mezzanine/roof area which will be enclosed.

Q: Noise from restaurant music?

A: All will be contained within walls on alley side. Should be no more than ambient noise from WF Drive.

Q: Delivery trucks in the alley?

A: Deliveries will be made from 12th street side in marked area

Main Street

Rebecca announced tonight as the last day of the Summer Market.

Next Wednesday, **Sept 21**, will be a Wine Walk with tickets available as a Main Street fund raiser.

October 1 will be the Arch Bridge Centennial Celebration. West Linn, Oregon City and the Grande Ronde Tribe will each produce art events which will merge at the bridge center.

October 31 will have Halloween events and treats for children. Last year 1300 kids appeared. Volunteers will be welcomed. A donation of \$200 will be asked of the WNA at the October meeting.

November 1 will be 'Small Business Saturday' and the lighting of street trees.

Also the Historic Review Board is developing an on line walking tour of the Historic District. Calendar and events are described on the Historic Willamette Website.

Update

Kathie reported two land use applications. Both involve property divisions.

The police station will allow use to use their community room but not their technical equipment.

poll: A vote among those present chose to continue with Zoom and perhaps meet in person twice a year.

The bird scooters are now gone from Willamette.

A Community Attitude Survey is underway: polco.us/westlinn22op

Traffic on Hwy 43 will be reduced to one lane during road improvements thru December.

October meeting

A candidate forum is planned. Four candidates have responded and will be given 5 minutes to present and 5 minutes for questions.

The new City Manager, John Williams, will describe TIF, Tax Increment Financing

Lean Liu requested support from the WNA for a community pool citing popularity and reasons for the need. Kathie explained that generating petitions was not the purpose of the WNA and perhaps social media would be a better source for support. We were reminded that bond measures for a community pool had been turned down three times because of costs of construction and maintenance. She will bring a presentation to the WNA in the future.

Athey Creek School issues:

The Brandon Place extension needs a solution for adjacent residents.

The expanding width of WF Drive will cause large and extensive retaining walls in both the West and East entrances to Fields Bridge Park. Is this necessary? Is widening the road beyond a required bike lane necessary?

Attendance at a Transportation Advisory Board to voice concerns is urged.

The meeting adjourned at 8:53

Elizabeth Rocchia
secretary



**HISTORIC REVIEW BOARD
Meeting Notes of June 13, 2023**

<u>Members present:</u>	James Manning, Tom Watton, Dan Saltee, Michael Fuller, Kirsten Solberg, and Danny Schreiber
<u>Members absent:</u>	John Steele
<u>City Council present:</u>	Scott Erwin
<u>Public:</u>	Pam Krecklow and Mark Hamilton, West Linn Historic Society, Kevin Godwin, Scott Sutton, James Estes, Jody Carson, Ian Brown,
<u>Staff present:</u>	John Floyd, Associate Planner, Lynn Schroder, Administrative Assistant, and City Attorney Bill Monahan

Staff Liaison: John Floyd - jfloyd@westlinnoregon.gov

1. Call To Order and Roll Call

Chair Manning called the meeting to order at 6:09 pm.

2. Public Comment Related To Items Not On The Agenda

Pam Krecklow and Mark Hamilton commented on the Beckman Stone, a historical marker in West Linn adjacent to the Tualatin River at the end of Dollar Street. The Beckman Stone was moved from the Fields Family cemetery in the location circa 1916. The stone marks Klaus Beckman's death in 1875 in a boat explosion on the Tualatin River. The WLHS seeks to preserve and protect the stone as a local historic landmark.

3. Approval Of Draft Meeting Notes for 4/18/23

Member Watton moved to approve the meeting notes for 4/18/23. Member Schreiber seconded. **Ayes: Watton, Schreiber, Fuller, Saltee, Solberg, and Manning. Nays: None. Abstain: None. The motion passed 6-0-0.**

4. Public Hearing: [DR-23-01 -1919/1949 Willamette Falls Drive - Class II Design Review for a New Commercial Building](#)

Chair Manning introduced application DR-23-01, a Class II Design Review to construct a new commercial building at 1919 & 1949 Willamette Falls Drive. Manning explained the hearing procedures provided in CDC Chapter 99.170 and opened the public hearing.

City Attorney Monahan addressed legal standards and appeal rights. The substantive criteria that apply to the application are contained in Community Development Code (CDC) Chapters 58 (the Willamette Falls Drive Commercial Design District) and 99 (Quasi-Judicial Decision-Making Procedures).

City Attorney Monahan addressed Historic Review Board conflicts of interest, ex-parte contacts, jurisdiction, and bias challenges. Member Watton stated that he is also a member of the Planning Commission. He recused himself from considering the application as a member of the Historic Review Board and stated his intent to consider the application as a Planning Commissioner when it is presented there. Member Schreiber declared that he lives near the property. Members Solberg and Manning declared site visits. Both members confirmed their ability to decide the application based on

the testimony presented at the hearing. No other declarations of ex-parte contacts, conflicts of interest, or bias existed. Monahan asked if any audience member wished to challenge the Historic Review Board's jurisdiction, impartiality, or ex-parte disclosures of any members of the Historic Review Board. There were none.

Associate Planner John Floyd presented the staff report. The applicant requested to demolish the two existing structures and replace them with a two-story commercial building with a rooftop lounge, outdoor patio, and underground parking. The above-ground structure would contain approximately 29,080 square feet of speculative commercial space for retail, service, and restaurant tenants

Floyd explained that per CDC 99.060.D.2(c), the Historic Review Board recommends the Planning Commission regarding the project's compliance with CDC Chapter 58, which contains the standards and criteria for new development within the Willamette Falls Drive Commercial Design District. Once a recommendation is made, a Planning Commission would decide on the application.

The site is zoned General Commercial. Two structures occupy the site. Both were constructed as single-family homes but have been converted to commercial uses. Neither is listed as a local historic resource in the Willamette Historic District or listed on the National Register. Therefore, no historic protections apply per CDC 25.020(A), and the City did not notify SHPO about the proposed demolition.

Three design exceptions are requested as part of the application:

- Use James Hardie fiber cement instead of wood siding and trim.
- Use of brick masonry instead of wood siding along selected portions of the façade
- The use of columns to support an 8.5-foot canopy that wraps the northwestern corner of the building at Willamette Falls Drive and 12th Street.

Most of the building would stand in a two-story configuration with a rooftop lounge and outdoor seating area ("mezzanine") at the corner of Willamette Falls Drive and 12th Street. The outdoor mezzanine is centered on the roof, with a hallway between it and the residential area to the south.

Current standards typically limit structures to no more than 35 feet and two stories. The proposed design falls outside the standards because the mezzanine is above the second story. Floyd noted that the HRB needed to decide about the mezzanine by either an interpretation or a design exception. Given the rooftop lounge area, aka mezzanine, only covers a relatively small area of the footprint, is limited to the western façade area, and employs shorter and horizontally oriented windows to reduce their profile, the HRB could have interpreted the design as effectively being limited to two-stories with a rooftop access area. Alternatively, the HRB could permit the rooftop lounge as part of a design exception and request the applicant provide supplemental findings supporting a design exception.

Kevin Godwin and Scott Sutton of SGR Architecture presented on behalf of the applicant. Godwin discussed the new commercial and proposed design exceptions. He noted that the existing homes were not designated as historic properties. The applicant would facilitate moving the buildings instead of demolishing them if someone wanted. The design of the new commercial building was intended to mimic the structure at the eastern end of the same block in size and scale to create a cohesive design for the entire block. The applicant is seeking two design exceptions for brick masonry and canopies to match the other building. Additionally, the proposed columns complement the design and are historically appropriate. The proposed design seeks to maintain the integrity of the architectural vernacular of the Willamette Falls Drive Commercial Design District.

Sutton addressed the proposed rooftop bar/mezzanine. He stated that the International Building Code defines a mezzanine as a space open to the floor below and taking up no more than ¼ of the area below. A mezzanine is considered to be part of the floor beneath it. The entire structure is within the 35-foot height restriction for the District. He addressed the public's concern about noise from the rooftop bar by noting that the space is to be enclosed. The outdoor space is oriented toward Willamette Falls Drive and is buffered by the stairwell. Thirty-five off-street parking spots are provided onsite under the building. The Traffic Impact Analysis demonstrated that the traffic impacts are within the Code requirements.

Member Saltee expressed his concern about noise from the rooftop mezzanine and the extent of the awning into the right of way. He asked about the building entryways.

Member Schreiber noted that although one of the existing buildings was not designated a historic landmark, the bungalow house on the property was built in 1919, according to Sanborn maps. He asked for more information about the offer to move the house rather than demolish it. He asked questions about the rooftop and classifying the mezzanine as a third floor

Member Solberg was concerned about using Hardiboard siding material because it was not appropriate for the historic fabric of the District.

Chair Manning asked for public testimony. James Estes objected to the proposed new construction. He stated that the proposal does not meet the two-story Code criteria.

Chair Manning asked for public testimony.

James Estes objected to the proposed new construction. He stated that the proposal needed to meet the two-story Code criteria.

Ian Brown stated his concern about the large windows in the back of the proposed buildings that would shine light on residential neighbors. He said the proposed building was inconsistent with the other buildings on the block on the backside. He stated that the design elevations do not show the entire third story. He objected to calculating the building height on a diagonal. He noted the diagonal line would cross over the long corridor in the third story. He objected to the interpretation that the mezzanine is not a third story. He stated that the mezzanine/third floor would be a design exception to the code, but they did not request one for this aspect of the proposal. He objected to the columns because they impede the sidewalk and the ability to use it.

Jody Carson, Historic Willamette Mainstreet, testified in support of the proposal. She stated that the design would complement the historic main street. The underground parking would benefit the commercial area. She wanted the mezzanine to be considered a third floor under the design exception process. She wanted to ensure a clear pedestrian walkway if the columns were allowed. She supported the efforts to relocate the bungalow on the property and requested that the property owner allow neighbors to remove the existing mature plants from the property.

Sutton rebutted that design elevations show the building height on the diagonal because the code requires it to be shown that way. He noted that the property owner would support efforts to relocate the existing bungalow and vegetation if someone demonstrates interest. As currently designed, the location of the columns provides a wider than-required ADA walkway, but the applicant was willing to work with the City on placement. He did not think the applicant needed a design exception for the

mezzanine because they believed it met the building code outright. He said the back windows could be redesigned to meet a 1.5/1 ratio.

There were no requests for continuances.

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

- Definition of a mezzanine in the IBC and CDC versus that used by the applicant, and whether the rooftop space is a mezzanine or a third story, and whether it should be approved through an interpretation of the code or as a design exception;
- Whether the windows facing the alley were subject to the vertical height-to-width ratio of 1.5:1 as set forth in CDC 58.060.C.6, and how the standards had been applied to other structures in the district; and
- The appropriateness of a design exception to allow support columns for an extended awning at the corner of Willamette Falls Drive and 12th Street, the limitations the columns impose on use of the sidewalk over time, and the appropriateness of deferring their approval to the City Engineer.

The HRB considered a continuance, but decided they had enough information to make a recommendation.

Member Fuller moved to recommend approval of DR-23-01, as presented, except for the mezzanine based on Chapter 58 to be further discussed by the Planning Commission, and directed staff to prepare a recommendation to the Planning Commission based on the findings in the June 13, 2023 hearing and staff report. Member Saltee seconded. **Ayes: Manning, Fuller, and Saltee. Nays: Schreiber and Solberg. Abstain: None. The motion passed 3-2-0.**

5. Updates on Outreach Efforts to Historic District Homeowners

Administrative Assistant Schroder noted that the Historic Home Ownership Guide brochure was mailed to historic homeowners with the Willamette Historic District in May. Willamette Historic District Walking Tour Storymap postcards would be sent to Willamette District residents in June.

6. Items Of Interest From The Board

Member Watton commented on new paint colors in the buildings in the Willamette District. He noted that the buildings were painted the same color. Members agreed that a Chapter 58 Code review should be prioritized on the docket. Floyd will put a discussion of a Chapter 58 code update on an upcoming HRB agenda.

7. Items Of Interest From Staff

Floyd updated the Board on the upcoming development applications.

8. Adjourn

Chair Manning adjourned the meeting at 9:14 pm.

1672 WFP

WEST LINN/CLACKAMAS COUNTY

HISTORIC REVIEW BOARD NOTICE OF FINAL DECISION

FILE NO. DR-94-07

At a special hearing on April 13, 1994, the Clackamas County/West Linn Historic Review Board approved the application by Randy Sebastian to construct a new office/commercial building at 1684 Willamette Falls Drive in the Willamette Historic District. The public hearing was conducted pursuant to the provisions contained in Chapter 99 of the Community Development Code. The decision to approve the application was based upon findings contained in the Staff Report which specifically addressed the approval criteria of Chapter 58 of the Community Development Code. Additionally, Board member, Charles Awalt, made the following findings:

1. The applicant, Randy Sebastian, made an application to construct the first phase prior to the codification of the Willamette Falls Drive commercial overlay zone. Although his design agrees with the majority of the approval criteria of Chapter 58, there are some deviations, particularly in the form of a second story overhang, lack of indented doorway, and lack of awnings above the pedestrian windows. At the time of the original submittal, Mr. Sebastian supplied plans for the second and third sections of the addition, which was reviewed in this application. At the time of the approval of the first section, Mr. Sebastian was given the understanding that not only was his first phase approved, but also the subsequent phases or sections were appropriate to the expected approval criteria of Chapter 58. Because Mr. Sebastian set the architectural tone for the project prior to the enactment of the Code, it was the finding of Board member Awalt that the second and third sections should be consistent with the first section, and that the Code provisions which would relate to the new additions (e.g., requirement for awning, indented door, no overhang, etc.) were not appropriate.
2. Board member Awalt found that the Code allows a height of two stories and 35 feet for structures in this overlay zone, but that there is a provision for a variance if the applicant can demonstrate that their alternative design is historically accurate. Mr. Awalt found that the review of period architecture submitted at the meeting by Associate Planner, Peter Spir, revealed that 2-1/2-story structures were found in the area. For that reason, Board member Awalt found that if the applicant wishes to go with an extra half story, it is consistent with the Code provisions for the variance and the architecture of the period. Board member Awalt found that the half story will not be seen from Willamette Falls Drive as it will be positioned at the rear or north end of the structure. In the event that an elevator is required to the third floor, and elevator housing is likely to project above the parapet, it was the finding by Board members Awalt and Ron Lee, that the elevator should not be shielded, screened, or embellished in any way.

3. Because of the fact that the design concept was approved prior to the enactment of Chapter 58, the four-foot overhang that exists in section 1 of the structure, should be allowed to continue through sections 2 and 3. Also, the canopy requirement is waived since, from a functional standpoint, the overhang serves some of the same purposes, and that an awning for the second and third sections would look out of character since the first section would be without.
4. Board member Awalt made finding that the indented doorway on section 3 should not be required since it would be out of character with the door on section 1, and because of the fact that it was grandfathered in with the earlier application.

The Board felt that it was important to reiterate the fact that this application was substantially approved in design and concept prior to the enactment of Chapter 58 of the Community Development Code. Consequently, three or four of the provisions that would currently be enforced, were not considered to be applicable. This should be noted by any new applicants who may consider this application as a guideline for their own submittals. All submittals that are made for the Historic Review Board after the date of enactment of this Code in 1992, will be required to meet the Code in its fullest.

Testimony was heard from the applicant, Randy Sebastian and his architect. There were no other participants in the process.

The Clackamas County/Historic Review Board made a motion to approve the application based upon the aforementioned findings and those contained in the Staff Report with the following conditions of approval.

1. Half-story on the top floor is acceptable so long as it is not seen from Willamette Falls Drive.
2. The indented door on section 3 is not required.
3. The awnings are not required for sections 2 and 3.
4. The elevator to the top half-story should be kept out of site from Willamette Falls Drive. However, if it is visible, there should be no shielding or screening, or decorative design. At such time that the applicant has plans for the location of the elevator and housing, the Planning Department shall review those plans and make a determination as to the appropriateness of its location and its exterior. Staff may choose to consult with members of the Historic Review Board.

NOTICE OF FINAL DECISION

This decision shall become final 14 days from the date of mailing which is identified below. Appeals by persons with standing (e.g., those who have mailed in letters which are accepted into the record, those who testified at the hearing or signed in on the attendance sheet at the rear of the room during the hearing) must be submitted to the Planning Department by 5 p.m. of the deadline date and accompanied with a check for \$350 and the specific grounds for appeal. The review body for this case is the West Linn City Council. Chapter 99 of the Community Development Code details the specifics of appeals.

Herb Beals

HERB BEALS, ACTING CHAIR
HISTORIC REVIEW BOARD

April 15, 1994

DATE

This final decision mailed the 19th day of APRIL, 1994

Appeal deadline: 5 p.m. on May 3, 1994.



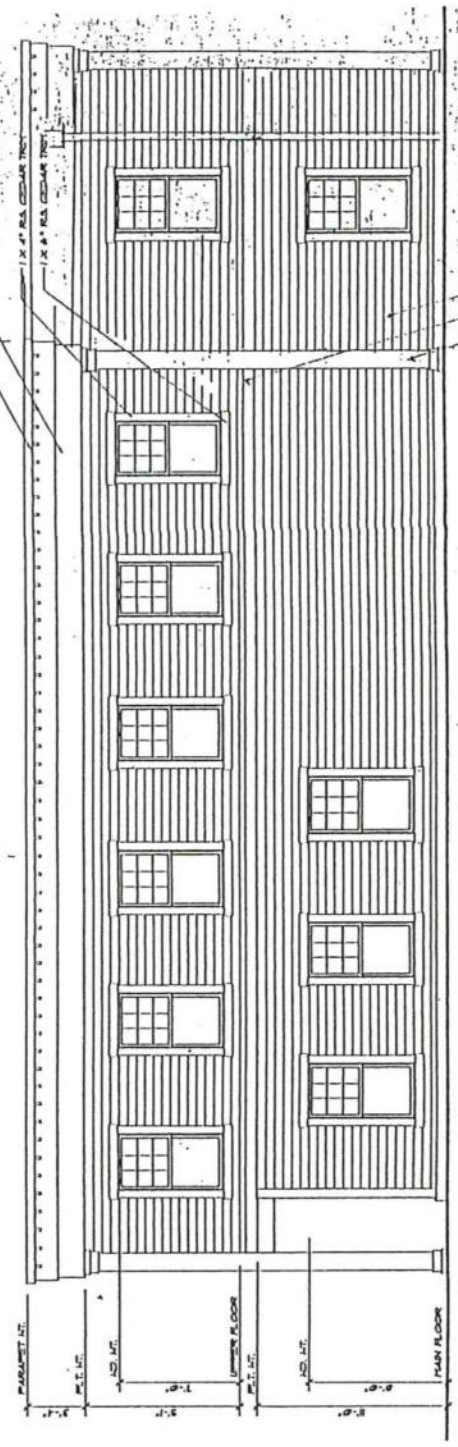
NOTE:
ALL GRADES SHOWN ARE APPROXIMATE
EXISTING AND FROM GRADES.

NOTE:
VERIFY ALL EXTERIOR
FINISH AND TRIM DETAILING
AGAIN WITH OWNER

EXISTING NEW PHASE II
1" X 4" CLIP FINISH
12" HOGA EXTERIOR
1" X 4" PLS CEDAR TRIM

SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

vertical
down 1' req.



EAST ELEVATION
SCALE: 1/4" = 1'-0"

1849

WFD

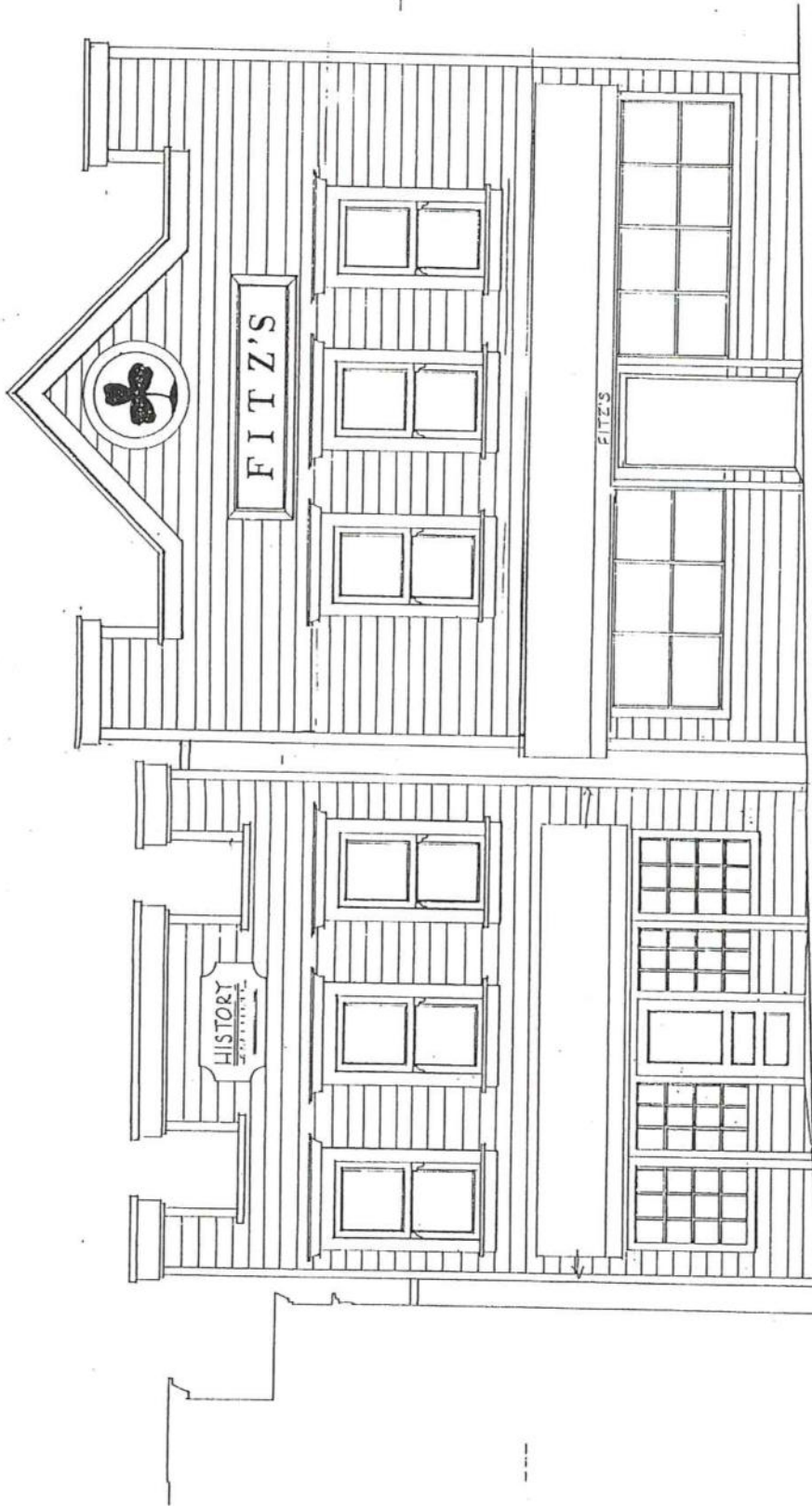
WEST LINN/CLACKAMAS COUNTY

HISTORIC REVIEW BOARD NOTICE OF FINAL DECISION

FILE NO. DR-94-37 REMODEL OF COMMERCIAL STRUCTURE AND CONSTRUCTION OF A NEW STRUCTURE IN THE HISTORIC DISTRICT COMMERCIAL OVERLAY ZONE

At a special meeting of November 16, 1994, the Clackamas County/West Linn Historic Review Board convened a public hearing to consider the request of Wayne Fitzpatrick and Ernest Cassella to construct a new structure in the Historic District at 1869 Willamette Falls Drive, and to remodel a structure at 1849 Willamette Falls Drive, also known as Fitz's Restaurant. These parcels are further defined as Tax Lots 3400 and 3500 of Assessor's Map 3 1E 2BA. The meeting was conducted pursuant to the provisions of Chapter 99 of the Community Development Code. The approval criteria that was applied to the application was drawn from Chapter 58 of the Community Development. Based upon the findings contained in the Staff Report and the findings made by the members of the Historic Review Board, the application was approved with the following conditions of approval:

1. The two vertical projections at each end of Fitz's proposed parapet shall be eliminated. These are the two crenelation-like protrusions on either end of the front elevation. The peaked or pointed false front feature will remain.
2. Crenelation of the new building adjacent to Fitz's Restaurant will be eliminated to provide a single plane of the roof line. In other words, the parapet will be flat.
3. All awnings on both buildings shall be extended from one side of the elevation to the other. Wood awnings are an acceptable alternative but must be approved by the Planning Director.
4. The pedestrian level windows must be broken into lights of "two over two" or configurations acceptable to the Planning Director in consultation with the Historic Review Board.
5. The vertical corner boards shall be widened. Fitz's Restaurant sign and shamrock insignia may be installed as separate design elements or combined into one element with Planning Director approval.
6. The doorway for Fitz's shall be recessed to a depth of approximately 4 feet.



--- EXISTING RZ

FRONT ELEVATION
 $\frac{1}{4}'' = 1'-0''$



1105

1880 WFD

FINAL DECISION NOTICE
FILE NO. DR-99-28

Sent
to Ed &
Mark
Handris

At a special meeting of the West Linn/Clackamas County Historic Review Board on January 12, 2000, a public hearing was convened to consider the request of Ed and Mark Handris to construct a two-story office building at 1824 Willamette Falls Drive (Assessor's Map 3 1E 2BA, Tax Lots 2100 and 2200). This property is in the Willamette Falls Drive Commercial Overlay Zone. The standards of Chapter 58 of the West Linn Community Development Code apply.

After the hearing was convened and the proposal was discussed, Board member Harlan Levy moved to approve the application with conditions. The motion was seconded and approved by a unanimous vote with the following conditions of approval:

1. The applicant shall provide 80 percent transparency on the front elevation and 30 percent transparency on the 12th Street elevation. The transparencies shall include the main pedestrian level windows and the transom windows above them. The redesign of the windows shall be presented to the Planning Director for review and approval prior to submittal of any building permit application.
2. The applicant shall provide awnings that extend across the length of the Willamette Falls Drive elevation so that the gaps between the awnings of the different tenant spaces are no more than 6-12 inches at any given spot. The applicant shall similarly connect the awning on the 12th Street elevation so that there is no gap greater than 6-12 inches.
3. The applicant shall provide windows on the west elevation per sheet A-4.
4. The applicant shall provide half-street improvements on 12th Street, at a minimum, including from centerline, one 12-foot travel lane and a diagonal parking area. Beyond that will be the curb and an 8-foot wide sidewalk. Feathering beyond the centerline may be required.
5. The applicant shall provide an 8-foot wide sidewalk on Willamette Falls Drive with street trees in grated cutouts every 30 feet.
6. The applicant shall provide a two-foot wide landscape strip around the perimeter of the parking lot at the rear with tree plantings (arborvitae) three feet on center.
7. The applicant shall select a darker trim for the parapet, cornice, and dentil area that clearly contrasts with the body color.. All colors must be approved by the Planning Director. Variations of beige are not permitted for the trim. The trim for the first and second floor windows and doors may be lighter.
8. Any HVAC on the roof shall be screened and mitigated to the degree necessary to comply with noise standards of CDC Ch. 55.

9. Except as modified by these conditions, the applicant shall construct the building as proposed in this application.
10. All doorways shall be recessed per Code.
11. Construct six-foot high solid wood fence along rear of the lot.
12. No off-site glare from lights is permitted.

This decision shall become effective at 5 p.m., 14 days from the date of mailing. Appeals, by parties with standing, must be filed before that deadline.



PETER SPIR

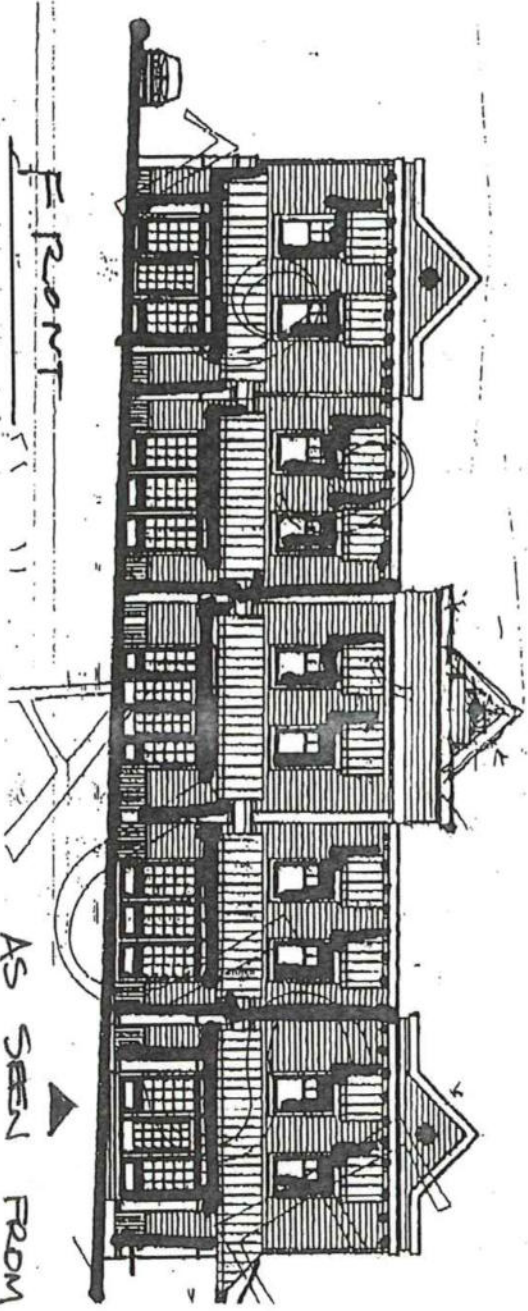
STAFF PLANNER TO THE HISTORIC REVIEW BOARD

Mailed this 12 day of January, 2000.

p:\devrww\final decisions\HRBfin dec.dr9928

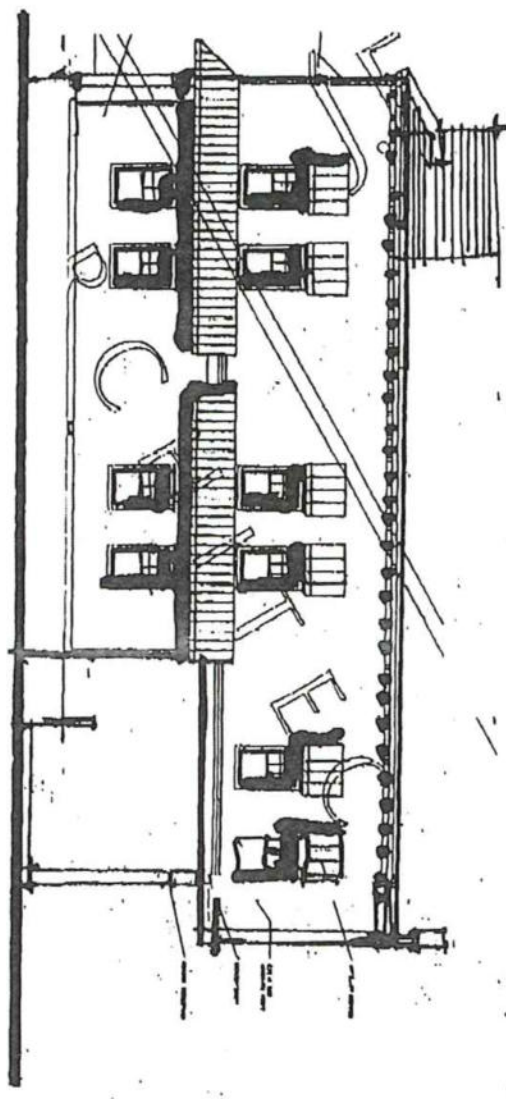
Extend
wood brace to
1st fl near
corner

A-4



FRONT

AS SEEN FROM
WILLAMETTE FALLS DR



RIGHT SIDE

AS SEEN FROM
12th ST



ELEVATIONS

1/16" = 1'-0"

MILLANETTE BUILDING



"PRELIMINARY"
FRONT ELEVATION

3/16" = 1'-0"

LIST OF DRAWINGS

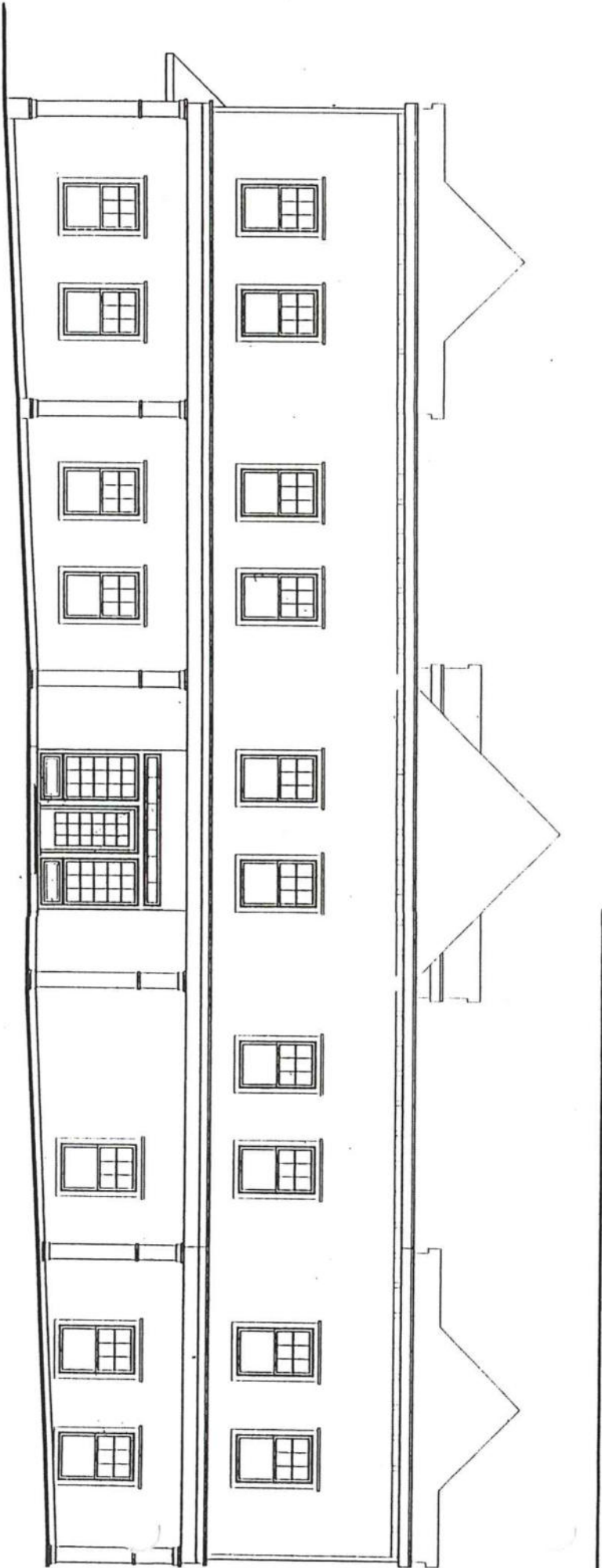
ARCHITECTURAL

STRUCTURAL

PROJECT

1880 W. L. ...
CITY OF ...

A-7

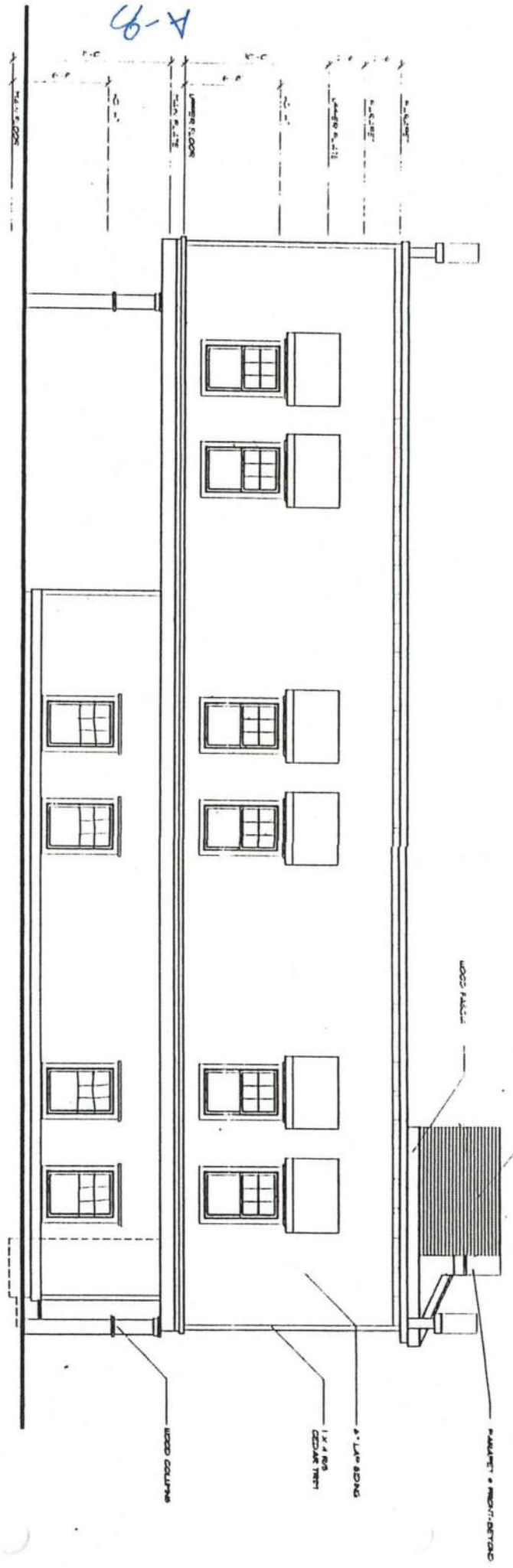


REAR ELEVATION

SCALE: 1/4" = 1'-0"

NOTE:
ALL DIMENSIONS SHOWN ARE APPROXIMATE
AND SUBJECT TO CHANGE. ALL
EXISTING AND NEW CONDITIONS

NOTES:
1. GRADES BELOW ARE APPROXIMATE
2. EXISTING AND NEW GRADES



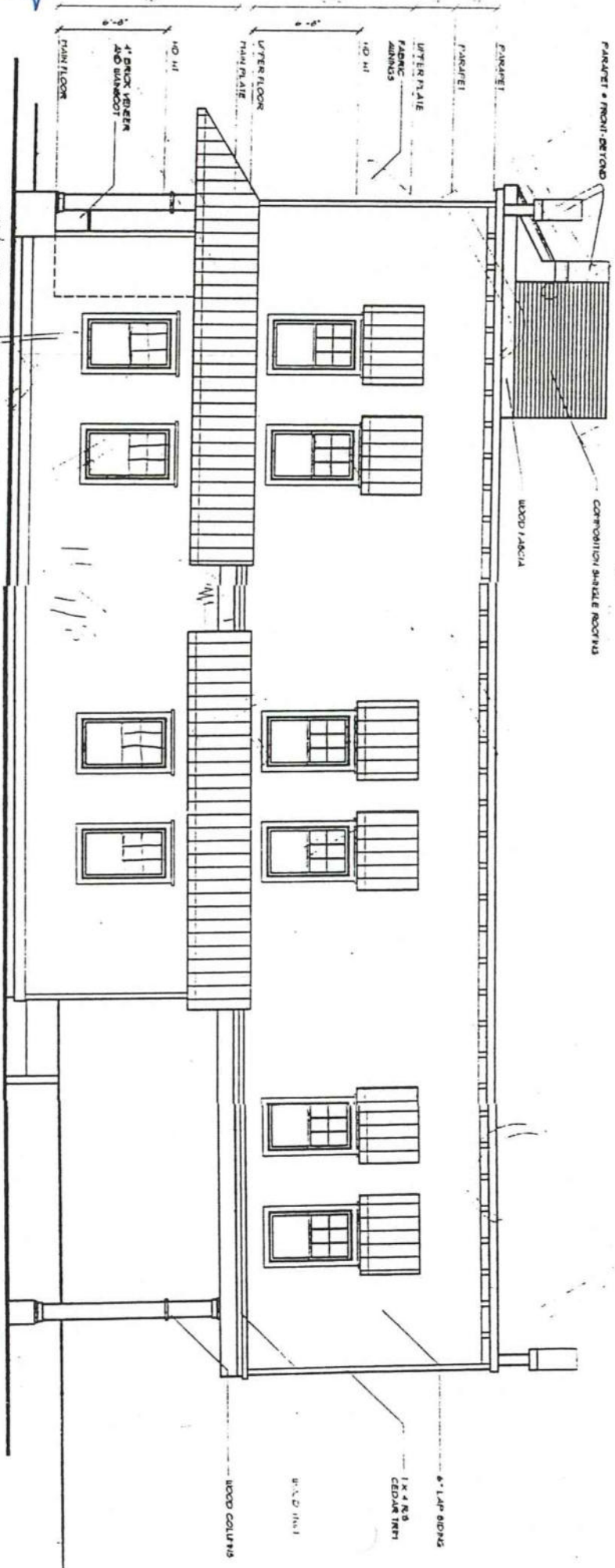
LEFT-SIDE ELEVATION
SCALE 1/4\"/>

(AS SEEN FROM FIRE STATION PROPERTY)

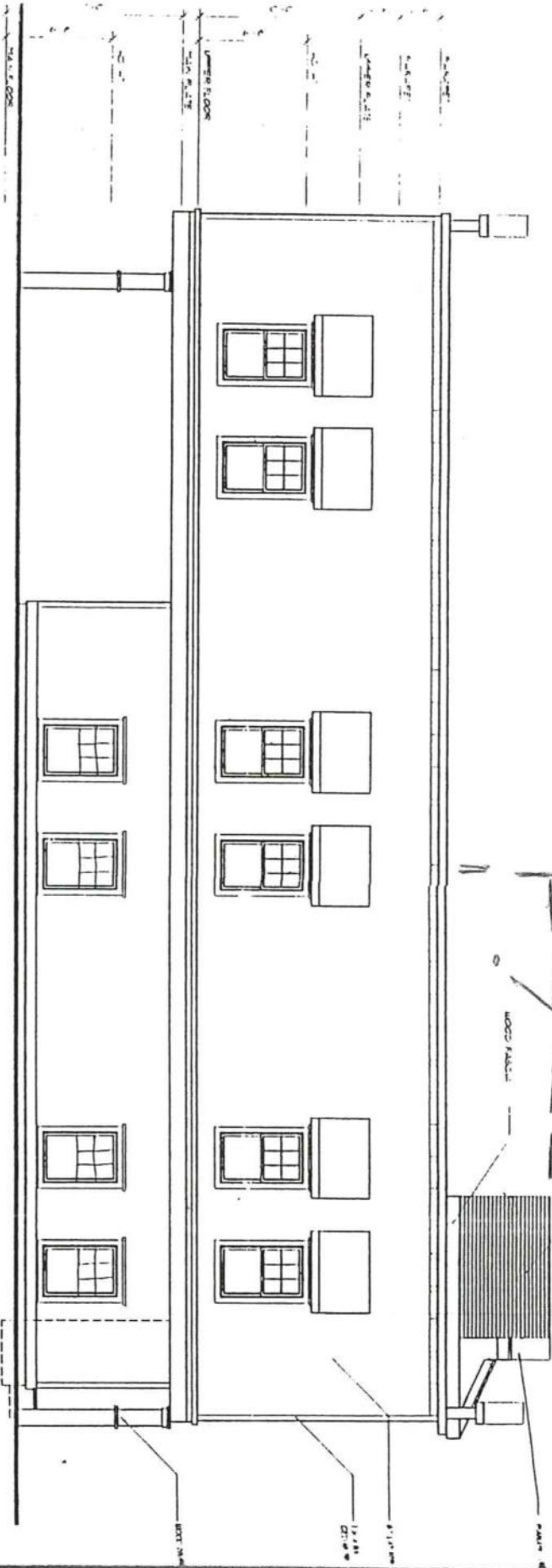
A-9

RIGHT-SIDE ELEVATION
SCALE 1/4" = 1'-0"

(AS SEEN FROM 127TH ST.)



NOTES:
1. OWNER'S ROOM AND BATHROOM
2. OWNER'S OFFICE
EXISTING AND NEW DECKS



LEFT-SIDE ELEVATION
SCALE 1/4" = 1'-0"

(AS SEEN FROM FIRESTATION PROPERTY)

CITY OF WEST LINN
SITE PLAN
APPROVED

DATE: 3/23/02
BY: [Signature]

1914 WFD

FINAL DECISION NOTICE

FILE NO. DR-06-46

IN THE MATTER OF A HISTORIC DISTRICT DESIGN REVIEW TO CONSTRUCT A TWO-STORY 19,425 SQUARE FOOT OFFICE AND RETAIL BUILDING IN THE WILLAMETTE FALLS DRIVE OVERLAY ZONE AT 1914 WILLAMETTE FALLS DRIVE

At their meeting of April 18, 2007, the Clackamas County Historic Review Board (HRB) held a public hearing to consider the request by Icon Construction/Mark Handris to construct a two-story 19,425 square foot office/retail building in the Willamette Falls Historic District Overlay Zone. The decision was based upon the approval criteria of Chapter 25 of the West Linn Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

Staff made a brief presentation. The applicant provided comments. The public hearing was opened. There was no public testimony. The public hearing was closed.

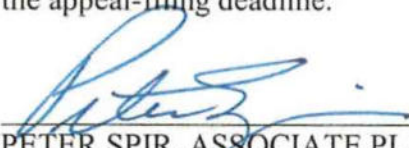
In discussion, all HRB members stated **concern about the circles/cutouts at the top of the false gable end.** The HRB found that awnings should be seven feet deep. Staff expressed concern about the lack of verticality in some of the elements. The applicant proposed landscaping at the corner entrance and concrete wainscoting for enhanced product life.

A motion was made, seconded and unanimously approved to approve the application as submitted with the following conditions:

1. The applicant shall mitigate noise and glare through construction of a six-foot high solid wood fence along the rear property line.
2. The applicant shall mitigate for tree removal along the rear lot line on a one-inch to one-inch basis. Mitigation may be off site with City Arborist approval.
3. All HVACs shall be visually screened and acoustically muffled per the Altermatt Associate study.
4. No off-site glare is permitted. Security lighting shall not direct glare off-site. Property frontage lighting shall be provided per city standards.
5. Sidewalk width will need to be increased on 11th to eight feet per CDC 85.200 (page 85-23).
 - No half-street improvements required on Willamette Falls Drive frontage.
 - Half street and travel lane improvements required on 11th St frontage. Improvements likely to include curb, gutter, sidewalk, street trees and storm drainage improvements.
 -
6. For more than 5,000 SF new impervious area, treatment and detention required. This may be an underground system. Connection to stormwater system Willamette Falls Drive along frontage

7. Undergrounding of overhead utilities required along both Willamette Falls Drive and 11th St. frontages.
8. The applicant shall achieve lineal transparency of 80% per code for the south elevation.
9. Individual sign permits for tenants shall require sign design and mounting per code with no sign hanging down or suspended over the sidewalk. A consistent pattern of signage is recommended.
10. Applicant shall meet all City Engineering and Planning standards.
11. Landscaping at the corner/beveled entrance is permitted. The landscape plan shall show plant material for those planter areas with approval required by the Planning Director.
12. Awnings shall extend outwards at least seven feet from the building elevation.
13. The design shall eliminate the circle at the top of the gable end.
14. The applicant shall submit a color scheme that creates greater verticality and a greater break up of the building into smaller sub-elements.
15. Concrete wainscoting shall be allowed.
16. A consistent sign plan shall be submitted identifying where the signs will go.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require payment of fee and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.



 PETER SPIR, ASSOCIATE PLANNER
 CITY OF WEST LINN

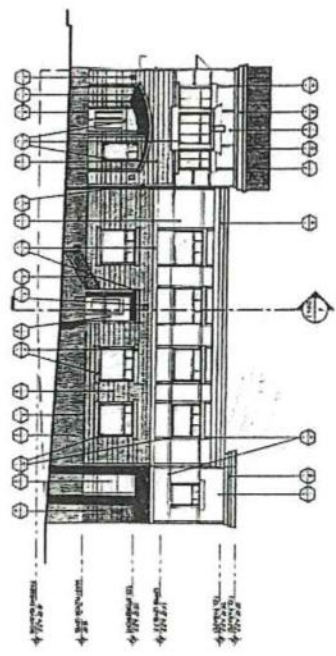
4-25-07

 DATE

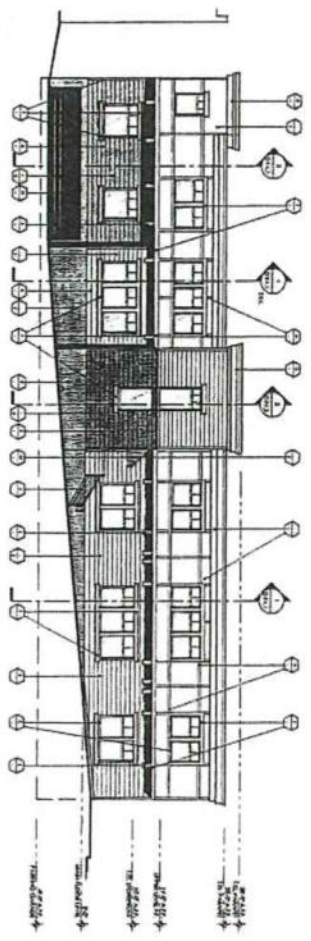
Mailed this 25 day of April, 2007.

Therefore, this decision becomes final at 5 p.m., May 9, 2007.

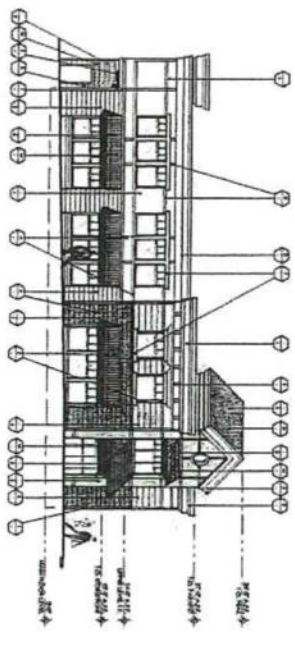
A-42



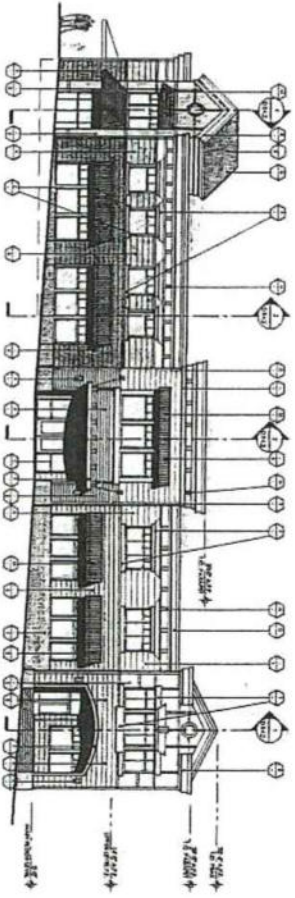
4 East Elevation



3 North Elevation



2 West Elevation



1 South Elevation

WILLAMETTE III BUILDING
WEST LINN, OREGON

OWNER: LAMARCA COMPANY
ARCHITECT: HOFFMAN & PARTNERS LLP
DATE: 1/2004

NO.	DESCRIPTION	NO.	DESCRIPTION
1	...	11	...
2	...	12	...
3	...	13	...
4	...	14	...
5	...	15	...
6	...	16	...
7	...	17	...
8	...	18	...
9	...	19	...
10	...	20	...

ELEVATION NOTES

1. Material Legend

FINISH SCHEDULE

NO.	DESCRIPTION	NO.	DESCRIPTION
1	...	11	...
2	...	12	...
3	...	13	...
4	...	14	...
5	...	15	...
6	...	16	...
7	...	17	...
8	...	18	...
9	...	19	...
10	...	20	...

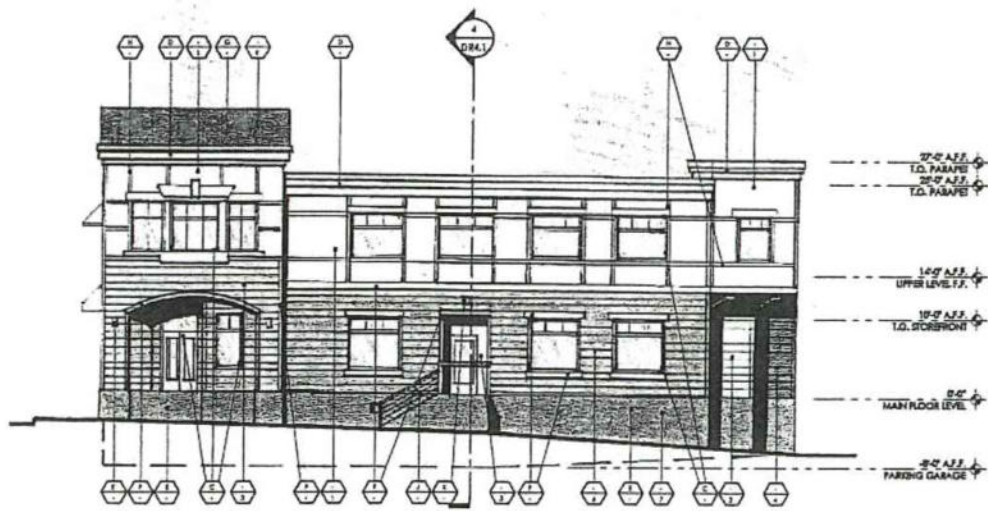
WILLAMETTE III BUILDING
WILLAMETTE FALLS DRIVE
WEST LINN, OREGON

CCD Construction & Development, Inc.

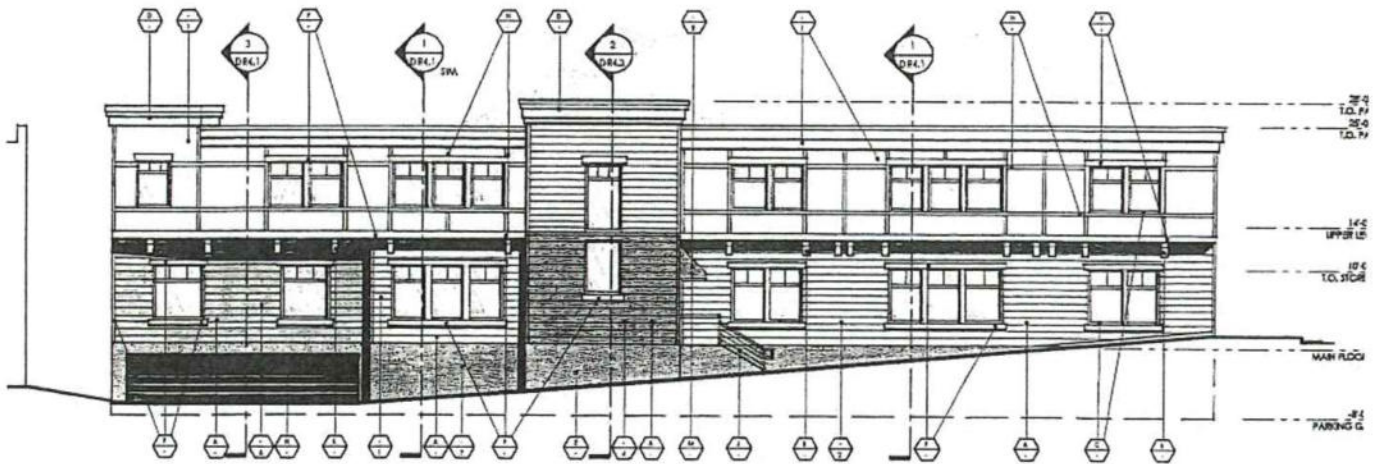
BSAA
BRIDGE
SINANCE
ASSOCIATES
1100 N. WASHINGTON ST.
SUITE 100
LAKE OSWEGO, OR 97031
TEL: 503.261.1100
FAX: 503.261.1101
WWW.BSAA-OR.COM

ESI
Elevations

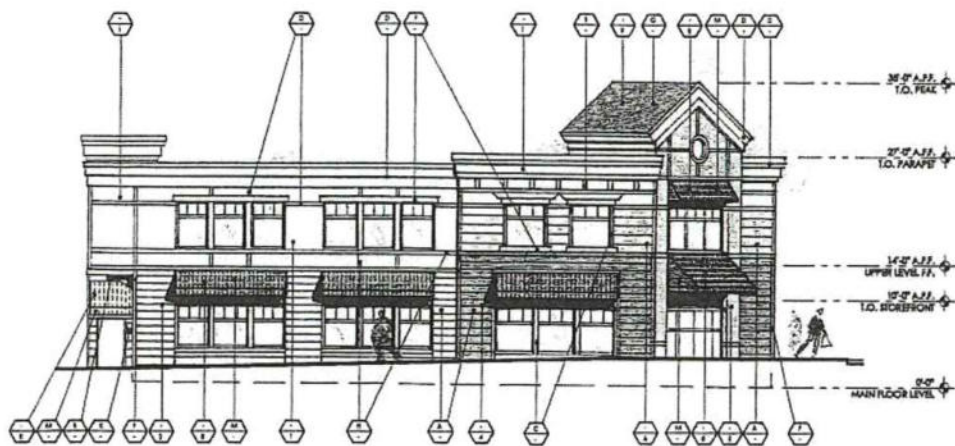
DR3.1



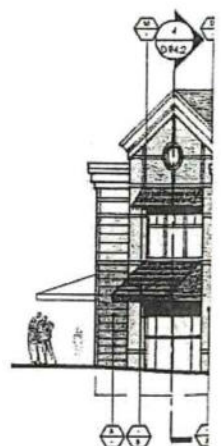
4 East Elevation
SCALE: 1/8" = 1'-0"



3 North Elevation
SCALE: 1/8" = 1'-0"



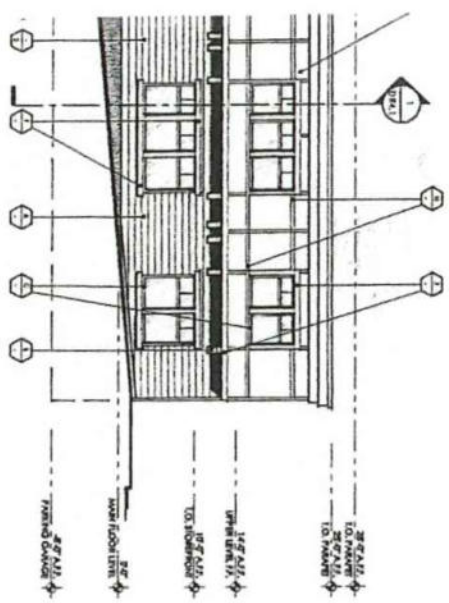
2 West Elevation
SCALE: 1/8" = 1'-0"



1 South
SCALE: 1/8" = 1'-0"

A-43

MAIN FLOOR LEVEL
 1st FLOOR
 2nd FLOOR



C1 BRICK



C2 HORIZONTAL SIDING



C3 VERTICAL SIDING



C4 STONE VENEER



C5 DARK TEXTURED MATERIAL

- 1. NOT FOR CONSTRUCTION
- 2. NOT FOR CONSTRUCTION
- 3. NOT FOR CONSTRUCTION
- 4. NOT FOR CONSTRUCTION
- 5. NOT FOR CONSTRUCTION
- 6. NOT FOR CONSTRUCTION
- 7. NOT FOR CONSTRUCTION
- 8. NOT FOR CONSTRUCTION
- 9. NOT FOR CONSTRUCTION
- 10. NOT FOR CONSTRUCTION
- 11. NOT FOR CONSTRUCTION
- 12. NOT FOR CONSTRUCTION
- 13. NOT FOR CONSTRUCTION
- 14. NOT FOR CONSTRUCTION
- 15. NOT FOR CONSTRUCTION
- 16. NOT FOR CONSTRUCTION
- 17. NOT FOR CONSTRUCTION
- 18. NOT FOR CONSTRUCTION
- 19. NOT FOR CONSTRUCTION
- 20. NOT FOR CONSTRUCTION

ELEVATION NOTES

1. ALL SPACING SHALL BE AS SHOWN

WILLAMETTE III BUILDING
 WILLAMETTE FALLS DRIVE
 WEST LINN, OREGON



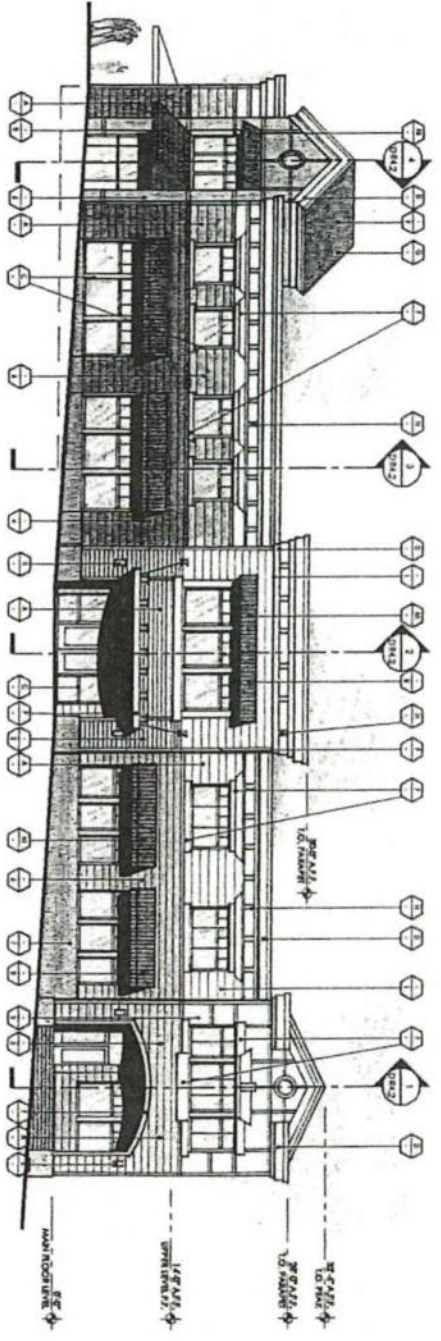
PROJECT NO. 2104
 DRAWN BY: J.M.
 CHECKED BY: J.M.
 DATE: 10/20/2018
 REVISION:



BSAA
 ARCHITECTURE & PLANNING
 BENNER
 STANGER
 ASSOCIATES
 A.E. CHILTE C15, INC.
 5000 S.W. MEADOWS RD.
 SUITE 400
 LAKE OSWEGO, OR 97035
 FAX: (503) 470-0225
 bsaa@bsaa.com

Exterior Elevations

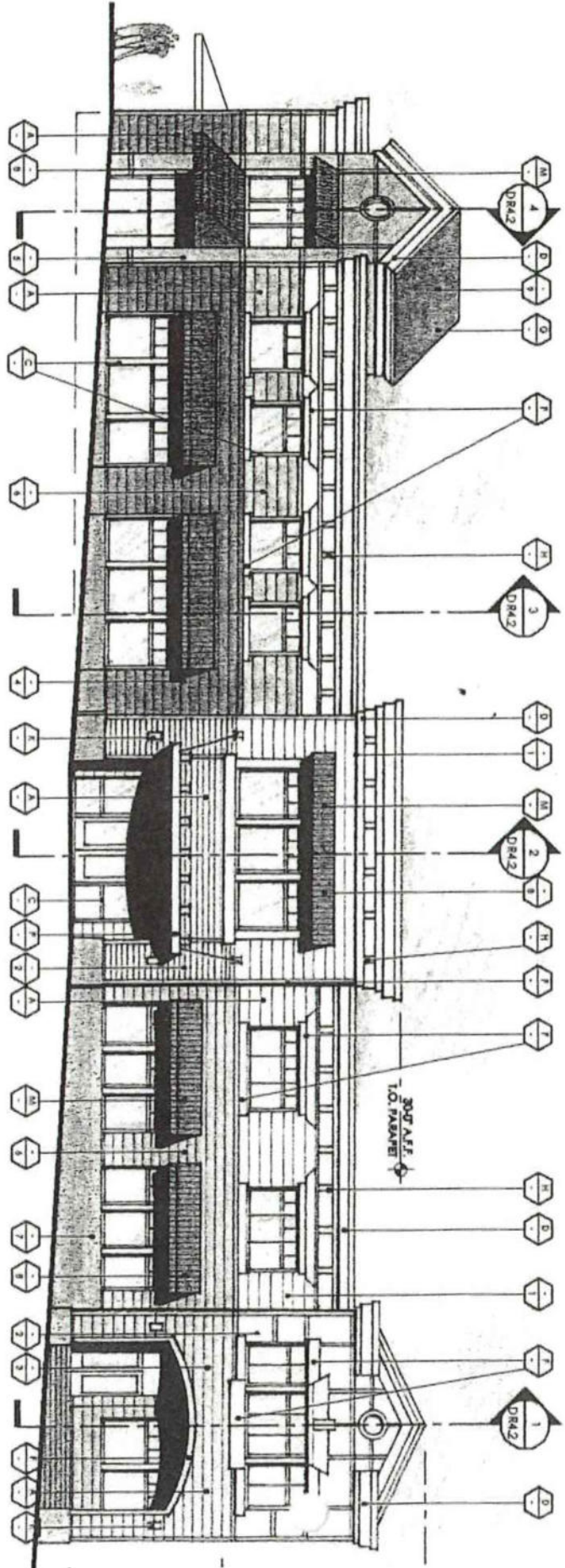
1 South Elevation



DR3.1

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A-45



1 South Elevation
 SCALE 1/8" = 1'-0"

ANY REVISIONS AND/OR MODIFICATIONS IN ANY FORM OF THIS DOCUMENT IS FROM

1974 +
1980 WFD

Suit

HISTORIC REVIEW BOARD NOTICE OF FINAL DECISION

IN THE MATTER OF A 16,432 SQUARE FOOT OFFICE AND RETAIL BUILDING AT 1974 AND 1980 WILLAMETTE FALLS DRIVE, FILE NO. DR-01-43.

On July 23, 2002, the West Linn/Clackamas County Historic Review Board (HRB) held a public hearing to consider the request of Mark and Ed Handris to construct a two-story office and retail building, comprising 16,432 square feet on the north side of Willamette Falls Drive halfway between 10th and 12th Street. The site is also described as Assessors Map 31E 2BA, Tax Lots 800 and 700. The approval criteria of CDC Chapter 58.090 applied.

The staff presentation began with a statement of concern that Mr. Handris' previous projects, all two stories high, are of similar scale and design to this one. Making the problem worse is that the proposed white and beige colors will match other similar sized buildings on the north side. The result would be the creation of bland monotype architecture on the north side in contrast to the diversity and interest created by the storefronts on the south side. Also, characteristic of the south side is the fact that the pattern or rhythm of the buildings creates strong vertical breaks every 40-50 feet which agrees with the development code. In contrast, despite the building indentations of the proposed structure, there are no strong vertical breaks by engaged columns and the like to break up the large building into discrete and attractive units as required by CDC Section 58.090(C)(6-7). Staff recommended five different colors on the five building elements to break up the visual sameness.

On a positive note, staff supported the awning extending across the front elevation but it must be at a point 8-12 feet above grade with no awnings on the second floor or higher. After the staff report was given, the applicant explained their rationale for consistent design and color proposal as shown in the record.

During the discussion phase, HRB members stated that the building was too symmetrical, too bland, too "strip-mallish," and too white. The use of the same engaged columns and window designs were cited as examples of the problem. HRB members noted that there is a dramatic contrast between buildings on the north side, such as the one proposed, and buildings on the south side. HRB consensus was that the two western-most building elements need to be made distinct by having a flat parapet across the top of the western one and a peaked gable roof on the smaller building element next to it. HRB member McGriff stated concern with the three vents on the building. She said one or two should be replaced with building medallions that only have the date of the building's construction. She also spoke against snap-in grids that try to create multi-light windows. Instead she recommended "one over one" windows on the first floor.

Mr. Handris asked if it was all right to have a sign projecting out from the building. Staff said it would be permitted with a light projected onto the sign. HRB member McLoughlin made a motion to approve the application DR-01-43, with conditions, based upon findings in the staff

report and the hearing record. It was seconded by HRB member McGriff. The motion passed unanimously with the following conditions of approval:

1. The applicant shall provide an awning or series of awnings that extend across the length of the Willamette Falls Drive elevation and that extend out to the curb edge. The awnings shall have breaks in them every 16-35 feet about 1-1.5 feet wide to match the pattern of the five building elements. The awning shall be at first floor elevation only.
2. The applicant shall provide an eight-foot wide sidewalk on Willamette Falls Drive.
3. The applicant shall provide a six-foot high solid wood fence (no gaps) at the rear of the parking lot along the entire northern edge.
4. The applicant shall select five different colors for the five building elements of the front elevation. **The applicant shall not use white/off-white/beige, or similar colors for the body color.** The applicant shall select darker trim colors for each of the five building elements. The Planning Director must approve the colors.
5. Any HVAC on the roof shall be visually screened on all sides and mitigated to the degree necessary to comply with noise standards of CDC Chapter 55.
6. Except as modified by these conditions, the applicant shall construct the building as proposed in this application.
7. All doorways shall be recessed per Code.
8. The two western-most building elements shall be re-designed. The extreme west one shall have a flat parapet with a two-foot deep cornice across the top with brackets. The building element next to it shall have a peaked/gable roofline.
9. No off-site glare from lights is permitted.
10. The applicant shall provide all storm, sewer, and water facilities as necessary to comply with the Engineering Department's Construction Code. The applicant shall negotiate all necessary utility easements and joint maintenance agreements for storm drainage from this site across intervening private properties. These necessary agreements and easements must be recorded prior to occupancy of this building.
11. The wainscoting shall be replaced by rough faced concrete, cement, or stucco.
12. An eight-foot wide sidewalk shall be constructed along Willamette Falls Drive. Supports for the awning/overhang may be in the eight-foot sidewalk area. This sidewalk shall transition to connect with sidewalks on abutting lots.
13. Two of the three top floor vents shall be eliminated and replaced with decorative wooden medallions. The medallions may have the year of construction on one and the builder's name (e.g.: "Handris") on the other, but shall not have the street address.

14. Each of the five building elements shall have different engaged columns to make each of the elements distinct from the one next to it. The applicant may use Doric, square, tapered, or elephantine columns. No double columns are allowed.
15. The applicant may use "one over one" windows on the first floor with transoms and grids above. The first floor windows shall not all be the same so that the sought-after architectural diversity is accomplished. The same approach would apply to second floor windows.

This decision shall become effective 14 days from the date of mailing below. Parties with standing may appeal this decision within that 14-day appeal period. The appeal fee is \$400 and must be accompanied by a signed application form and the specific grounds for appeal. The Planning Commission hears appeals by the HRB.

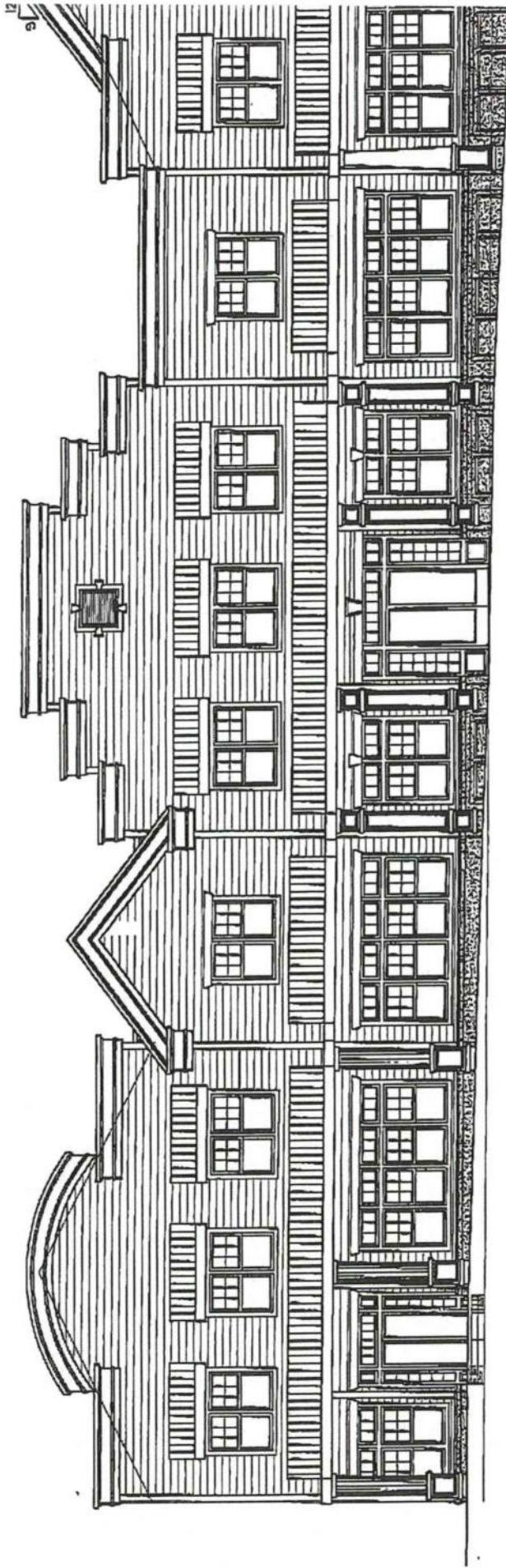


PETER SPIR,
ASSOCIATE PLANNER FOR THE HISTORIC REVIEW BOARD

Mailed this 25 day of July, 2002.

TO: PETER
FROM: LEE GILYN

WHAT ABOUT THESE WINDOWS?



Lee Gilyn
10-1-07



Rueppell Stockton, Inc.

Residential | Multi family | Stock Plans

*"Design Planning into the future..."*10794 SE Hwy 212 Clackamas Oregon 97015
Ph. 503.650.1540 Fax. 503.650.1632 email. rgsi@teleport.com

City of West Linn
PRE-APPLICATION CONFERENCE
SUMMARY NOT
September 20, 200

SUBJECT: Two office/retail buildings in the ¹⁹¹⁴Willamette Falls Drive Overlay Zone

ATTENDEES: Applicants: Darin Rueppell, Mark and Ed Handris. Staff: Gordon Munro, Peter Spir, Tom Larsen, Mike Perkins

The following is a summary of the meeting discussion, provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements or any other planning-related items. Please note disclaimer statement below.

Project Details

To construct two retail/office buildings on Willamette Falls Drive in the Willamette Overlay Zone. The buildings would be two stories high. The buildings are designed to meet the zones architectural standards. Building one, west of the existing Handris Building, would comprise 13,816 sq. ft. while building two, at the northeast corner of 12th St. and Willamette Falls Drive, would comprise 18,916 sq. ft.

Site analysis shows a 28 inch poplar, a cedar clump (6@14inches), and a row of cedar along the rear and east edge of tax lot 600. Mike Perkins visited the site briefly and found that these trees, to the exclusion of others, were significant. He also noted that the 30-inch Douglas fir on the lot to the north needs to have its roots protected. Mr. Handris stated that saving the poplar could mean that building two would be scrapped or at least require a major redesign. There were no significant trees on the east parcel. Mike Perkins stated that he may take a more comprehensive look at the poplar and other trees.

On the subject of engineering, Gordon Munro provided a list of issues that are attached as exhibit A. A traffic study is needed along with a traffic flow and distribution analysis.

Tom Larsen, representing the building department, questioned the overhang being in the public right of way. He would check with the building codes on that issue. Staff will send that response at a later date.

Peter Spir, representing the planning department, stated that he had reviewed the plans with Charles Awalt the day before. Overall, the response to the design was very positive. Unlike most of the other buildings in the district, particularly on the north side of the street, the buildings were broken up horizontally into discrete elements. The awnings will provide cover for pedestrians and shield office workers from sun in the summer. Rather than have some of the awnings near the top of the building (just below the cornice), they need to be sized and located to protect only the windows on the second floor. Awnings must also extend along the first floor

were the transom windows would typically be. Extending the awnings to the edge of the sidewalk is an excellent idea and meets planning code. All three abreast double hung windows need to be replaced by two abreast double hung windows. The exception would be the one set of windows above the entrance to building 3 which can remain three abreast. The parapet/cornice detail needs to be strengthened. It is too weak looking. The parapet trim should be 2.5-3 feet high. The cornice cap should extend outwards at least 1-1.75 feet and be at least 4-6 inches thick. The "third floor" windows must be eliminated. All material and color boards are needed. A different color than off-white would be appreciated.

Process

Hold neighborhood meeting per CDC Section 99.038. The site is in the Willamette Neighborhood. Contact person is Julia Simpson, 655-9819. They meet at 7pm on the third Wednesday. Allow one month to take care of this requirement. Follow the procedures exactly.

Prepare the application and submit to the Planning Department with fees. The City has 30 days to determine if the application is complete or not (most applications are incomplete). The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals.

Staff prepares public notice and schedules the hearing. The first hearing is usually four weeks from the date the application is deemed complete. The decision making body is the Historic Review Board (HRB). The HRB holds hearing and renders a final decision. The decision may be appealed to the City Council.

If appealed, the City Council hearing is 6-8 weeks from HRB hearing date. Subsequent appeals go to LUBA.

Once approved, the applicant has three years to occupy use and satisfy conditions of approval before approval lapses and is void.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed.

PRE-APPLICATION
September 20, 2001, 10:00am
Mark Handris (503 657 1094)
1914 Willamette Falls Drive
Commercial Lot Development

Streets

- 12th Street has been developed from curb to curb, so no pavement improvements are require.
- An 8-foot sidewalk is required on the 12th Street frontage to match the rest of the street. There is no existing sidewalk on the east side of 12th Street.
- The telephone junction box is in the way of the sidewalk.
- Willamette Falls Drive street improvements are completed except for sidewalks.
- An 8-foot sidewalk is required on the Willamette Falls Drive frontage. This is shown in the proposed plan; however, about 5-feet of the sidewalk is shown outside the right-of-way. This needs to be addressed. There are several options, the main two options are: move the sidewalk into the right-of-way, dedication of land.
- The sidewalk as proposed on Willamette Falls Drive will not match up with the developments to the east (Handris Building #1).
- It has been proposed that the diagonal parking remain. However, developments on either side have converted the parking to parallel to make room for the sidewalk. Matching the existing sidewalk alignment and parking scheme may be required.
- It appears that the access to parking behind the buildings (all three Handris buildings) will be shared, almost creating an alley. There will need to be access agreements.
- What is the expected increase of traffic on 12th Street due to all three buildings? Depending upon the impact, improvements may be needed at the intersection of 12th Street and Willamette Falls drive.
- Is the traffic expected to go down 8th Street when exiting the back parking?
- Traffic analysis should be done with respect to all three buildings.



Water

- The water line is already constructed on 12th Street and Willamette Falls Drive. This is in the Willamette pressure zone.
- What is the projected water usage? Depending upon the demand, a larger water meter may be required.
- A separate fire flow line will likely be needed.
- The buildings may need to have sprinklers.
- The Fire Chief will need to be consulted to determine if additional fire hydrants are required.

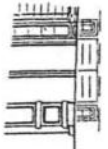
Storm Drainage

- The stormwater collection system in the streets is already in place.

- Where is the storm drainage from the building and the parking lot proposed to go?
- Stormwater quality facilities will be required.
- If the impervious area is increased by more than 5,000 sf, then detention will be required.

Sanitary Sewer

- The sanitary sewer collection system is already installed.
- Need to check the size of the existing service to determine if it is sized adequately for the new use.

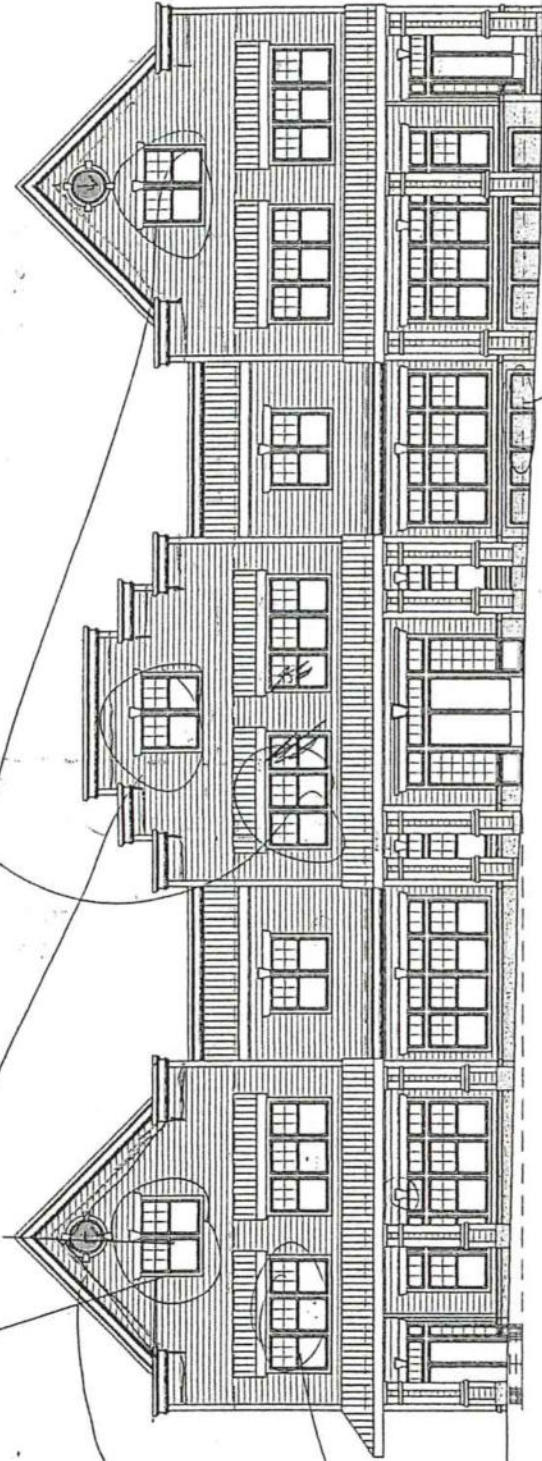


1ST FLOOR FF. 0'-0"

1/8" = 1'-0"

*All windows
not
double
sided*

*Specify
building materials*



*max 35'-
keep ht
down
45° okay
12/12*

2 pgs.

*What is it?
(1 x conc.
ledge in
front
and.)*

BUILDING 2 (PHASE 1)

1" = 10'-0"

From: [REDACTED]
To: [Floyd, John](#)
Subject: development proposal 1919 and 1949
Date: Wednesday, October 4, 2023 6:06:53 AM

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To Whom It May Concern

This is our neighborhood, our homes. Don't we all feel at the end of a hard day we can go to our home, our sanctuary and feel rejuvenated to get up the next day and do it all over again. If the project moves forward with exemptions granted, it will negatively impact nearby residences, including my own.

Thank you.

From: [REDACTED]
To: [Floyd, John](#)
Subject: 1919/1949 Class II Design Review
Date: Wednesday, October 4, 2023 10:05:12 AM

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Dear Planning Commission,

I have lived in the Willamette neighborhood for years. We have gone through many changes, some of them positive and some that I view as negative to the overall aesthetic and livability of the neighborhood. My concerns with the project listed above relate to the exceptions requested. Mainly around a rooftop deck, 3rd story, or overall height of the building which are in violation of the existing code. I believe if these exceptions are granted this will negatively affect those living in the neighborhood.

For Aesthetic purposes this would look poorly on the street. The street is currently full of uniform looking structures which add to the overall appeal and draw to the neighborhood. Similar to the historic district directly adjacent these codes are in place to preserve the look and feel of the neighborhood. We all comply with these rules even if there are less expensive or different options we would want to use on our houses. The benefit of violating these codes vs. keeping them in place seems disproportionate value to the owner of the property vs the owners of all the adjacent properties. If this were a neighborhood that had a drastic need for a new business that required a third story, or a rooftop deck the discussion would be different. However, on a per capita, or per square mile basis we have several other properties that can provide similar services with outside space that does not violate the privacy, or general noise issues that come with a roof top deck and third story. Almost every restaurant on our street has outdoor seating available to them where the lights and noise associated with these places have reasonable buffers of a building between the commercial enterprise and the residents.

Before you approve such a building ask yourself how you would feel living next to a development that is requesting a 3 story rooftop deck. Your privacy being invaded. Your views from your property being obstructed. The additional light pollution affecting the neighboring houses. And above all the noise pollution that a structure of this type contains. No matter what the applicant says the property will be used for once constructed it can easy be transitioned to be something all adjacent neighbors would hate. This will diminish property values of anyone that lives next to it a structure of this type, and most likely cause long standing residents in the community to leave.

I humbly request that no matter how powerful the contractor or influential the contractor/owner is applying for this variance/exception be denied and all structures stay withing the current code.

Sincerely your concerned neighbor,

Jason Hall, CPA, CCIFP

Hoffman, Stewart & Schmidt, P.C.

Phone: 503-220-5900

Fax: 503-220-8836



3 CenterPointe, Suite 300

Lake Oswego, Oregon 97035-8663

www.hsscpas.com

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From: [REDACTED]
To: [Floyd, John](#)
Subject: 1919/1949 Willamette Falls Drive
Date: Tuesday, October 3, 2023 10:29:20 PM

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To whom it may concern,

I have some issues with the design review for the new commercial build on 1919/1949 Willamette Falls Drive. My main point of concern is that this is a 3 story space. Portions of the building exceed 35 feet and include a rooftop deck. These details violate the Community Code. This is a shared commercial and residential area but the noise and light from the rooftop deck greatly impact the residential character. I myself would not suddenly want a visual intrusion to my home and view. I can't imagine having a residential home replaced by a commercial property where patrons can look down upon or into my home from the rooftop deck.

I have only recently moved to West Linn but and deeply concerned about new developments and the harm they can do. We left Happy Valley because it became a free for all for builders without any regard for the community. West Linn is a beautiful community and I would hope this would not happen here. I know this is just one building, but it is a slippery slope. One small allowance sets a precedent. The beauty of historic downtown West Linn is something we want to preserve not destroy. I have no issue with new buildings. I do firmly believe they should fit the community they are in and not just be thrown in the maximize profit for the space they occupy.

Thank you,
Rachel Goebert

Sent via the Samsung Galaxy S21+ 5G, an AT&T 5G smartphone