



CITY OF
West Linn

**STAFF REPORT
FOR THE HISTORIC REVIEW BOARD**

FILE NUMBER: DR-23-01

HEARING DATE: November 14, 2023

REQUEST: Provide a recommendation to the Planning Commission regarding a proposed Design Exception to exceed the maximum height limit of two stories, as part of a Class II Design Review at 1919 & 1949 Willamette Falls Drive.

**APPROVAL
CRITERIA:** Community Development Code (CDC) Chapters 58 and 99

**STAFF REPORT
PREPARED BY:** John Floyd, Associate Planner

Planning Manager's Initials DSW

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GENERAL INFORMATION

OWNER/APPLICANT:	Icon Construction & Development Attn: Darren Gusdorf 1969 Willamette Falls Drive, Suite 260 West Linn, OR 97068
CONSULTANTS:	SG Architecture, LLC Attn: Scot Sutton 10940 SW Barnes Road #364 Portland, OR 97225 Theta, LLC Attn: Bruce Goldson PO Box 1345 Lake Oswego, OR 97035
SITE LOCATION:	1919 & 1949 Willamette Falls Drive
LEGAL DESCRIPTION:	Lots 4 through 6, Block 10, Willamette Falls Tract Clackamas County Assessor's Map 31E02BA, Tax Lots 4300 & 4400
SITE SIZE:	15,000 square feet +/-
ZONING:	GC, General Commercial Willamette Falls Drive Commercial Design District
COMP PLAN DESIGNATION:	Commercial
120-DAY PERIOD:	This application became complete on May 2, 2023. The 120-day maximum application-processing period initially ended on August 30, 2023. The applicant has provided a 60 day, 14-day, and 90 day extension, resulting in a maximum processing deadline of February 10, 2024
PUBLIC NOTICE:	Public notice was mailed to the Willamette neighborhood association and affected property owners on October 25, 2023. The property was posted with a notice sign on November 2, 2023. The notice was published in the West Linn Tidings on November 1, 2023. The notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

Procedural History and Remand:

The proposal is for a Class II Design Review within the Willamette Falls Drive Commercial Design District (WFDCDD). While the HRB provided a recommendation to the Planning Commission on June 13th, the Planning Commission has remanded the project back to the Historic Review Board to address a narrow procedural issue raised by a member of the public. Specifically, after receiving a recommendation from the HRB on June 13th, the applicant amended the proposal to remove a design exception for canopy support columns in the sidewalk, and replaced it with a design exception to exceed the two-story height limit. As CDC 58.090 assigns the Historic Review Board the sole authority to grant a Design Exception, the City Attorney and Planning Commission determined that a remand to the HRB was appropriate to address the new design exception being requested.

On October 23rd, [the applicant provided revised plan and elevation drawings](#) to aid the Historic Review Board in reviewing the new design exception, which is attached to this staff recommendation as Exhibit HRB-1. A staff summary of the procedural history and changes to the application are detailed below:

June 13, 2023

Historic Review Board considered the application for a new commercial building. The application included three design exceptions: the use of fiber cement in lieu of horizontal wood siding, the use of hardi-plank in lieu of horizontal wood siding and trim, and the use of support posts for a metal awning over the sidewalk. After substantial discussion, the HRB provided a recommendation of approval, subject to five conditions of approval and a recommendation of “further analysis” of the mezzanine area (aka third-story) by the Planning Commission.

- [Staff Report for June 14, 2023 HRB Hearing](#)
- [Meeting Minutes](#)
- [HRB Recommendation to the Planning Commission](#)

August 15 and September 13, 2023

In response to submitted testimony and deliberations of the June 13th HRB hearing, the applicant submitted revised plans to reduce the visual impact of the third story, and supplemental findings necessary to support a design exception to exceed the two-story limit. Concurrent with that change was a redesign that removes the need for support pillars under the awning. In light of these changes, the requested design exceptions were revised to include the following:

- Use of James Hardie fiber cement in lieu of wood siding and trim (Approved by HRB on June 13th)
- Use of brick masonry in lieu of wood siding along selected portions of the façade (Approved by HRB on June 13th)
- Replacement of the third-story lounge with two enclosures for HVAC equipment and general storage associated with the rooftop deck (Not yet reviewed by HRB)

October 4, 2023

Planning Commission Public Hearing is opened, but testimony was not received, nor deliberations begun at the recommendation of staff and the City Attorney. As noted by Ian and Audra Brown in their written testimony, only the Historic Review Board may approve a Design Exception to the WFDCDD Standards, and a new Design Exception had been introduced after the HRB made their recommendation on June 13th. Therefore, the Planning Commission voted to remand the new design exception back to the HRB in order to comply with [CDC 58.090](#).

- [Staff Report to the Planning Commission](#)
- [Written public Testimony for the October 4th Public Hearing](#)
- [Draft Meeting Minutes](#) and [video](#)

October 23, 2023

On October 23rd, the applicant provided [additional materials for the remand hearing](#) (Exhibit HRB-1). These materials include the following:

- Summary of process to date
- Sequential series of building plans and elevations to aid the HRB in understanding how the design has been modified since June 13th, including additional details regarding the visibility of the proposed third story from adjoining properties.
- Supplemental findings in support of a design exception to exceed the two-story height limit

November 14th, 2023

Per CDC 58.090 and 99.060.D.2(c), the HRB must consider the proposed Design Exception to permit a third story, and provide a recommendation to the Planning Commission regarding the project's compliance with CDC Chapter 58 (Willamette Falls Drive Commercial Design District). Revised materials are addressed in this staff report and attached as Exhibit HRB-1. Once a recommendation is made, a Planning Commission meeting will be calendared and noticed.



Surrounding Land Use and Zoning:

The site is zoned General Commercial (GC) and is within the boundaries of the Willamette Falls Drive Commercial Design District Overlay (WFDCDD). The project site has been zoned GC at least as far back as 1983, and was included in the boundaries of the WFDCDD when the overlay was created in 1992. Adjacent zoning and land uses are described as follows:

Direction From Site	Zoning	Land Use
North (Across Willamette Falls Drive)	GC/WFDCDD	Commercial
East	GC/WFDCDD	Commercial
West (Across 12 th Street)	GC/WFDCDD	Religious Institution
South (across Knapps Alley)	R-5	Single-Family Residential

Applicable Community Development Code Approval Criteria:

- Chapter 58, Willamette Falls Drive Commercial Design District; and
- Chapter 99, Procedures for Decision Making: Quasi-Judicial.

Public Comments:

Public Comments received after the HRB’s initial hearing on June 13th are attached to this staff report in Exhibits HRB-03 (Staff Report to the Planning Commission) and HRB-04 (Additional Public Comments Memorandum). Commenting parties include the following:

- Shannen Knight
- Ian & Audra Brown
- James Estes & Kristen Woofter
- Albert and Laura Secchi
- Dee Deatherage
- Jason Hall
- Rachel Goebert

RECOMMENDATION

Staff recommends the Historic Review Board consider the third design exception to exceed the 2-story maximum height limit, and make a supplemental recommendation to the Planning Commission on this request by the applicant, based upon: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria may be found to be met. The proposed conditions are as follows:

1. **Approved Plans.** All alterations and improvements shall substantially conform to all submitted tentative plan sheets and supporting materials contained in Exhibit HRB-01 and 03.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final building certificate of occupancy. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Joint Access.** Prior to final building certificate of occupancy, the applicant shall present an easement or other legal evidence of continued joint access and egress between the project site and 11th street through the existing underground parking garage and driveway onto 11th street to the east (1969 & 1993 Willamette Falls Drive), in compliance with CDC 48.020.E and 48.025.
4. **Street Improvements.** Prior to final building certificate of occupancy, the applicant shall mitigate any impacts to existing right-of-way improvements along Willamette Falls Drive, 12th Street, and Knapps Alley. The mitigation will include replacement of impacted pavement, curbs, planter strips, street trees, street lights, sidewalks, pedestrian crossings, and street storm drainage .
5. **Knapps Alley.** The applicant shall improve, including repaving, the portion of Knapps Alley adjacent to the site. This must be completed prior to the issuance of the final building certificate of occupancy.
6. **Vertical Breaks.** Prior to issuance of building permits, the applicant shall submit building permit plans with revised western and southern elevations that demonstrate

compliance with CDC 58.080.C.7 that requires strong vertical breaks or lines regularly spaced every 25 to 50 feet.

7. **Entry Doors & Pedestrian Level Windows.** Prior to issuance of building permits, the applicant shall submit building permit plans with revised elevations and door details that demonstrate compliance the glazing and panel ratios for entry doors in CDC 58.080.C.13, and minimum pedestrian level window sill heights within CDC 58.080.C.15.
8. **Awning.** Prior to issuance of building permits, the applicant shall submit building permit plans that demonstrate compliance with the 5 foot minimum awning depth as required in CDC 58.080.C.11.

ADDENDUM

HISTORIC REVIEW BOARD STAFF REPORT

MEETING DATE: November 14, 2023

STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE WITH APPLICABLE CODE CRITERIA

VIII. CHAPTER 58, WILLAMETTE FALLS DRIVE COMMERCIAL DESIGN DISTRICT

58.010 PURPOSE

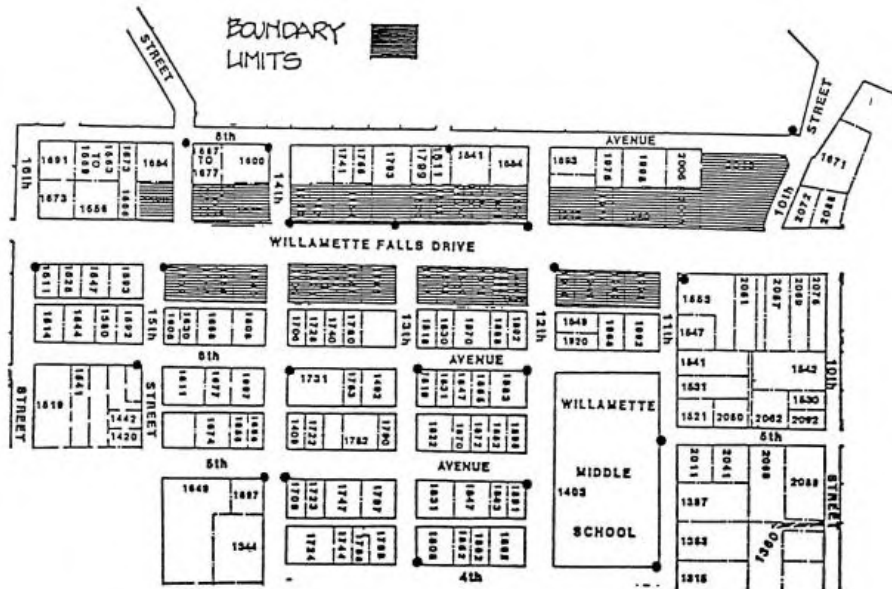
- A. *Implement the goals and policies of the economic element of the Comprehensive Plan relating to the rehabilitation and revitalization of the Willamette Commercial District.*
- B. *Enhance the historic and aesthetic quality of the Commercial District.*
- C. *Increase the attractiveness of the commercial areas to tourists, customers, tenants, business owners, and City residents.*
- D. *Reinforce the commitment to existing commercial buildings of the 1880 – 1915 period and complement the adjacent residential historic district.*
- E. *Encourage a sense of historic identity for the Willamette area and West Linn as a whole.*

Staff Finding 1: This section is a purpose statement describing the intent of the regulations and does not directly regulate a new structure. No finding is required.

58.030 APPLICABILITY

- A. *The provisions of this chapter shall apply to all new commercial construction, alterations, and remodels on Willamette Falls Drive between 10th and 15th Streets. Properties that are historic resources shall comply with the provisions of Chapter 25 CDC, as applicable. Failure to obtain a permit shall constitute a Class A violation pursuant to CDC 106.050.*
- B. *The type of design review application required is defined in Chapter 25 CDC for properties identified on the West Linn Historic Resource Map and defined in Chapter 55 CDC for all other properties.*
- C. Boundary limits. *The affected area shall be as delineated in Figure 1. Generally, the area is along Willamette Falls Drive between 10th Street and 15th Street.*

Figure 1



Staff Finding 2: The project site is for new construction within the boundaries of the Willamette Falls Drive Commercial Design District, as delineated in Figure 1 above. Therefore, this chapter applies. The applicant has requested a Class II Design Review and provided materials and written findings of compliance with the standards. As documented in this report and attached exhibits, these standards are met.

58.050 PERMITTED USES

All uses permitted by the underlying General Commercial zone shall be allowed pursuant to CDC 19.030, 19.040, 19.050, and 19.060 and shall require the application of the standards of this chapter. Residential use of the second floor and the rear portion only of the ground floor, with no access onto Willamette Falls Drive, is permitted by application through this chapter. Residential use may only comprise 50 percent or less of the total square footage of the building combined. Commercial uses shall dominate the first floor. (Ord. 1401, 1997; Ord. 1735 § 4 (Exh. C), 2022)

Staff Finding 3: The application does not have a specific tenant in mind, and is proposing a shell building for retail, service, and restaurant uses. Compliance with use standards in CDC Chapter 19 will occur as part of normal building permit review of future tenant improvements and associated business license review. No residential uses are proposed with the application, and commercial uses will occupy 100% of the first floor. This standard will be met.

58.080 STANDARDS

A. Standards are needed to provide a clear and objective list of design elements that are needed to bring new construction and remodels into conformance with 1880 – 1915

architecture. Buildings of the period saw relatively few deviations in design. Consequently, the Historic Review Board will require conformance with the standards. Deviations or deletions from the standards are addressed in the design exception procedure of this chapter.

Staff Finding 4: Deviations from these standards is addressed in findings pertaining to the specified design exceptions described in Staff Finding 30. As modified through the design exception process, the standards of this chapter will be met.

B. The use of neo-designs or simply contextual designs which only attempt to capture the basic or generalized elements such as building line, massing and form, etc., is not acceptable.

Staff Finding 5: As demonstrated in the applicant's materials included in Exhibit HRB-01 and 03, the proposed design does not use neo or simply contextualized design. This standard is met.

C. The following standards shall apply to new construction and remodels.

1. Dimensional standards.

a. Front: zero-foot setback. Building may not be set back from the property line unless it is consistent with predominant building line.

b. Side and side street: zero-foot setback. Building may not be set back from the side property line except for side passageway, accessway, or stairway unless fire codes dictate otherwise. The setback shall not exceed six feet.

Staff Finding 6: Staff incorporates applicant findings contained in HRB-01 and 03. This standard is met.

c. Rear: 20-foot setback. Setbacks between zero and 20 feet are permitted only if the applicant can demonstrate that they can successfully mitigate any impacts associated with the building in current and future uses as they would relate to abutting residential and other properties.

Staff Finding 7: Staff incorporates applicant findings contained in HRB-03 which states the following:

"The eastern 80% of the South (rear) elevation is set back 5' from the property line, with the remainder set on the property line, all fronting on Knapps Alley. The setback was done on the 1969 building also in an agreement with the residential neighbors across the alley. While the neighbor situation is not the same for the 1949 building, this setback maintains a consistent line along the Alley. The alley provides the separation from adjacent properties to mitigate the impact of this project. Access to employee parking and the trash enclosure will occur from Knapp's Alley as well."

The Knapp's alley right of way is 20 feet in width, making for a 25-foot effective setback when combined with the five-foot setback along the rear of the proposed building, which exceeds the 20 foot minimum above. This standard is met.

d. Lot coverage: up to 100 percent of lot may be developed depending upon ability to mitigate impacts upon abutting residential and other uses.

Staff Finding 8: Staff incorporates applicant findings contained in HRB-03 which states the following:

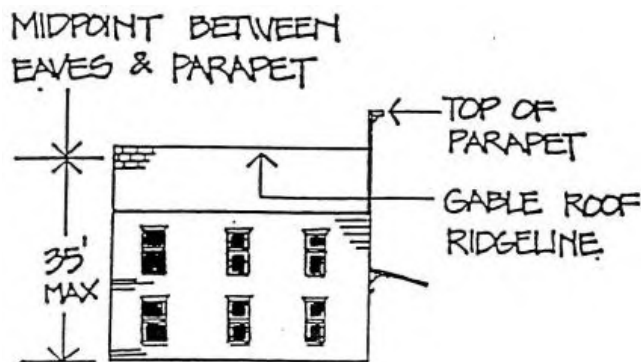
“The proposed lot coverage based on the street level ground floor occupied area is 82%. Based upon the entire built area (building, parking, and service area) the proposed lot coverage is 100%.”

This standard is met.

2. Minimum landscaping required. Sites in this district are exempt from landscaping requirements as identified in Chapter 54 CDC, Landscaping, with the exception of parking areas.

Staff Finding 9: Staff incorporates applicant findings contained in HRB-01 and 03. No landscaping is proposed nor required. This standard is met.

3. Building height limitations. 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.



Staff Finding 10: At the time of HRB review, the applicant submitted the following findings of approval:

“All proposed building heights are at or below the maximum allowable by code (35'0”). The building consists of a below grade garage, two floors above grade, and a small mezzanine above the second floor at the west end of the building. This is consistent with the underlying GC zone allowing 2-1/2 stories (see 19.070), as well as with IBC Section 505.2, which considers a mezzanine to be a part of the floor below and not a separate story:

505.2 Mezzanines.

A Mezzanine or mezzanines in compliance with Section 505.2 shall be considered a portion of the story below. Such mezzanines shall not contribute to either the building area or number of stories as regulated by Section 503.1.”

In reviewing definitions within the Oregon Structural Specialty Code, a Mezzanine is defined as “an intermediate level or levels between the floor and ceiling of any story...”. Similarly, in

reviewing Webster's Third New International Dictionary which is the reference standard for definitions per CDC 02.010.D, a mezzanine is defined as "a low-ceilinged story between two main stories of a building." As the mezzanine is above the second story, staff found the proposed design appears to fall outside of these definitions.

The Historic Review Board considered the findings above on June 13th, 2023, and deferred making a recommendation for approval or denial, and directed the Planning Commission to give the matter further consideration (Exhibit HRB-02).

In light of the HRB recommendation, the applicant has submitted revised findings that request allowance of a third story through a design exception, as discussed in Staff Finding 30 (Exhibit HRB-01 and 03). If the design exception is granted, this standard is met.

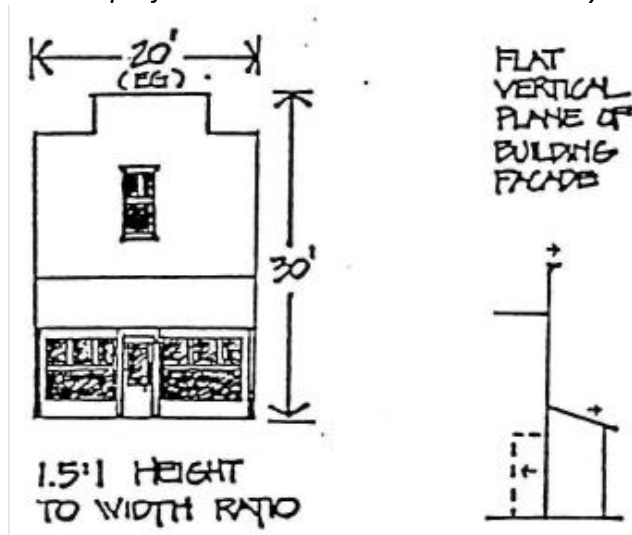
4. *External ground level or first story minimum height. Ten feet to allow transoms.*

Staff Finding 11: Staff incorporates applicant findings contained in HRB-03 which states, "The ground level first story height is 13'0" A.F.F to allow for window transoms." This standard is met.

5. *Roof form. Flat or pitched roofs. Pitched roof ridgeline shall run from the front of the building to the back.*

Staff Finding 12: Staff incorporates applicant findings contained in HRB-03 which states "All proposed flat sloped roofs run from front to back of the building." This standard is met.

6. *Building form, scale and depth. Building shall emphasize the vertical through narrow, tall windows (especially on second floor), vertical awning supports, engaged columns, and exaggerated facades creating a height-to-width ratio of 1.5:1. Building depth shall be flat, only relieved by awning and cornice projections and the indented doorway.*



Staff Finding 13: Staff incorporates applicant findings contained in HRB-03 which states the following:

“The proposed exterior elevations emphasize many vertical elements using tall windows, cornices, and awnings. The second floor has been provided with many windows that align with the main floor below that enhance the "verticality" of each building elevation. Building reliefs have been incorporated throughout the overall design by off- setting the building footprint and providing awnings and cornice projections.”

This standard is met.

7. *Visual building breaks.* Strong vertical breaks or lines should be regularly spaced every 25 to 50 feet.

Staff Finding 14: Staff incorporates applicant findings contained in HRB-03 which states the following:

“Appropriate spacing and vertical breaks in the building vernacular, have been incorporated into all the building elevations. No vertical spacing exceeds 50'-0" in length (see elevation sheet).

The longest façade plane along Willamette Falls Drive without a vertical break is approximately 45 feet per the conceptual elevations in HRB-01. As the primary façade, this is where the variation is most important for maintaining streetscape continuity. Side and rear elevations exceed this standard at 58 feet on the western façade facing 12th street, and 83 feet facing Knapps Alley. To ensure compliance with this standard, a condition of approval has been added requiring the submission of revised plans at the building permit stage that demonstrate compliance with this standard. As conditioned, this standard will be met.

8. *Facades.* No gables, hipped, or pitched roofs shall be exposed to the street at the front. The “Western false front” shall be the preferred style although variations shall be allowed through a design exception.

Staff Finding 15: Staff incorporates applicant findings contained in HRB-01 and 03 which states: *“All roofs are ‘flat’ for the entire building and are concealed by "Western False Front" facades (see elevations sheet).”* This standard is met.

9. *Cornice.* Cornices shall be broad and may include regularly spaced supporting brackets. A cornice is not required, but preferred.

Staff Finding 16: Staff incorporates applicant findings contained in HRB-03 which states: *“The cornices along the north elevation are enhanced with supporting brackets. All other cornices are enhanced with framed panel decoration (see elevations & wall section sheets.)”* This standard is met.

10. Building materials and orientation. Horizontal wood siding in one-inch by eight-inch dimensions shall be used, unless brick or other materials are permitted by a design exception obtained only under CDC 58.090.

Staff Finding 17: Staff incorporates applicant findings contained in HRB-03. The applicant has applied for relief from this standard through a design exception discussed in Staff Finding 30. Proposed primary building materials include the following:

- Primary walls: 1x8 horizontal fiber cement siding (Hardiplank) - painted
- Other walls: Brick masonry
- Base/Wainscot: Brick masonry
- Cornices/trim: Fiber cement trim (Hardieboard) - painted

With approval of the design exception, this standard will be met.

11. Awnings. All buildings shall have awnings extending out from building face. Awnings are preferred for micro-climate benefits. Ideally, the building will have both transom and awnings, although transoms are not required.

Awnings shall be either canvas or vinyl, or similar approved material, supported by an internal metal framework or metal or wood supported by a curved metal support attached to the building.

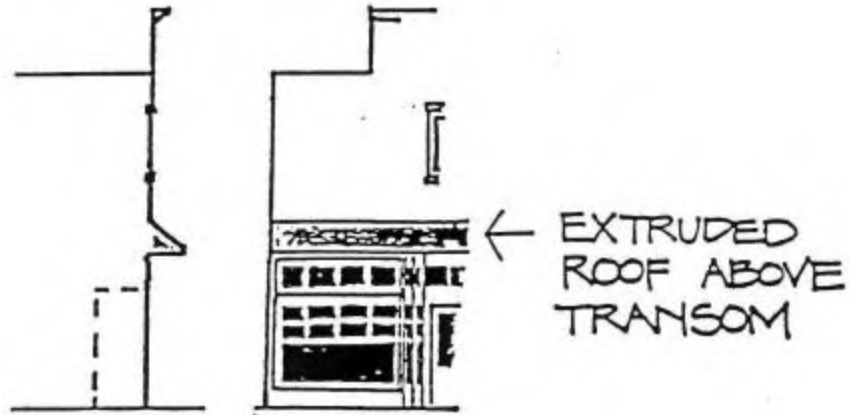
Awnings shall extend a minimum of five feet from the facade and along 80 percent of a street facing facade to provide appropriate pedestrian coverage and shall meet ADA requirements. The pitch of the awning shall be 10 to 40 degrees. No "bubble-type" awnings are permitted. No backlit awnings are permitted. Canvas or matte-finish vinyl, or similar approved material awnings, may be one color or striped and shall have a free-hanging plain or crenelated valance. Canvas or matte-finish vinyl, or similar approved material awnings, should not be shared between two structures. Each structure should have its own awning.

Staff Finding 18: Staff incorporates applicant findings which state the following:

"Building awnings will be a combination of self-supporting fabric awnings on the eastern portion of the building, and a self-supporting steel canopy at the central main entry. These awnings and canopy extend approximately 4 feet from the face of the building. A deeper, canopy with metal roofing and decorative columns wraps the western corner and extends south along 12th Street. This canopy will extend out from the building approximately 8-1/2 feet to allow for outdoor seating/dining. All canopies and awnings will be at least 7 feet above the sidewalk.

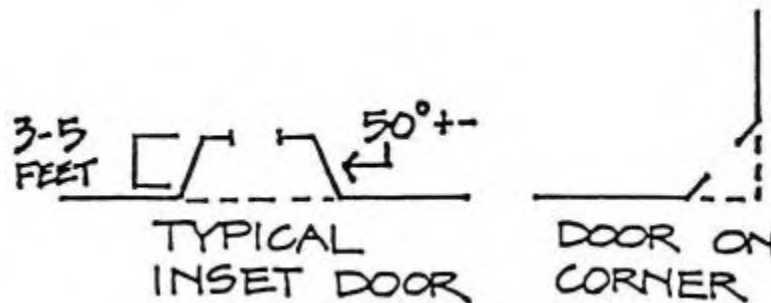
As the minimum awning standard is five feet in depth, Condition 8 has been included to ensure compliance. As conditioned, this standard is met.

12. Extruded roofs. As a substitute for an awning, extruded roofs have a 10- to 40-degree pitch and extend one to two feet from the building face just above the transom windows where the first and second stories meet. The roof runs along the entire building frontage. Standard roofing materials are used. Transoms are required with extruded roofs.



Staff Finding 19: No extruded roofs are proposed. This standard does not apply.

13. Doors and entryways. The entryway shall be centered in the middle of the building at grade. The buildings on street corners may position their doors on the corner at an angle as depicted in the illustration. The doors may be single or double doors. The doors shall be recessed three to five feet back from the building line. Doors shall have glazing in the upper two-thirds to half of the door. Panels should decorate the lower portions. The entryway shall have windows all the way around at the same level as the other display windows. Wood doors are preferable although alternatives with a dark matte finish may be acceptable.



Staff Finding 20: Staff incorporates applicant findings contained in HRB-01 which states the following:

“Recessed double entrance doors have been provided at the center of the building along with additional recessed entry doors at each end of the building (see elevation and floor plan). The door styles will be full glass light style and will meet the intent of the code.

To ensure the doors meet the design standards above, a condition has been added to require a panel on the lower portion of the entry doors. As conditioned, this standard will be met.

14. Glazing. Clear glass only. No mirrored or tinted glass. No films applied to glass. Lettering on glass is permitted.

Staff Finding 21: The applicant has proposed clear glass with no glazing for all windows and doors. This criterion is met.

15. Display or pedestrian level windows. Shall extend across at least 80 percent of building front. The windows shall start one and one-half to two and one-half feet above grade to a height of seven to eight feet, and shall be level with the top of the height of the adjacent entryway area, excluding transom. A single sheet of glass is not permitted. The window shall be broken up into numerous sections, also known as lights. From 1880 onwards, the number of lights was generally no more than six in a pedestrian-level window. The frames may be wood or vinyl-clad wood, or other materials so long as a matte finish is possible.



MULTI-PANED
PEDESTRIAN
LEVEL WINDOWS

Staff Finding 22: Staff incorporates applicant findings contained in HRB-01 as follows:

“The proposed street level windows and storefronts extend across the entire front elevation (see elevation sheet). On the east end of the building, where the level of the floor is above the sidewalk, the windows are placed close enough to the floor level to allow pedestrians to view into the building, thereby meeting the intent of the Code to the extent possible.”

Windows are broken up into multiple lights and match the top of the adjacent doorway. To ensure minimum sill heights above grade are met, a condition of approval has been added requiring minimum sill heights be specified on the building permit drawings. As conditioned, this standard will be met.

16. Second floor and other windows. Double- and single-hung windows proportionately spaced and centered should be used. Smaller square shaped windows may be permitted (one and one-half feet to two feet per side). A typical window should have a 3:1 height to width ratio for the glass area. There should be a minimum of two lights: “one over one” of equal size. “Two over one” or “four over one” is appropriate.



Staff Finding 23: Staff incorporates applicant findings contained in HRB-01 and -3 which states: *“The proposed upper level windows have a double-hung appearance, and are provided individually and in groups in sizes to meet the 3:1 standard.”* This standard is met.

17. Wainscotting. Wainscotting shall be consistent with primary material of the building, typically wood.

Staff Finding 24: Staff incorporates applicant findings contained in HRB-01. The applicant has applied for relief from this standard through a design exception discussed later in this report, to include alternate brick masonry wainscoting instead of the primary Hardie material proposed for the building. This alternative provides for a more durable building base, and is consistent with other buildings along Willamette Falls Drive. With approval of the design exception, this standard will be met.

18. Shutters. Shutters are not allowed.

19. Balconies. No balconies are permitted except on rear of building.

20. Exterior stairs. Simple stairs are permitted on the rear or side of the building only.

Staff Finding 25: None of the above features exist are proposed and all stairs are enclosed. These standards are not applicable.

21. Roof mounted mechanical equipment. Equipment shall be screened from view on all sides by normal and consistent architectural features of the building. CDC 55.100(D), Privacy and noise, shall apply.

22. Air conditioning. No window types on avenue or street side are permitted. Window-mounted air conditioners are not allowed at rear where abutting residential.

Staff Finding 26: Air conditioning units are proposed for rooftop mounting, and will be located in a mechanical storage room located in the approximate center of the roof and set back from the parapet wall. These standards are met.

23. Exterior lighting fixtures. Any lighting fixtures that can be traced to 1880 – 1915 period are permitted. Simple modern fixtures that are screened and/or do not attract attention are acceptable. Overly ornate fixtures of the Victorian era are to be discouraged.

Staff Finding 27: Staff incorporates the applicant’s findings contained in Exhibit HRB-03 that states: *“All exterior light fixtures will meet the intent of the code “period fixtures 1880-1915”. A cutsheet of the light fixture [has been] provided to the city for review.”* This standard is met.

24. *Transoms.* Transom windows are required with extruded roofs and optional with awnings. Transom windows shall cover the front of the building above, but not beyond, the main display windows and the entryway area. Transoms should be broken up into sections every six inches to three feet in a consistent and equal pattern. Height should not exceed three feet. Transoms may or may not open. False ceilings are allowed behind the transoms.

Staff Finding 28: Staff incorporates applicant findings contained in HRB-03 as follows:

“The storefront windows proposed will have a metal canopies or fabric awnings above their entire width. No upper separate transom windows are proposed, however the window style will have transom influence by the use of grids and mullions. All window sizes will meet the intent of the code (see elevations).”

This standard is met.

26. *Paint colors.* Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. A palette or color wheel, submitted by the applicant, of acceptable 1880 – 1915 period colors shall be the basis for color selection. Colors shall be similar to or consistent with existing buildings within the Willamette Commercial District to establish streetscape continuity.

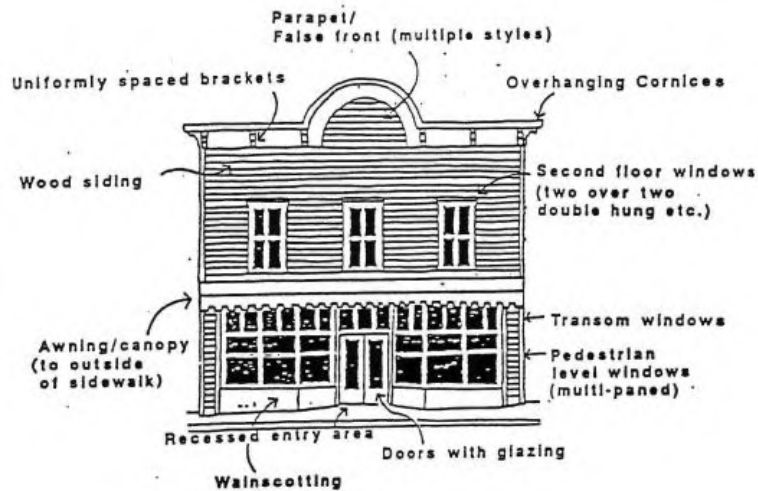
Staff Finding 29: Staff incorporates applicant findings contained in HRB-03 as follows: *“A material and color board is included with this application. Selected colors will be submitted for review prior to installation.”* This standard is met.

58.090 DESIGN EXCEPTION PROCEDURES

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. (Ord. 1735 § 4 (Exh. C), 2022. Formerly 58.100)

Staff Finding 30: Staff incorporates the applicant's findings contained in Exhibit HRB-01 and HRB-03.

RESPONSE: Design Exceptions are requested for the following:

1. Item: James Hardie (or equal) fiber cement products to substitute for wood siding and trim.

Criteria A: The proposed materials are designed to accurately represent the appearance of the wood they are replacing. Available in wood grained or smooth textures, when painted they provide high quality wood look.

Criteria B: The proposed fiber cement products are a significant upgrade in quality from natural wood, which makes it a superior design choice. Wood checks, twists, splits, and otherwise fails, necessitating near continuous maintenance. This can cause the building to almost always have portions that have unsightly blemishes and defects. Wood will typically require replacement after approximately 10 years. The requested substitute is straight and true, without defects, requires no maintenance beyond regularly scheduled painting, and has a lifespan of more than 25 years.

2. Item: Brick masonry for the eastern segment of the building, vertical pilasters, the lower portion of the western segment, and portions of the building base/wainscot.

Criteria A: Brick was a fairly common material in the 1880-1915 time period, and is

well represented in the District, appearing on the fire station, the 2008 building across the street from the project, the Community of Faith Church at the corner of 12th Street and Willamette Falls Drive, and the 1969 Willamette Falls Drive building adjacent to the project.

Criteria B: Brick is a superior material to wood in terms of durability, longevity, and appearance. Its use on this project helps to emphasize the vertical distinctions in a way that adds interest and human scale while elevating the level of detailing of the façade. In addition, at the base of the building it also provides a more durable surface where the building meets the sidewalk and is at greatest risk of damage from passersby, bicycles, delivery carts, and the like.

3. Item: Construction of a Third Story

Criteria A: The proposed roof top spaces are not visible to the public, making the Chapter 58 criteria of period design and materials difficult to apply or evaluate.

However, we feel that the existence of several buildings in the area with similar roof top spaces, including 1672, 1880, 1849, 1914, & 1980 Willamette Falls Drive should qualify the 1949 proposal for an exception to the 2-story standard. The five buildings above each have covered roof top spaces for roof access and storage as is proposed for the 1949 project. As with the proposed project, the existing examples of covered spaces are hidden from view behind their western false front facades.

Criteria B: In the proposed 1949 building, the enclosed spaces will be un-conditioned and unoccupied. They will house mechanical equipment, store furnishings from the outdoor deck, and provide needed additional general building storage. The spaces will be fully hidden from view behind the Willamette Falls Drive and 12th Street facades. The stairs and elevator extend from the lower floors to allow roof and deck use, maintain the roof and roof equipment, and provide Code required access to exit routes.

Staff have expressed concern that if approved, these unoccupied spaces could be converted to occupied space in the future. However, per the Code no improvements may be constructed without a building permit. As well, in the case of the 1949 project converting the unoccupied un-conditioned storage spaces to occupied conditioned space would constitute a change of use affecting more than 5% of the existing building area - thereby triggering a Type 2 design review. The applicant is a respected builder in the community and would never jeopardize license or reputation by building without proper approvals and permits.

At least 5 of 24 (20%) existing buildings in the WFD Commercial Design District have rooftop spaces, including 1672, 1880, 1849, 1914, and 1980 WFD. There are 7 spaces on the 5 buildings, where 5 appear to be for storage, and 2 (1672 & 1849) appear to house habitable space. These existing examples are mostly hidden from view from WFD by their western false front facades, although they can be seen from some angles.

The Historic Review Board has the discretion to accept these findings as meeting the criteria.

99.060 APPROVAL AUTHORITY

B. Planning Commission authority. The Planning Commission shall have the authority to:

[...]

2. Approve, deny, or approve with conditions the following applications:

(...)

h. Design review, Class II

(...)

D. Historic Review Board authority. The Historic Review Board shall review an application for compliance with Chapters 25 and 58 CDC, as applicable. The Historic Review Board shall have the authority to:

(...)

2. Make recommendations to the approval authority specified in this section regarding the following:

(...)

c. Class I or Class II design review on a property within the Willamette Falls Drive Commercial Design District that is not a historic landmark or within the Willamette Historic District;

(...)

Staff Finding 31: The application is being presented to the Historic Review Board for a recommendation of compliance with CDC Chapter 58. This recommendation will be forwarded to the Planning Commission for consideration as part of a consolidated proceeding pursuant to CDC 99.070. This standard is met.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. (...)

Staff Finding 32: The applicant proposal has been properly noticed by the City per Exhibit HRB-05 below. These criteria are met.

**EXHIBIT HRB-1:
APPLICANT SUPPLEMENTAL MATERIALS**



SG ARCHITECTURE, LLC

18 OCTOBER, 2023

HRB REMAND | DESIGN ADJUSTMENTS – PART 3

JOHN FLOYD

Associate Planner
Community Development Department | Planning
22500 Salamo Road
West Linn, OR 97068
p: 503-742-6058
e: jfloyd@westlinnoregon.org

SGA PROJECT NO. 20-119

Design Review Application **DR-23-01**
PART 3: Design Adjustments in Response to Comments
from October 4th Planning Commission Meeting –
Remanded to Historic Review Board for Review

DEAR MR. FLOYD,

Please find enclosed our written narrative in response to the Planning Commission's decision to remand our application to the Historic Review Board for further review. Below I have summarized the process thus far, then have provided an updated Design Exception request to allow the rooftop mechanical equipment enclosure and building storage with exhibits attached.

We would greatly appreciate your including this narrative and its attendant exhibits with the submittal package for the Historic Review Board.

THE PROCESS SO FAR – A SUMMARY:

13 JUNE 2023 – HISTORIC REVIEW BOARD HEARING

At the Historic Review Board (HRB) hearing, our application was well received, with the Board in agreeing with Staff's findings and recommendations, including design exceptions for brick masonry, fiber cement siding, and canopy columns. Via public testimony and Board deliberation, the following were discussed:

1. The Board deferred the question of the mezzanine for review by the Planning Commission for their decision.
(SEE EXHIBIT EL05/3, dated 12-2022)
2. There was concern that the uppermost windows along 12th Street suggested a third story that might be out of the norm for the WFD Design District.
(SEE EXHIBIT EL05/2, dated 07-13-2022)
3. Some Knapps Alley neighbors were concerned the windows on that elevation were larger than on the adjacent existing 1969 WFD building.
(SEE EXHIBIT EL05/3, dated 12-2022)
4. The Board felt that the exhibits did not show clearly enough that the north (WFD) building complies with the 35' height limit in the District.
(EL05/1, dated 04-20-2023)
5. West Linn Engineering was concerned that the canopy columns at near the 12th Street intersection would conflict with the utility lines running beneath the sidewalks.
(SEE EXHIBITS EL05/1, dated 04-20-2023, and EL05/2, dated 07-13-2022)

15 AUGUST 2023 – INITIAL DESIGN ADJUSTMENTS

In preparation for the October 4th Planning Commission hearing, we proposed to Staff several design concessions as a gesture of goodwill in response to concerns from the HRB hearing:

1. The enclosed rooftop space was repurposed from lounge to building storage, and the restrooms and western elevator deleted. An HVAC equipment space was added near the remaining elevator. Both spaces will also be *unoccupied and unconditioned*. The outdoor roof deck remains for general use by tenants and guests.
(SEE EXHIBIT EL05/3, dated 08-15-2023)
2. The windows along 12th Street were removed and replaced with a redesigned cornice, painted panels, and painted vertical pilasters, breaking up the facade into vertical components. Windows remain at the corner as a clerestory to the second floor.
(SEE EXHIBIT EL05/2, dated 08-15-2023)
3. The windows on the Knapps Alley elevation were re-designed to match the size and spacing of the same 1969 WFD elevation. These were deemed acceptable during that building's HRB and Planning Commission reviews.
(SEE EXHIBIT EL05/3, dated 08-15-2023)
4. Per Chapter 58, the 35' height limit occurs midway between eave and top of parapet (without a gable, the flat roof line serves as the eave). Per Chapter 41, height is measured at grade, 5' from the front elevation. A heavy dashed red line shows the 35' height on the WFD elevation. A second red line was added, indicating the flat roof/eave behind the parapet.
(SEE EXHIBIT EL05/1, dated 08-15-2023)
5. The canopy support columns have been eliminated. The canopy will be supported by tie-back rods matching those approved on the 1969 WFD building.
(SEE EXHIBITS EL05/1, dated 08-15-2023 and EL05/2, dated 08-15-2023)

15 SEPTEMBER 2023 – DESIGN ADJUSTMENTS, PART 2

Per Staff recommendation, we generated a Chapter 58 Design Exception for the rooftop storage and HVAC enclosures to be reviewed by the Planning Commission. The narrative and exhibit supported our application with examples of similar spaces existing in the District and an illustration of how the proposed spaces be used.

(SEE EXHIBITS EX01 & EX02, dated 09-15-2023)

04 OCTOBER 2023 – PLANNING COMMISSION HEARING

At the Planning Commission Hearing, there was no official testimony from either Applicant or Public. However, the following topics were discussed by the Commissioners:

1. In response to neighbors' submitted concerns about the proposed outdoor deck the commission noted that the deck, by definition, does not constitute a third floor, as it is not enclosed and has no roof. They agreed with Staff that the deck is allowed in the District.
2. The neighbors also raised the concern regarding noise emanating from users of the proposed deck. We and the Commissioners noted that any users will be required to observe the City's existing noise ordinances.
3. The Commission did not make a determination regarding the question of whether the storage and HVAC spaces constitute a third story, or the design exception.
4. The Commission agreed that the HRB should have the opportunity to rule on the proposed design exception, and remanded the exception for their evaluation.

REQUEST FOR DESIGN EXCEPTION

Section 58.090 'Design Exception Procedures', allows that the applicant can either:

- a. "...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." OR
- b. "...incorporate[e] 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."

EXISTING CONDITIONS IN THE DESIGN DISTRICT

1. At least 5 of 24 (20%) existing buildings in the WFD Commercial Design District have rooftop spaces, including 1672, 1880, 1849, 1914, & 1980 WFD. There are 7 spaces on the 5 buildings, where 5 appear to be for storage, and 2 (1672 & 1849) appear to house habitable space. These existing examples are mostly hidden from view from WFD by their western false front facades, although they can be seen from some angles.

(SEE EXHIBIT EX01, dated 09-15-2023)

PROPOSED DESIGN EXCEPTION

1. We are proposing a design exception to allow the two roof top spaces shown on the roof plan: one for housing building HVAC systems and one for critically needed building storage. They serve only as support spaces and will be *un-occupied* and *un-conditioned*.
(SEE EXHIBIT EX02, dated 09-15-2023)
2. Maintaining modern buildings and systems requires substantial amounts of storage – likely more than was commonly needed on buildings built between 1880 and 1915. Onsite storage is also a green alternative, reducing built space, material and fuel consumption, traffic, and other impacts. As well, the HVAC enclosure will reduce noise from the roof.
3. The elevator and stairwells extend from the lower floors to the roof to allow for roof maintenance, access to the rooftop deck, and required exiting from the outdoor patio.
4. Small portions of the proposed roof top spaces are visible in 2D elevation views. The top of the elevator shaft is also visible, but that is expressly allowed under Chapter 41 and does not require a design exception.
(SEE EXHIBITS EX03, EX04, and EX05, dated 11-14-2023)
5. However, a 2D elevation view does not represent what can be seen at street level. We have included sections showing that the proposed rooftop spaces *are not visible* from WFD, 12th Street, or Knapps Alley – *nor even from the second stories across Knapps Alley and WFD*.
(SEE EXHIBIT EX06, dated 11-14-2023)

We respectfully ask the HRB to approve this Chapter 58 design exception, based upon the precedence of comparable rooftop spaces existing on 20 percent of the buildings in the District. This is by definition a historical record that these spaces are recognized by the City to be appropriate to the architecture in the region along Willamette Falls Drive. Thank you for your consideration.

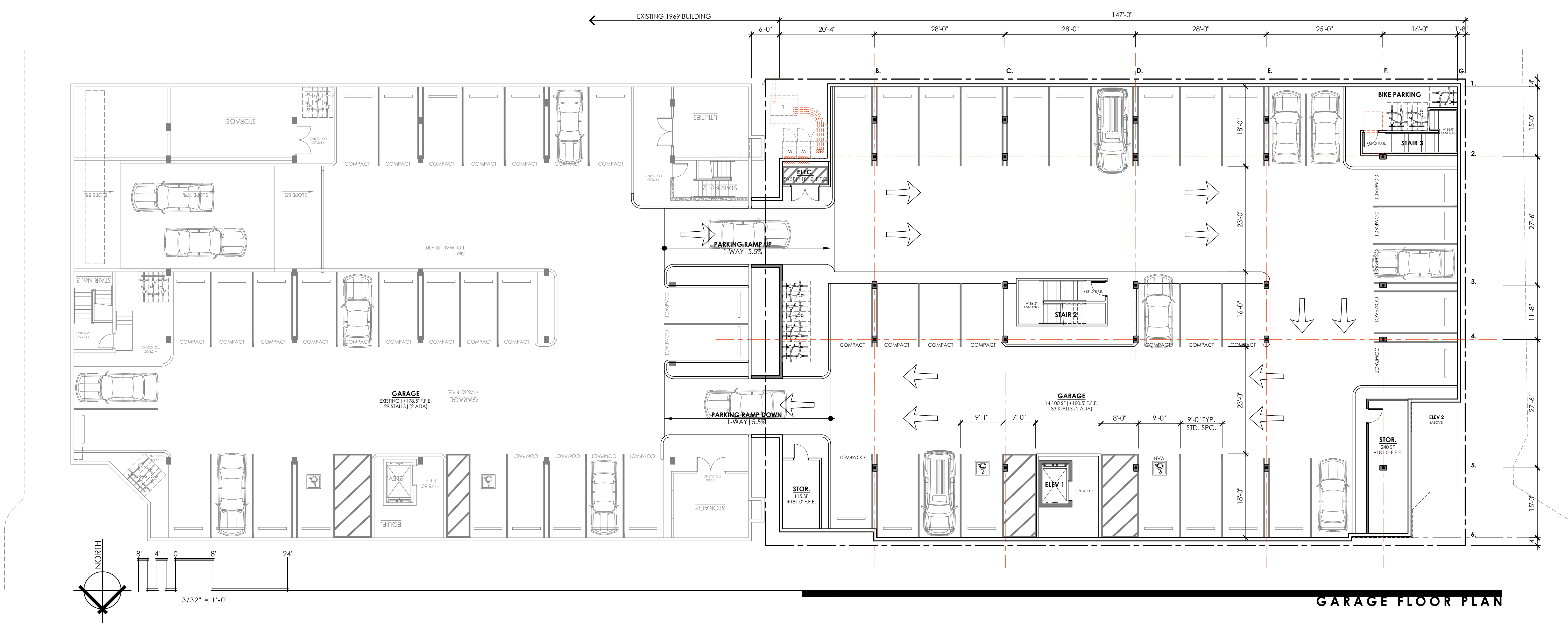
John, thank you for your review and consideration, we look forward to any comments you may have. Please let me know if you have any questions, or if you need any additional information.

Sincerely,



SCOT SUTTON | SG Architecture, LLC
503-347-4685 | ssutton@sg-arch.net

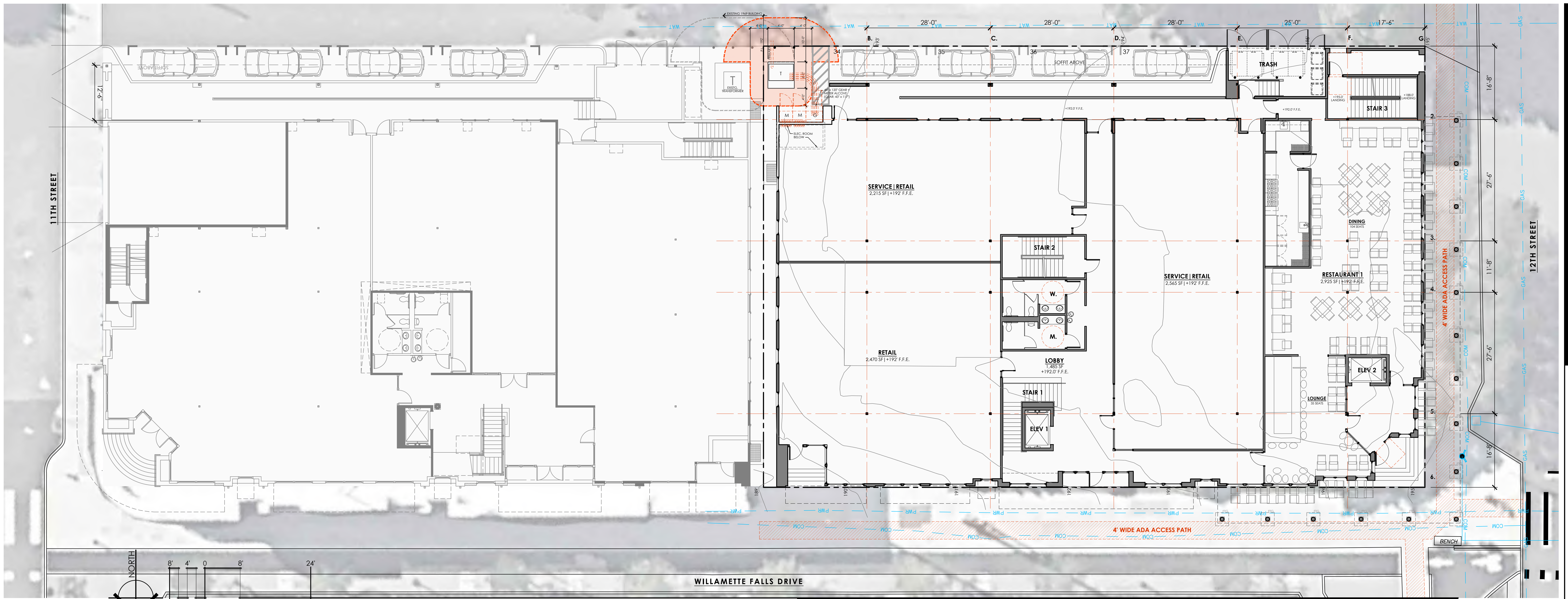
Enc: Exhibits as noted in the text.



GARAGE FLOOR PLAN

G GARAGE FLOOR PLAN

ORIGINAL SUBMISSION TO HISTORIC REVIEW BOARD



GROUND FLOOR PLAN



WILLAMETTE FALLS DRIVE ELEVATION

1 GROUND FLOOR PLAN + WILLAMETTE FALLS DRIVE ELEVATION

ORIGINAL SUBMISSION TO HISTORIC REVIEW BOARD

CONCEPTUAL PLANS + ELEVATIONS

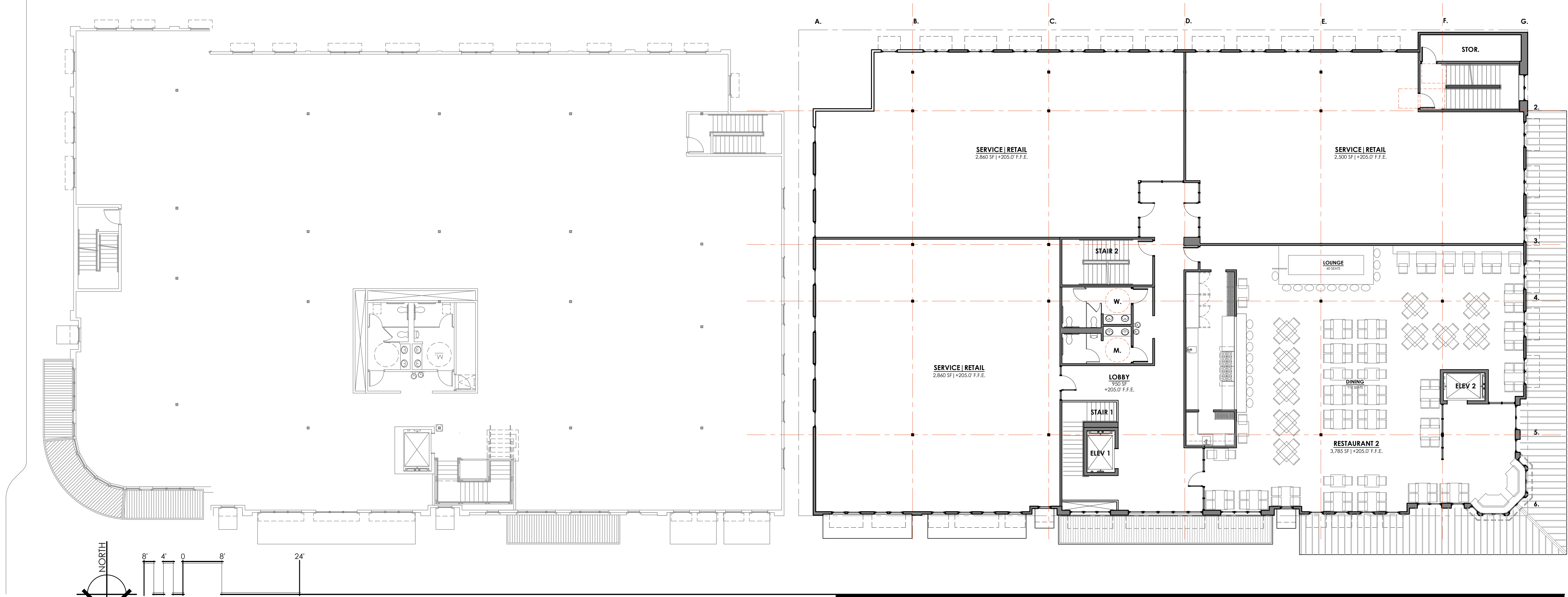
JULY 13th, 2022
REVISED APRIL 20, 2023

SGA
SUTTON | GODWIN
ARCHITECTURE, LLC

ARCHITECTURE
PLANNING
DESIGN
503.347.4685 | 503.201.0725
www.sg-arch.net

EL 05
1949 WILLAMETTE FALLS DRIVE
WEST LINN, OREGON





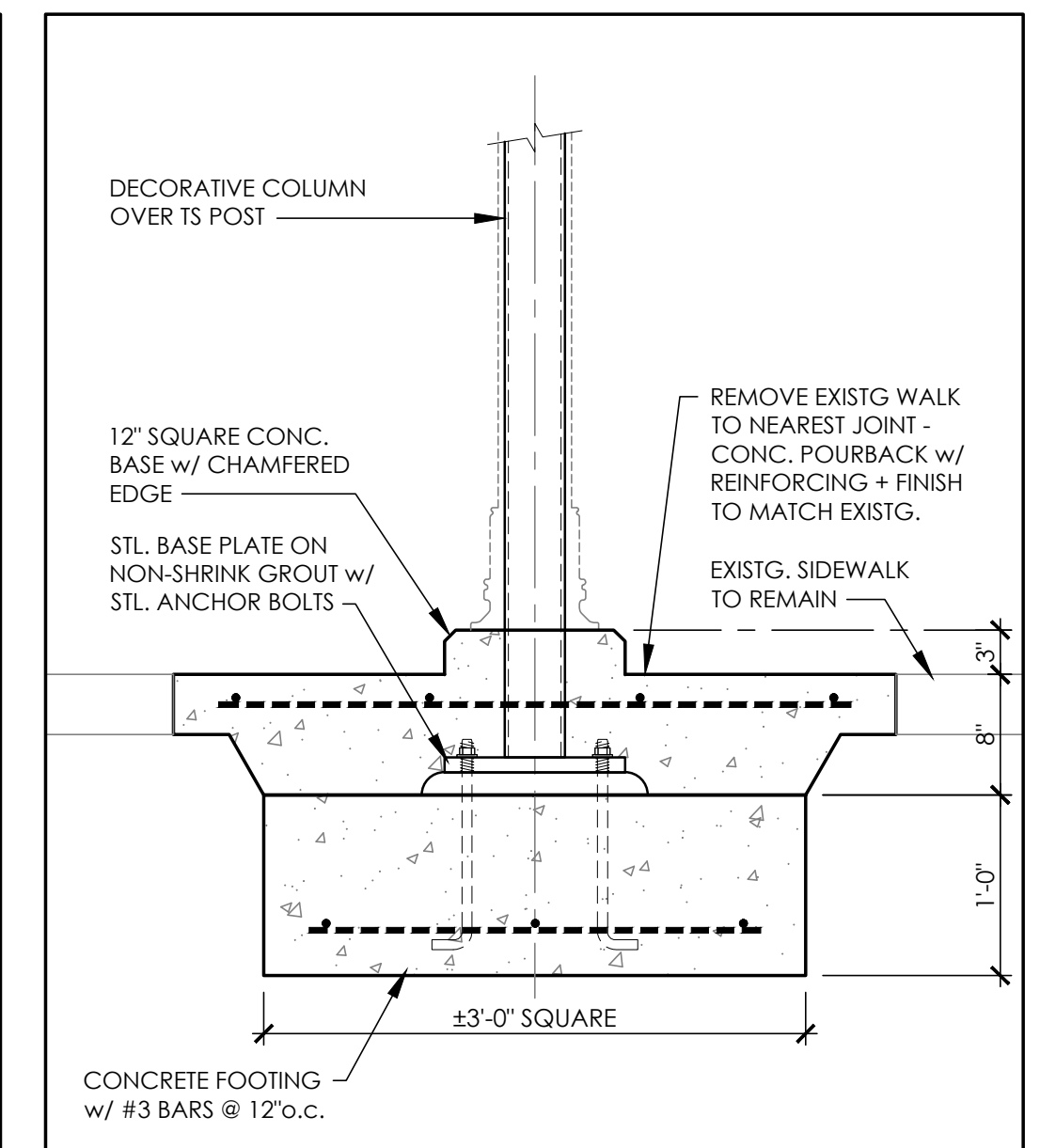
SECOND FLOOR PLAN



EAST (INTERIOR P.L.) ELEVATION



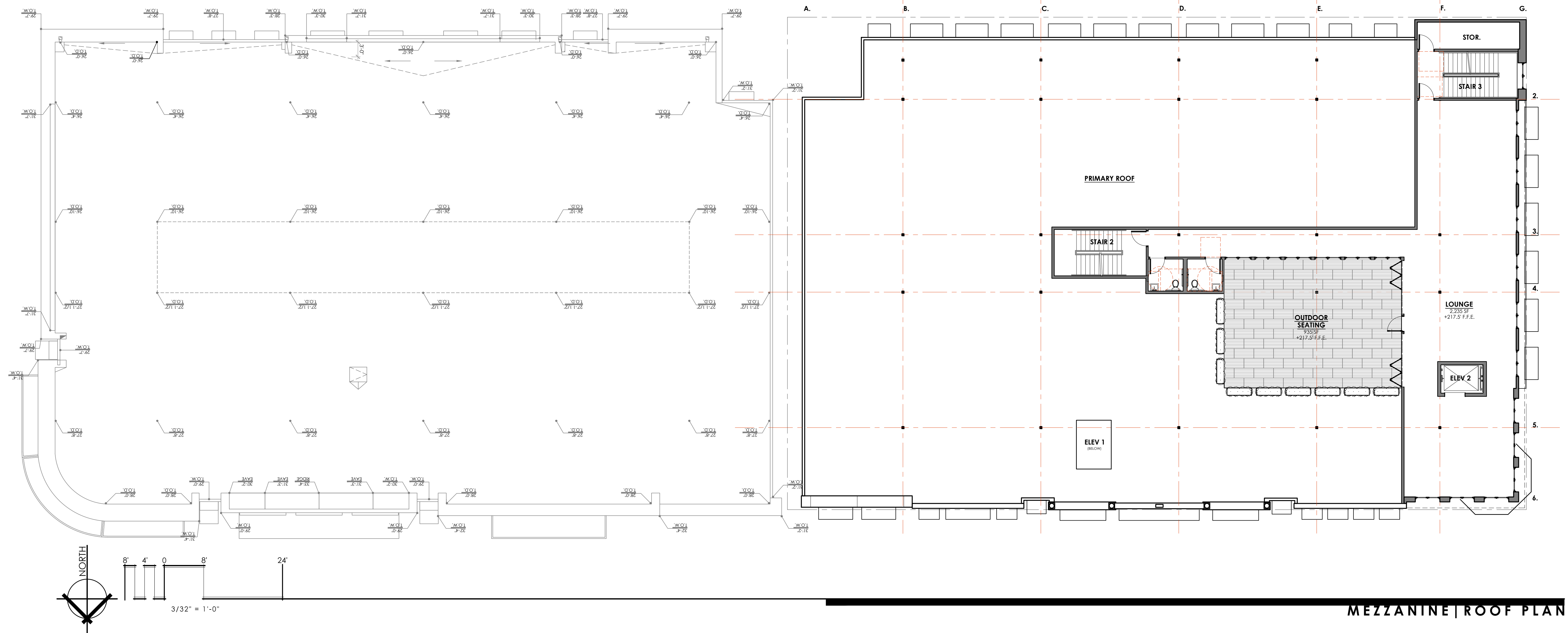
WEST (12th STREET) ELEVATION



DECORATIVE COLUMN DETAIL
1" = 1'-0"

2 SECOND FLOOR PLAN + EAST & 12th STREET ELEVATIONS

ORIGINAL SUBMISSION TO HISTORIC REVIEW BOARD



MEZZANINE | ROOF PLAN



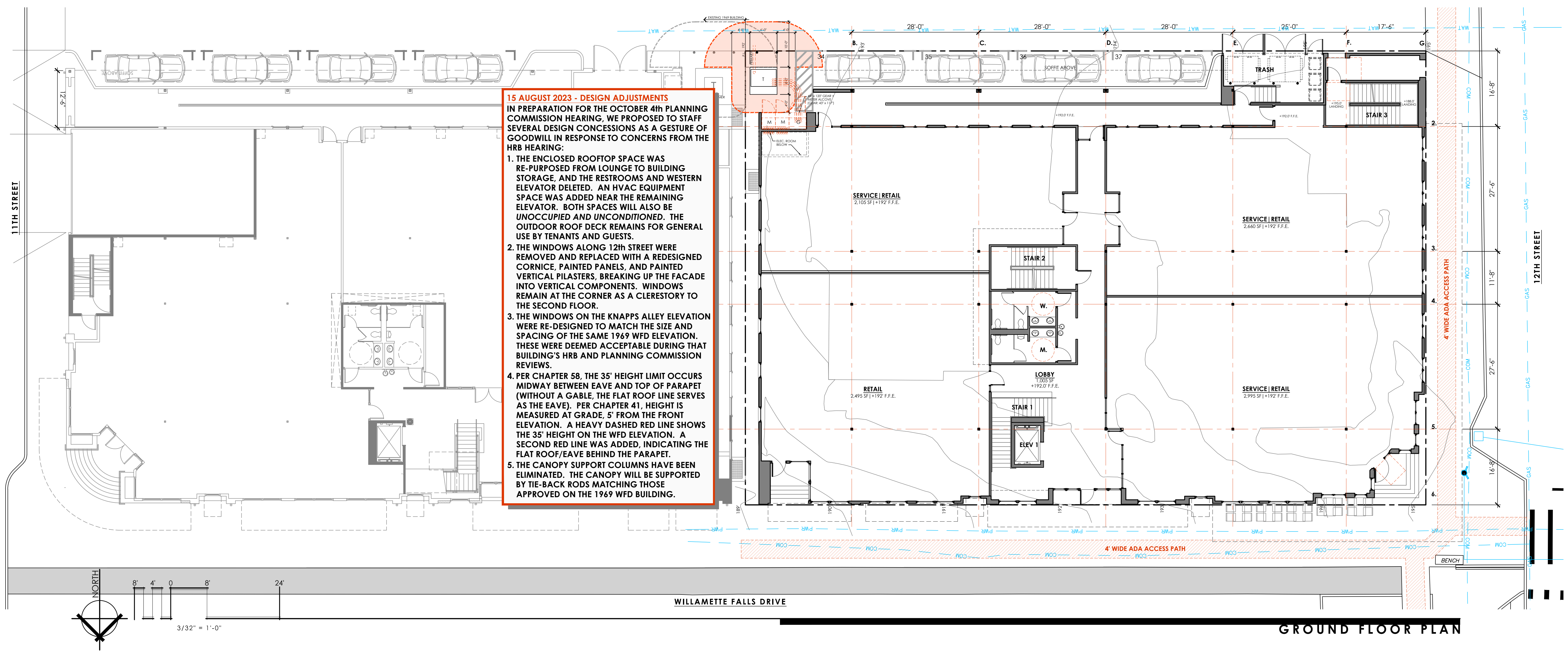
KNAPPS ALLEY ELEVATION

3 MEZZANINE FLOOR PLAN | ROOF PLAN + KNAPPS ALLEY ELEVATION

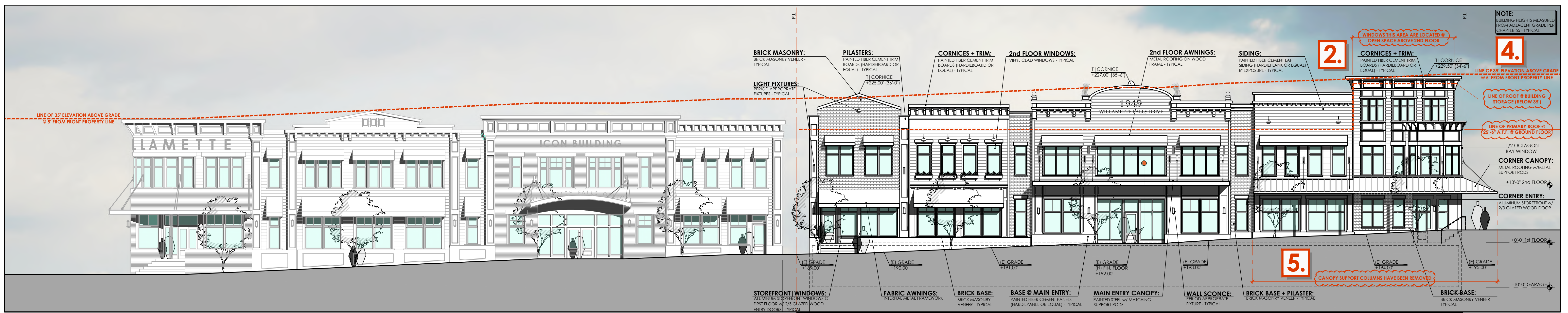
ORIGINAL SUBMISSION TO HISTORIC REVIEW BOARD

15 AUGUST 2023 - DESIGN ADJUSTMENTS
 IN PREPARATION FOR THE OCTOBER 4th PLANNING COMMISSION HEARING, WE PROPOSED TO STAFF SEVERAL DESIGN CONCESSIONS AS A GESTURE OF GOODWILL IN RESPONSE TO CONCERNS FROM THE HRB HEARING:

1. THE ENCLOSED ROOFTOP SPACE WAS RE-PURPOSED FROM LOUNGE TO BUILDING STORAGE, AND THE RESTROOMS AND WESTERN ELEVATOR DELETED. AN HVAC EQUIPMENT SPACE WAS ADDED NEAR THE REMAINING ELEVATOR. BOTH SPACES WILL ALSO BE UNOCCUPIED AND UNCONDITIONED. THE OUTDOOR ROOF DECK REMAINS FOR GENERAL USE BY TENANTS AND GUESTS.
2. THE WINDOWS ALONG 12th STREET WERE REMOVED AND REPLACED WITH A REDESIGNED CORNICE, PAINTED PANELS, AND PAINTED VERTICAL PILASTERS, BREAKING UP THE FACADE INTO VERTICAL COMPONENTS. WINDOWS REMAIN AT THE CORNER AS A CLERESTORY TO THE SECOND FLOOR.
3. THE WINDOWS ON THE KNAPPS ALLEY ELEVATION WERE RE-DESIGNED TO MATCH THE SIZE AND SPACING OF THE SAME 1969 WFD ELEVATION. THESE WERE DEEMED ACCEPTABLE DURING THAT BUILDING'S HRB AND PLANNING COMMISSION REVIEWS.
4. PER CHAPTER 58, THE 35' HEIGHT LIMIT OCCURS MIDWAY BETWEEN EAVE AND TOP OF PARAPET (WITHOUT A GABLE, THE FLAT ROOF LINE SERVES AS THE EAVE). PER CHAPTER 41, HEIGHT IS MEASURED AT GRADE, 5' FROM THE FRONT ELEVATION. A HEAVY DASHED RED LINE SHOWS THE 35' HEIGHT ON THE WFD ELEVATION. A SECOND RED LINE WAS ADDED, INDICATING THE FLAT ROOF/EAVE BEHIND THE PARAPET.
5. THE CANOPY SUPPORT COLUMNS HAVE BEEN ELIMINATED. THE CANOPY WILL BE SUPPORTED BY TIE-BACK RODS MATCHING THOSE APPROVED ON THE 1969 WFD BUILDING.



GROUND FLOOR PLAN



WILLAMETTE FALLS DRIVE ELEVATION

1 GROUND FLOOR PLAN + WILLAMETTE FALLS DRIVE ELEVATION

REVISED SUBMISSION FOR PLANNING COMMISSION

CONCEPTUAL PLANS + ELEVATIONS

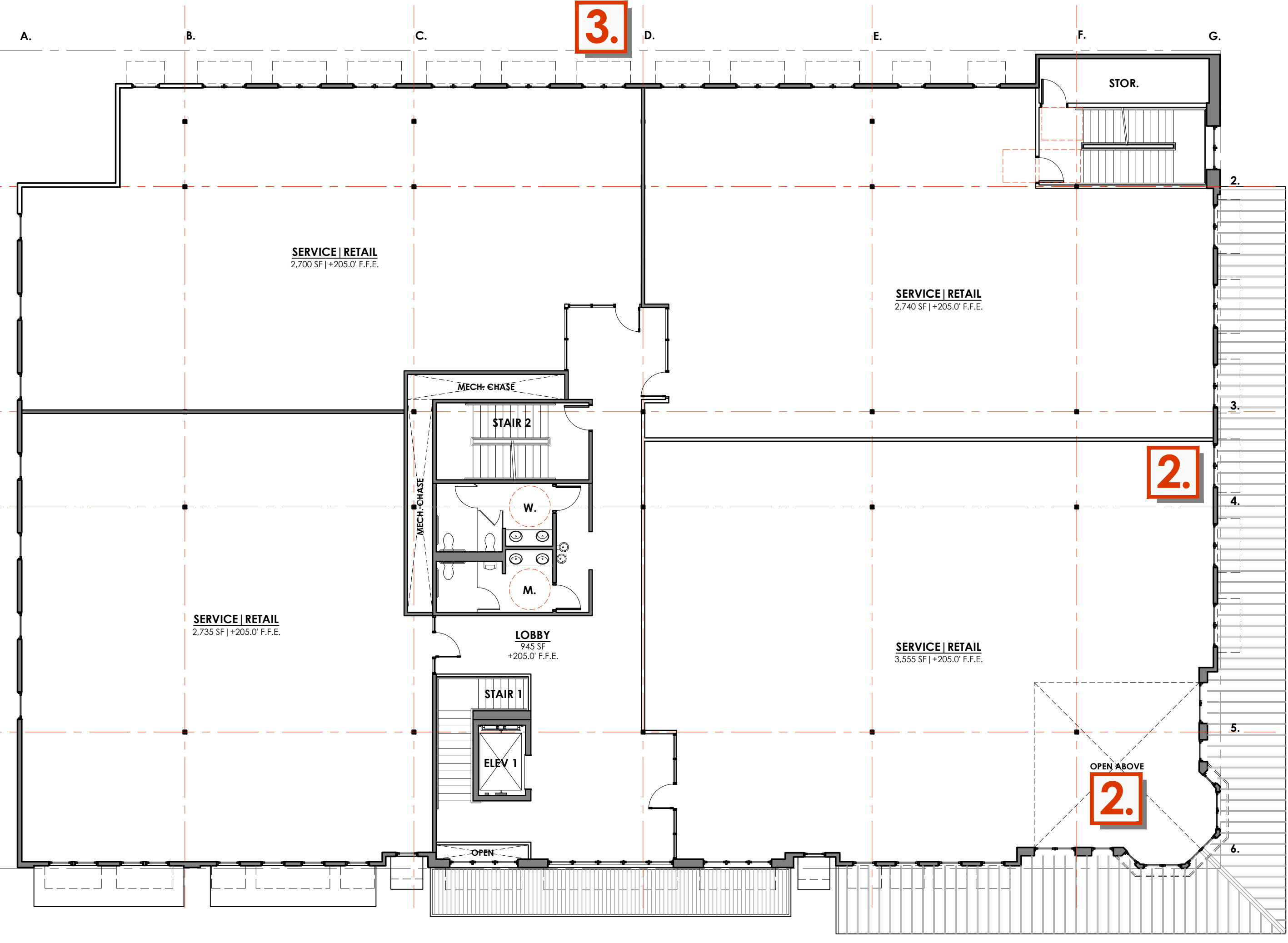
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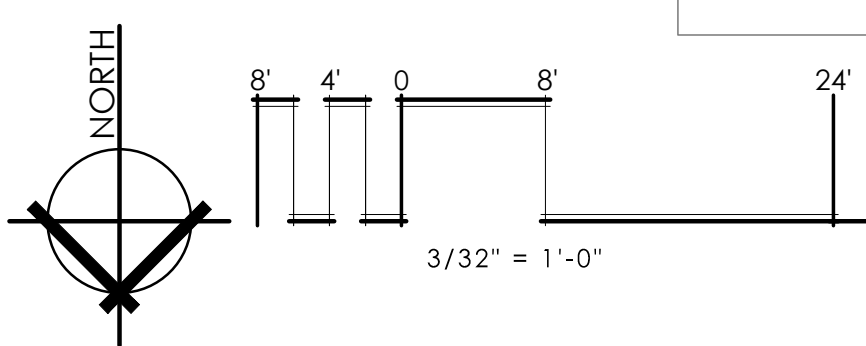
EL 05
 1949 WILLAMETTE FALLS DRIVE
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ICON
 CONSTRUCTION
 AND DEVELOPMENT

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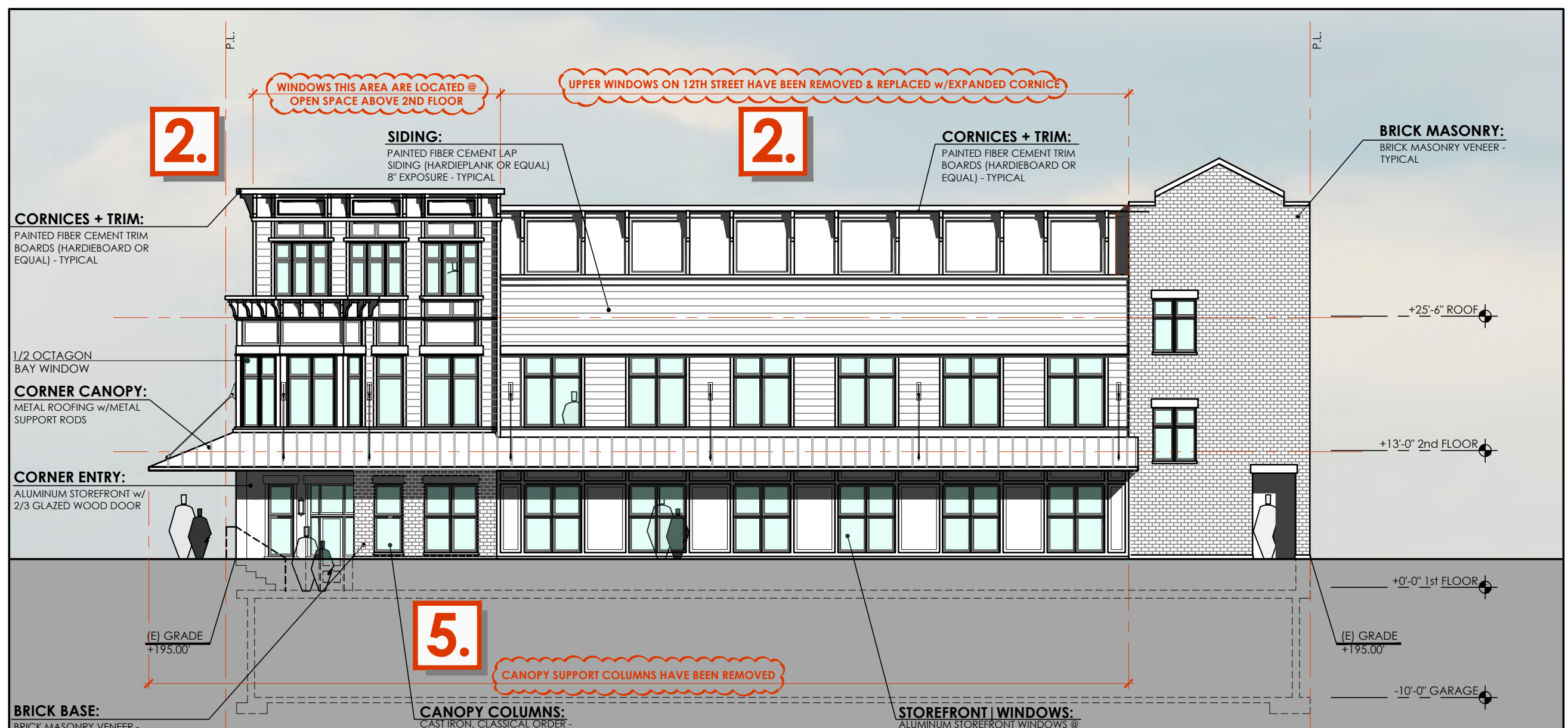
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2. THE WINDOWS ALONG 12th STREET WERE REMOVED AND REPLACED WITH A REDESIGNED CORNICE, PAINTED PANELS, AND PAINTED VERTICAL PILASTERS, BREAKING UP THE FACADE INTO VERTICAL COMPONENTS. WINDOWS REMAIN AT THE CORNER AS A CLERESTORY TO THE SECOND FLOOR.
3. THE WINDOWS ON THE KNAPPS ALLEY ELEVATION WERE RE-DESIGNED TO MATCH THE SIZE AND SPACING OF THE SAME 1969 WFD ELEVATION. THESE WERE DEEMED ACCEPTABLE DURING THAT BUILDING'S HRB AND PLANNING COMMISSION REVIEWS.
4. PER CHAPTER 58, THE 35' HEIGHT LIMIT OCCURS MIDWAY BETWEEN EAVE AND TOP OF PARAPET (WITHOUT A GABLE, THE FLAT ROOF LINE SERVES AS THE EAVE). PER CHAPTER 41, HEIGHT IS MEASURED AT GRADE, 5' FROM THE FRONT ELEVATION. A HEAVY DASHED RED LINE SHOWS THE 35' HEIGHT ON THE WFD ELEVATION. A SECOND RED LINE WAS ADDED, INDICATING THE FLAT ROOF/EAVE BEHIND THE PARAPET.
5. THE CANOPY SUPPORT COLUMNS HAVE BEEN ELIMINATED. THE CANOPY WILL BE SUPPORTED BY TIE-BACK RODS MATCHING THOSE APPROVED ON THE 1969 WFD BUILDING.



SECOND FLOOR PLAN



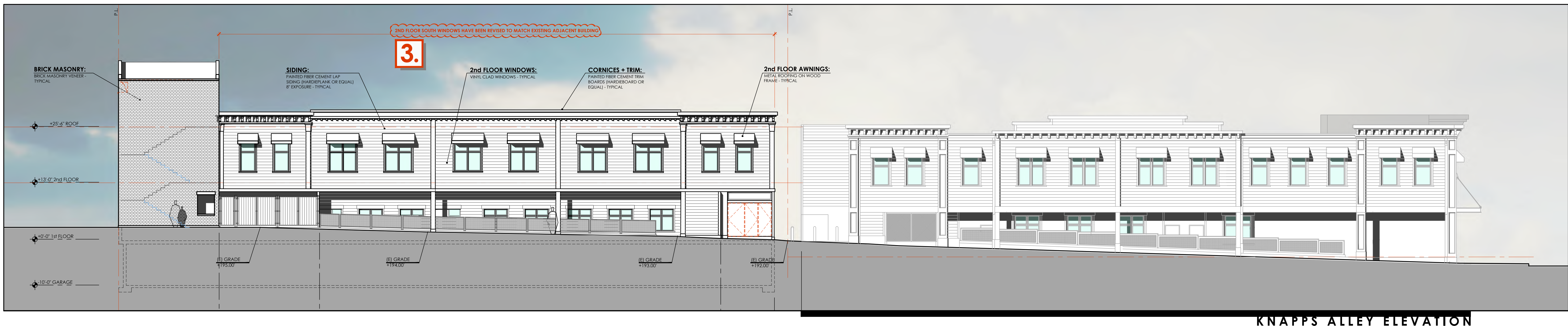
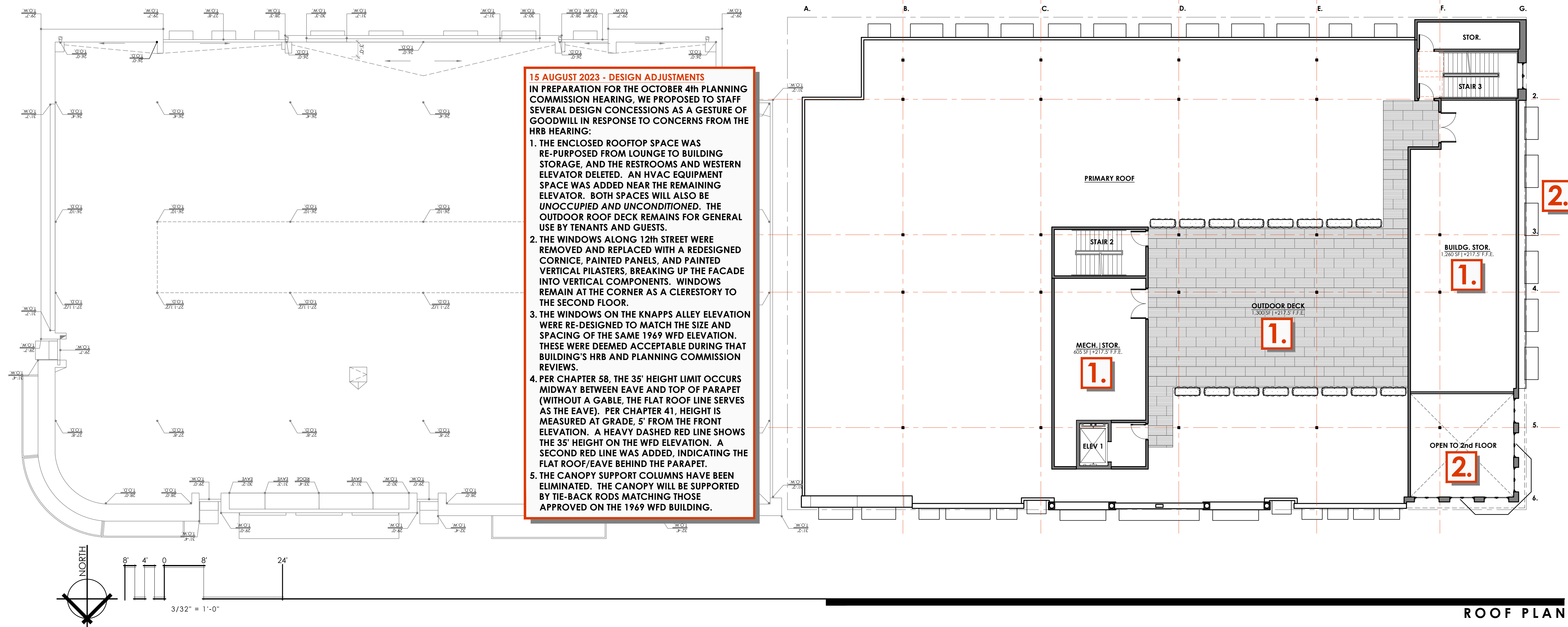
EAST (INTERIOR P.L.) ELEVATION



WEST (12th STREET) ELEVATION

2 SECOND FLOOR PLAN + EAST & 12th STREET ELEVATIONS

REVISED SUBMISSION FOR PLANNING COMMISSION

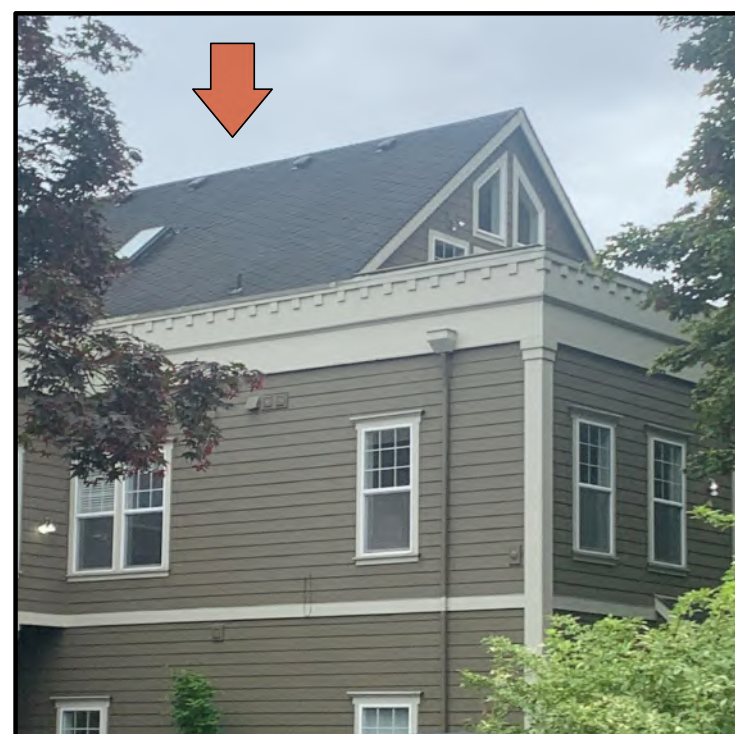


3 ROOF PLAN + KNAPPS ALLEY ELEVATION

REVISED SUBMISSION FOR PLANNING COMMISSION



1672 WFD: 3rd FLOOR
1,040 SF ROOF SPACE



1672 WFD: 3rd FLOOR
VIEW FROM REAR



1849 WFD: 3rd FLOOR
1,710 SF ROOF SPACE



1880 WFD: 3rd FLOOR
530 SF ROOF SPACE



1914 WFD: 3rd FLOOR
200 SF ROOF SPACE



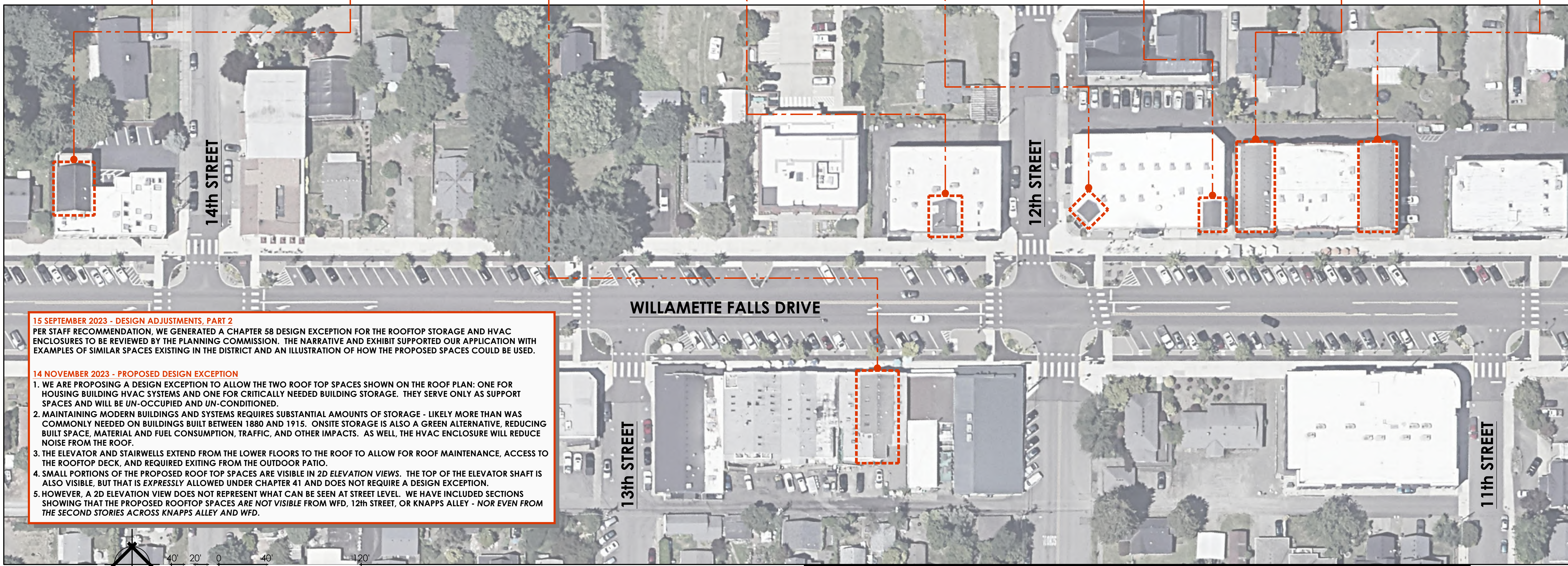
1914 WFD: 3rd FLOOR
330 SF ROOF SPACE



1980 WFD: 3rd FLOOR
1,735 SF ROOF SPACE



1980 WFD: 3rd FLOOR
1,940 SF ROOF SPACE



15 SEPTEMBER 2023 - DESIGN ADJUSTMENTS, PART 2
 PER STAFF RECOMMENDATION, WE GENERATED A CHAPTER 58 DESIGN EXCEPTION FOR THE ROOFTOP STORAGE AND HVAC ENCLOSURES TO BE REVIEWED BY THE PLANNING COMMISSION. THE NARRATIVE AND EXHIBIT SUPPORTED OUR APPLICATION WITH EXAMPLES OF SIMILAR SPACES EXISTING IN THE DISTRICT AND AN ILLUSTRATION OF HOW THE PROPOSED SPACES COULD BE USED.

14 NOVEMBER 2023 - PROPOSED DESIGN EXCEPTION

1. WE ARE PROPOSING A DESIGN EXCEPTION TO ALLOW THE TWO ROOF TOP SPACES SHOWN ON THE ROOF PLAN: ONE FOR HOUSING BUILDING HVAC SYSTEMS AND ONE FOR CRITICALLY NEEDED BUILDING STORAGE. THEY SERVE ONLY AS SUPPORT SPACES AND WILL BE UN-OCCUPIED AND UN-CONDITIONED.
2. MAINTAINING MODERN BUILDINGS AND SYSTEMS REQUIRES SUBSTANTIAL AMOUNTS OF STORAGE - LIKELY MORE THAN WAS COMMONLY NEEDED ON BUILDINGS BUILT BETWEEN 1880 AND 1915. ONSITE STORAGE IS ALSO A GREEN ALTERNATIVE, REDUCING BUILT SPACE, MATERIAL AND FUEL CONSUMPTION, TRAFFIC, AND OTHER IMPACTS. AS WELL, THE HVAC ENCLOSURE WILL REDUCE NOISE FROM THE ROOF.
3. THE ELEVATOR AND STAIRWELLS EXTEND FROM THE LOWER FLOORS TO THE ROOF TO ALLOW FOR ROOF MAINTENANCE, ACCESS TO THE ROOFTOP DECK, AND REQUIRED EXITING FROM THE OUTDOOR PATIO.
4. SMALL PORTIONS OF THE PROPOSED ROOF TOP SPACES ARE VISIBLE IN 2D ELEVATION VIEWS. THE TOP OF THE ELEVATOR SHAFT IS ALSO VISIBLE, BUT THAT IS EXPRESSLY ALLOWED UNDER CHAPTER 41 AND DOES NOT REQUIRE A DESIGN EXCEPTION.
5. HOWEVER, A 2D ELEVATION VIEW DOES NOT REPRESENT WHAT CAN BE SEEN AT STREET LEVEL. WE HAVE INCLUDED SECTIONS SHOWING THAT THE PROPOSED ROOFTOP SPACES ARE NOT VISIBLE FROM WFD, 12th STREET, OR KNAPPS ALLEY - NOR EVEN FROM THE SECOND STORIES ACROSS KNAPPS ALLEY AND WFD.

ENCLOSED ROOF SPACES

01 WILLAMETTE FALLS DRIVE - ROOFSCAPE

REVISED SUBMISSION FOR PLANNING COMMISSION

HRB DESIGN EXCEPTION EXHIBIT

REVISED FOR PLANNING COMMISSION
SEPTEMBER 15, 2023

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UMBRELLA TABLES



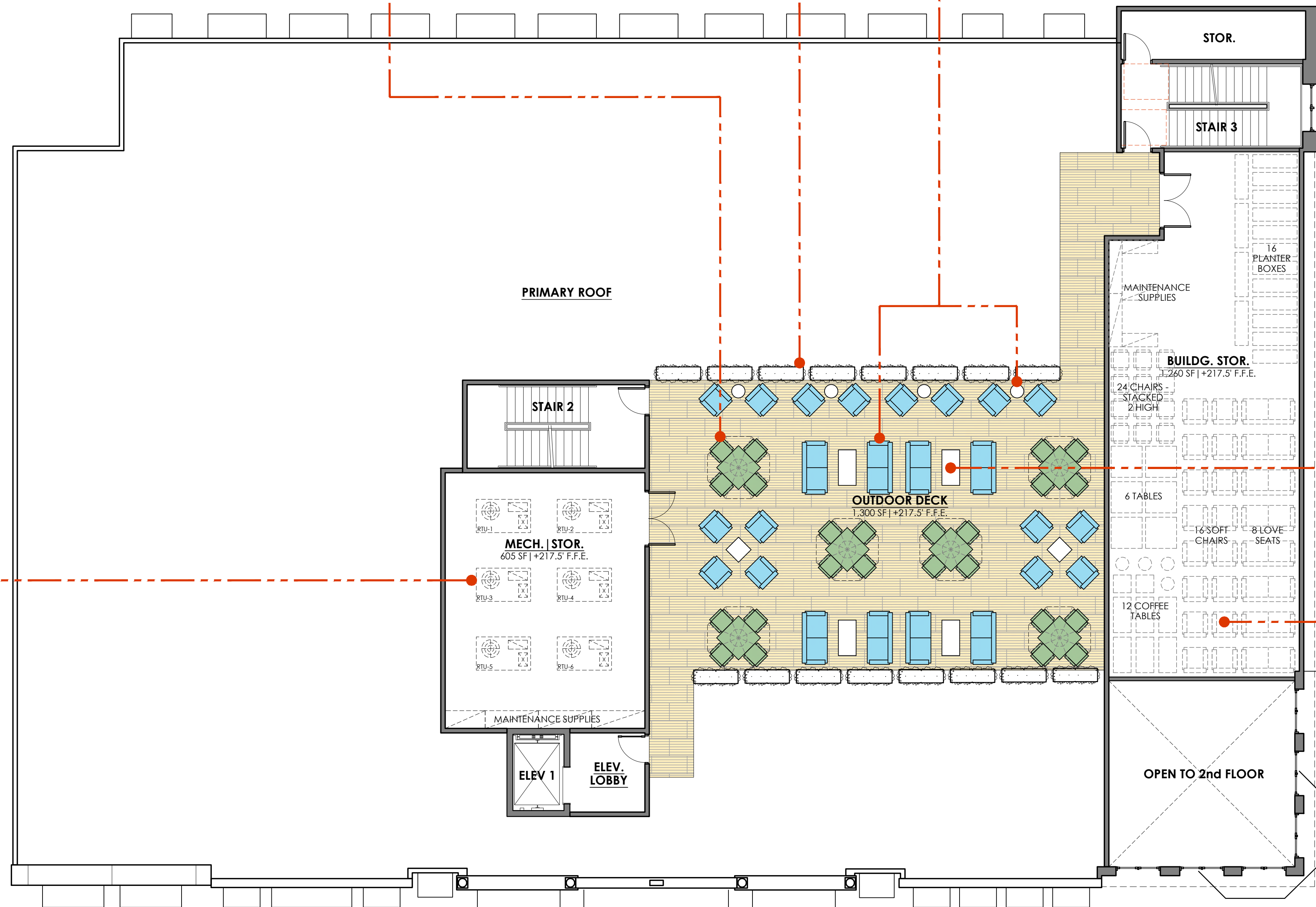
PERIMETER PLANTERS



SOFT FURNISHINGS

15 SEPTEMBER 2023 - DESIGN ADJUSTMENTS, PART 2
PER STAFF RECOMMENDATION, WE GENERATED A CHAPTER 58 DESIGN EXCEPTION FOR THE ROOFTOP STORAGE AND HVAC ENCLOSURES TO BE REVIEWED BY THE PLANNING COMMISSION. THE NARRATIVE AND EXHIBIT SUPPORTED OUR APPLICATION WITH EXAMPLES OF SIMILAR SPACES EXISTING IN THE DISTRICT AND AN ILLUSTRATION OF HOW THE PROPOSED SPACES COULD BE USED.

- 14 NOVEMBER 2023 - PROPOSED DESIGN EXCEPTION**
1. WE ARE PROPOSING A DESIGN EXCEPTION TO ALLOW THE TWO ROOF TOP SPACES SHOWN ON THE ROOF PLAN: ONE FOR HOUSING BUILDING SHOWN HVAC SYSTEMS AND ONE FOR CRITICALLY NEEDED BUILDING STORAGE. THEY SERVE ONLY AS SUPPORT SPACES AND WILL BE UN-OCCUPIED AND UN-CONDITIONED.
 2. MAINTAINING MODERN BUILDINGS AND SYSTEMS REQUIRES SUBSTANTIAL AMOUNTS OF STORAGE - LIKELY MORE THAN WAS COMMONLY NEEDED ON BUILDINGS BUILT BETWEEN 1880 AND 1915. ONSITE STORAGE IS ALSO A GREEN ALTERNATIVE, REDUCING BUILT SPACE, MATERIAL AND FUEL CONSUMPTION, TRAFFIC, AND OTHER IMPACTS. AS WELL, THE HVAC ENCLOSURE WILL REDUCE NOISE FROM THE ROOF.
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DASHED ITEMS IN MECHANICAL | STORAGE REPRESENT A POTENTIAL LAYOUT OF HVAC EQUIPMENT + GENERAL BUILDING STORAGE SHELVING

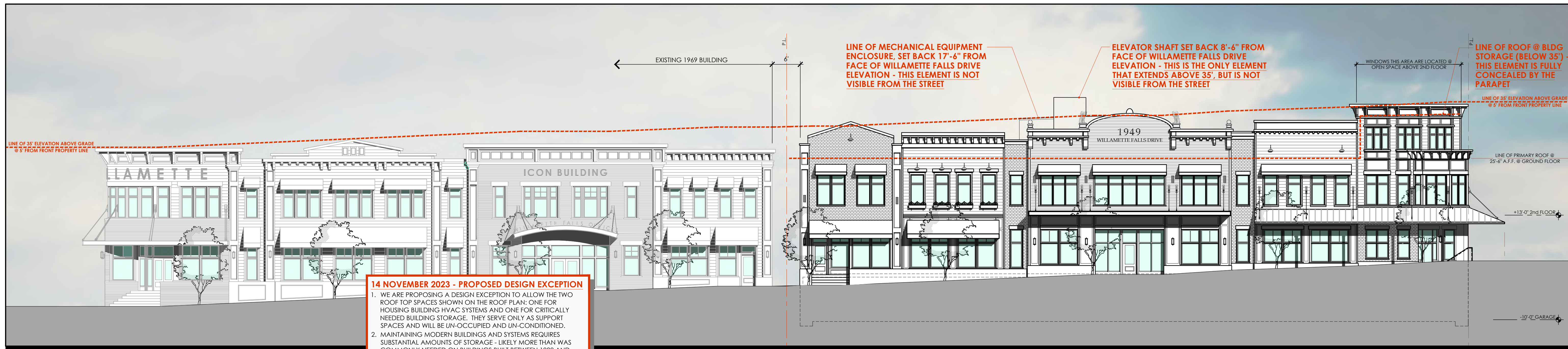
FURNISHINGS SHOWN ON DECK IS A POSSIBLE LAYOUT FOR TENANT USE DURING NICE WEATHER

DASHED ITEMS IN BUILDING STORAGE REPRESENT DECK FURNITURE STORED DURING WINTER MONTHS + GENERAL BUILDING STORAGE SHELVING

ROOF PLAN - DECK + MECH. | STORAGE LAYOUT

02 WILLAMETTE FALLS DRIVE - 1949 WFD ROOF DECK PLAN

REVISED SUBMISSION FOR PLANNING COMMISSION



WILLAMETTE FALLS DRIVE ELEVATION w/PROJECTIONS

14 NOVEMBER 2023 - PROPOSED DESIGN EXCEPTION

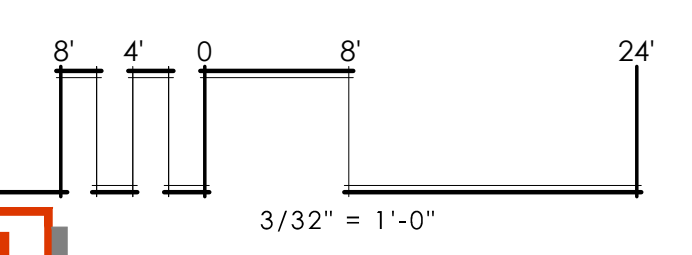
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WILLAMETTE FALLS DRIVE ELEVATION w/o PROJECTIONS

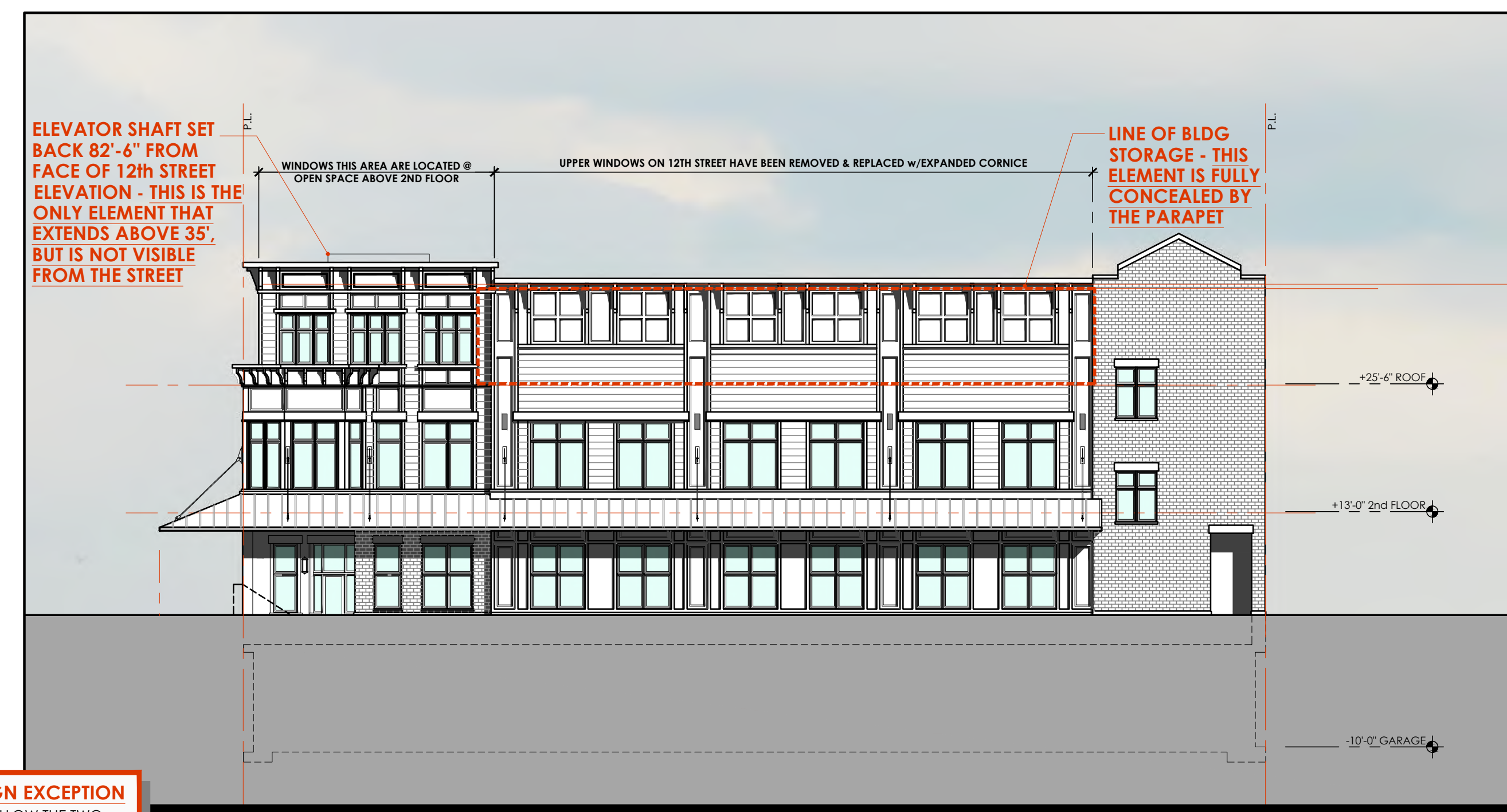
1 ELEVATION COMPARISONS

SUBMISSION FOR REMAND TO HRB: DESIGN EXCEPTION





12th STREET ELEVATION w/o PROJECTIONS



12th STREET ELEVATION w/ PROJECTIONS



EAST ELEVATION w/o PROJECTIONS



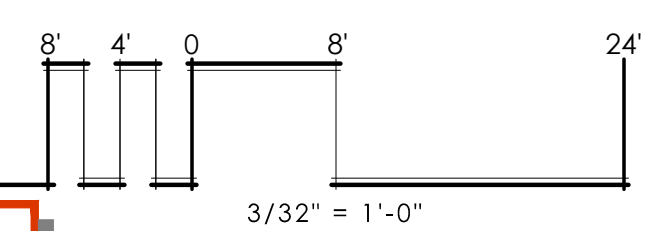
EAST ELEVATION w/ PROJECTIONS

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2 ELEVATION COMPARISONS

SUBMISSION FOR REMAND TO HRB: DESIGN EXCEPTION



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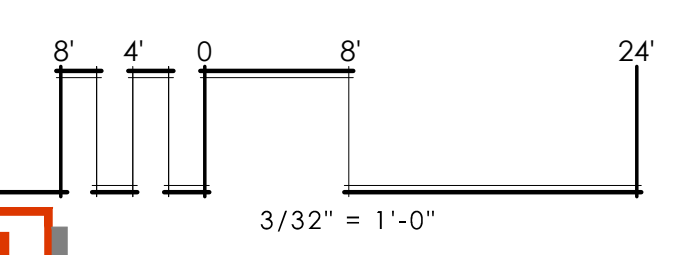
KNAPPS ALLEY ELEVATION w/PROJECTIONS



KNAPPS ALLEY ELEVATION w/o PROJECTIONS

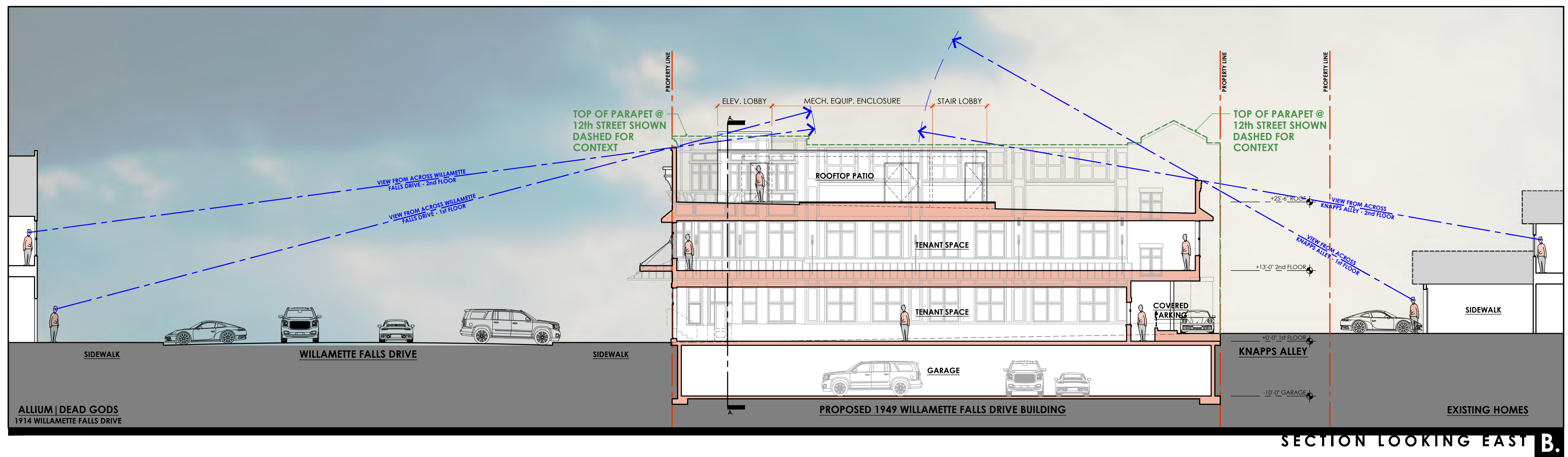
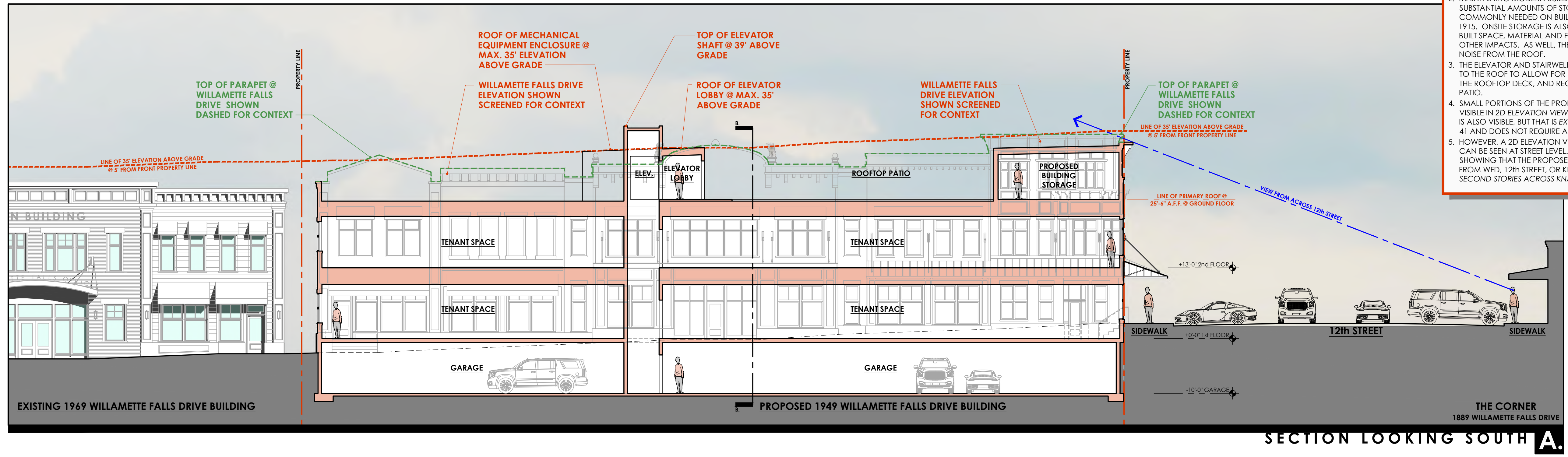
3 ELEVATION COMPARISONS

SUBMISSION FOR REMAND TO HRB: DESIGN EXCEPTION



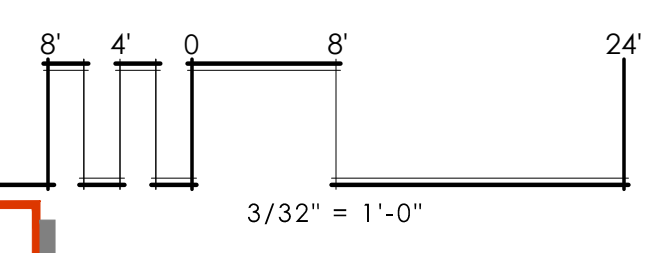
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4 SECTION | VIEW PROJECTIONS

SUBMISSION FOR REMAND TO HRB: DESIGN EXCEPTION



**EXHIBIT HRB-2:
HRB RECOMMENDATION TO THE PLANNING COMMISSION**

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

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

The Historic Review Board (HRB) held a public hearing on June 13, 2023. The purpose of the public hearing was to make a recommendation to the West Linn Planning Commission on DR-23-01 compliance with Chapter 58 of the Community Development Code (CDC).

The hearing began with City Attorney addressing legal standards, appeal rights, substantive rights, and procedural issues. Historic Review Board member Watton stated he was also a member of the Planning Commission, and was going to recuse himself from considering the application as a member of the Historic Review Board.

Associate Planner John Floyd presented the application for the demolition of two existing structures, to be replaced with a speculative commercial building to be occupied by a variety of restaurant and office or retail uses. The above ground structure would be multi-story with approximately 29,080 square feet of commercial space, with underground parking to be accessed from the adjoining underground parking garage to the east. Requested design exceptions included the use of fiber-cement and brick masonry in lieu of cedar siding and trim, and the use of columns to support an extended sidewalk canopy.

As part of the presentation, Association Planner Floyd stated CDC Chapter 58 limits structures within the Willamette Falls Design District 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.

Association Planner Floyd concluded with a summary of additional written testimony received after publication of the staff report. This included testimony from Shannen Knight in support of the application, and concern and opposition from Laura and Albert Secchi, Ian and Audra Brown, James Estes, and Kristin Woofter.

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 them. 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 streetscape. He noted his client was 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 sought to maintain the integrity of the architectural vernacular of the Willamette Falls Drive Commercial Design District.

Deliberations discussed a range of design topics and included the following:

- Definition of 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, or otherwise denied;
- 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 on 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.

Verbal testimony was received at the hearing from the following parties:

- James Estes objected to the proposed new construction, stating the proposal needed to meet the two-story Code criteria.
- Ian Brown stated 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.


In rebuttal, Sutton stated the 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.

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

After conducting the public hearing, the HRB deliberated and Member fuller moved to recommend approval of DR-23-01, as presented, with a recommendation of further analysis of the “mezzanine area” by the Planning Commission and directed staff to prepare a recommendation. The motion was approved by a vote of three (Manning, Fuller, Salttee) to two (Schreiber, Soldberg), with the following Conditions of Approval as recommended in the staff report:

1. **Approved Plans.** All alterations and improvements shall substantially conform to all submitted tentative plan sheets and supporting materials contained in Exhibit HRB-01.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final building certificate of occupancy. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Vertical Breaks.** Prior to issuance of building permits, the applicant shall submit building permit plans with revised western and southern elevations that demonstrate compliance with CDC 58.080.C.7 that requires strong vertical breaks or lines regularly spaced every 25 to 50 feet.
4. **Entry Doors & Pedestrian Level Windows.** Prior to issuance of building permits, the applicant shall submit building permit plans with revised elevations and door details that demonstrate compliance the glazing and panel ratios for entry doors in CDC 58.080.C.13, and minimum pedestrian level window sill heights within CDC 58.080.C.15.
5. **Awning.** Prior to issuance of building permits, the applicant shall submit building permit plans that demonstrate compliance with the 5-foot minimum awning depth as required in CDC 58.080.C.11.

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



James Manning, Chair
West Linn Historic Review Board

9/13/23

Date

**EXHIBIT HRB-3:
STAFF REPORT FOR OCTOBER 4, 2023 PLANNING COMMISSION**

THIS PAGE IS A PLACEHOLDER FOR THE FOLLOWING DOCUMENT:

**STAFF REPORT FOR THE PLANNING COMMISSION
PREPARED BY ASSOCIATE PLANNER JOHN FLOYD FOR THE
OCTOBER 4, 2023 PUBLIC HEARING**

**THIS PLACEHOLDER IS BEING USED DUE TO THE SIZE OF THE REFERENCED
DOCUMENT. A FULL COPY OF THE REPORT AND ATTACHMENTS IS
AVAILABLE AT THE FOLLOWING LINK:**

https://westlinnoregon.gov/sites/default/files/fileattachments/planning/project/55273/dr-23-01_staff_report_for_pc_with_attachments.pdf

**EXHIBIT HRB-4:
ADDITIONAL PUBLIC COMMENTS SUBMITTED FOR
OCTOBER 4, 2023 PUBLIC HEARING**

THIS PAGE IS A PLACEHOLDER FOR THE FOLLOWING DOCUMENT:

**MEMORANDUM TO THE PLANNING COMMISSION
REGARDING PUBLIC COMMENTS RECEIVED FOR DR-23-01
FROM JOHN FLOYD, ASSOCIATION PLANNER
DATED OCTOBER 4, 2023**

**THIS PLACEHOLDER IS BEING USED DUE TO THE SIZE OF THE REFERENCED
DOCUMENT. A FULL COPY OF THE REPORT AND ATTACHMENTS IS
AVAILABLE AT THE FOLLOWING LINK:**

**[https://westlinnoregon.gov/sites/default/files/fileattachments/planning/p
roject/55273/dr-23-01_memo -
_additional_public_comments_10.04.23_redacted_emails.pdf](https://westlinnoregon.gov/sites/default/files/fileattachments/planning/project/55273/dr-23-01_memo_-_additional_public_comments_10.04.23_redacted_emails.pdf)**

EXHIBIT HRB-5: AFFIDAVIT AND NOTICE PACKET

**CITY OF WEST LINN HISTORIC REVIEW BOARD
PUBLIC HEARING NOTICE
FILE NO. DR-23-01**

The West Linn Historic Review Board will hold a hybrid public hearing on **Tuesday, November 14, 2023** at 6:00 pm in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Class II Design Review. The applicant is requesting approval for new commercial building at 1919 & 1949 Willamette Falls Drive, and the application was remanded by the Planning Commission to the Historic Review Board to consider an additional design exception to exceed the maximum height limit of two stories for the purpose of constructing mechanical equipment enclosure and material storage associated with a rooftop deck.

The HRB will make its decision based on applicable criteria found in Chapters 19, 41, 46, 55, 58, and 99 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/19191949-willamette-falls-drive-class-ii-design-review-new-commercial-building>. The application, all documents or evidence relied upon by the applicant, and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at a reasonable cost. The staff report will be posted on the website and available for inspection at no cost, or copies may be obtained at a reasonable cost, at least ten days before the hearing.

The hearing will be conducted according to CDC Section 99.170 in a hybrid format with some members, staff, presenters, and public attending remotely via Webex and others attending in-person at City Hall. The public can watch the meeting on YouTube at https://youtube.com/live/FYn_dj4vQ8A?feature=share

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on the meeting day to jfloyd@westlinnoregon.gov or mail them to City Hall.

Those who wish to participate remotely should complete the speaker form at <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 4:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

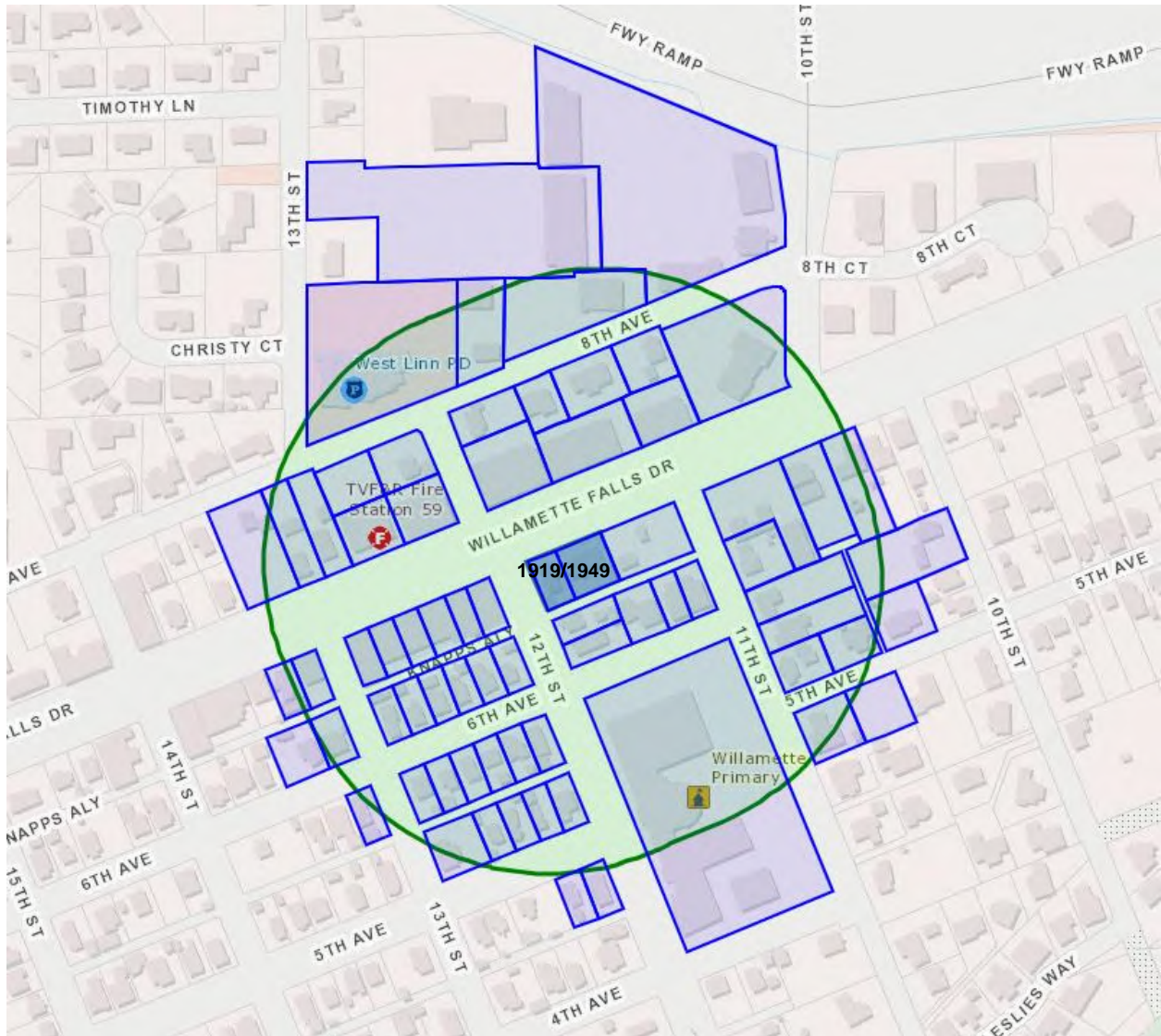
The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the final decision notice pursuant to CDC [99.240](#).

For additional information, please contact John Floyd Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6058.



Scan this QR Code to go to Project Web Page:

DR-23-01 Notified Properties for 11-14-23 Historic Review Board Hearing





**NOTICE OF UPCOMING
HISTORIC REVIEW BOARD RECOMMENDATION
AND PLANNING COMMISSION DECISION**

**PROJECT # DR-23-01
MAIL: 05/18/23 & 9/14/23 & 10/25/23
TIDINGS: 05/31/23 & 9/20/23 & 11/1/23**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.



**AFFIDAVIT OF NOTICE
DR-23-01 CLASS 2 DECISION REVIEW DECISION**

We, the undersigned, certify that, in the interest of the party initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **DR-23-01**

Address: **1919/1949 Willamette Falls Drive**

Applicant's Name: **ICON**

Scheduled Hearing Dates: **Historic Review Board Hearing - 6/13/23**

Planning Commission Hearing - 10/04/23

Historic Review Board Remand Hearing - 11/14/23

06.13.23 HRB HEARING

MAILED NOTICE

Notice of Upcoming of Historic Review Board Hearing was mailed at least 20 days before the hearing date, per Section 99.080 of the Community Development Code to:

ICON, applicant	5/18/23	<i>Lynn Schroder</i>
SG Architecture, applicant representative	5/18/23	<i>Lynn Schroder</i>
WLWV SD	5/18/23	<i>Lynn Schroder</i>
ODOT	5/18/23	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	5/18/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	5/18/23	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming of Historic Review Board hearing was emailed at least 20 days before the hearing date to:

PC Agenda Notice List	5/18/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	5/18/23	<i>Lynn Schroder</i>
ICON, applicant	5/18/23	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website 20 days before the hearing date.

5/18/23	<i>Lynn Schroder</i>
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TIDINGS

Notice was posted in the West Linn Tidings at least 10 days before the hearing, per Section 99.080 of the CDC.

5/31/23	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

6/1/23	<i>John Floyd</i>
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10.04.23 PC HEARING

MAILED NOTICE

Notice of Upcoming of Planning Commission Hearing was mailed at least 20 days before the hearing date, per Section 99.080 of the Community Development Code to:

ICON, applicant	9/14/23	<i>Lynn Schroder</i>
SG Architecture, applicant representative	9/14/23	<i>Lynn Schroder</i>
WLWV SD	9/14/23	<i>Lynn Schroder</i>
ODOT	9/14/23	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	9/14/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	9/14/23	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming of Planning Commission hearing was emailed at least 20 days before the hearing date to:

PC Agenda Notice List	9/14/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	9/14/23	<i>Lynn Schroder</i>
ICON, applicant	9/14/23	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website 20 days before the hearing date.

9/14/23	<i>Lynn Schroder</i>
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TIDINGS

Notice was posted in the West Linn Tidings at least 10 days before the hearing, per Section 99.080 of the CDC.

9/20/23	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

9/21/23	<i>John Floyd</i>
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11.14.23 HRB REMANDED HEARING

MAILED NOTICE

Notice of Upcoming of Historic Review Board Remanded Hearing was mailed at least 20 days before the hearing date, per Section 99.080 of the Community Development Code to:

ICON, applicant	10/25/23	<i>Lynn Schroder</i>
SG Architecture, applicant representative	10/25/23	<i>Lynn Schroder</i>
WLWV SD	10/25/23	<i>Lynn Schroder</i>
ODOT	10/25/23	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	10/25/23	<i>Lynn Schroder</i>
Parties of Record	10/25/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	10/25/23	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming of Historic Review Board remanded hearing was emailed at least 20 days before the hearing date to:

PC Agenda Notice List	10/25/23	<i>Lynn Schroder</i>
Willamette Neighborhood Association	10/25/23	<i>Lynn Schroder</i>
ICON, applicant	10/25/23	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City’s website 20 days before the hearing date.

10/25/23	<i>Lynn Schroder</i>
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TIDINGS

Notice was posted in the West Linn Tidings at least 10 days before the hearing, per Section 99.080 of the CDC.

11/1/23	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

11/2/23	<i>John Floyd</i>
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PC HEARING

MAILED NOTICE

Notice of Upcoming of Planning Commission hearing was mailed at least 20 days before the hearing date, per Section 99.080 of the Community Development Code to:

ICON, applicant		<i>Lynn Schroder</i>
SG Architecture, applicant representative		<i>Lynn Schroder</i>
WLWV SD		<i>Lynn Schroder</i>
ODOT		<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter		<i>Lynn Schroder</i>
Willamette Neighborhood Association		<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming of Planning Commission hearing was emailed at least 20 days before the hearing date to:

PC Agenda Notice List		<i>Lynn Schroder</i>
Willamette Neighborhood Association		<i>Lynn Schroder</i>
ICON, applicant		<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City’s website 20 days before the hearing date.

	<i>Lynn Schroder</i>
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TIDINGS

Notice was posted in the West Linn Tidings at least 10 days before the hearing, per Section 99.080 of the CDC.

	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

	<i>John Floyd</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the Community Development Code.

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