



# CITY OF West Linn

## Memorandum

Date: May 1, 2024

To: Chair Carr  
West Linn Planning Commission

From: Chris Myers, Associate Planner

Subject: Comment Received for DR-24-01

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One further comment was submitted after the publication of the staff report prior to the expiration of the written comment period at noon May 1, 2024. The comment letter is from Sharla Cassidy and was received on May 1, 2024, and is attached for the Planning Commission's consideration.

Please contact me with any questions at [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or 503-742-6062

# Sharla Cassidy

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I oppose the Walker Mixed Use Building Development Review Application DR-24-01.

The proposed two and one-half story apartment house and office building will peer down into the back yard where I have found sanctuary and respite from the clamoring world for the past 24 years. It will generate unprecedented traffic and commotion at all hours in Knapps Alley, immediately adjacent to my back yard and just outside of my bedroom. I am surprised and disheartened that the Staff Report claims that the requirements of the Comprehensive Plan and the Community Development Code have been met. I find the case to be otherwise in important respects and I urge the Planning Commission to join me in so deciding.

Comprehensive Plan Goal 10 addresses housing. Goal 1 under that heading proclaims our dedication to the principle that we shall, above all other housing considerations:

“Preserve and provide a high level of residential livability while also considering the character and identity of established neighborhoods \*\*\*.”

Likewise, the Community Development Code offers at the onset an assurance that:

“ \*\*\* it is the purpose of this code to maintain and improve the existing character and quality of West Linn \*\*\*.” CDC 01.020.

The proposed apartment building is an affront to those goals and purposes. If permitted, it will drastically and irredeemably diminish the livability, character and quality of the neighborhood it will burden. It will urbanize a residential enclave already suffering from inordinate traffic congestion and intense parking competition. The structure, its use and its occupants will invade and obliterate the remaining peace and privacy of homeowners along Knapp's Alley. I will personally bear the lion's share of the consequences of permitting this project.

CDC 02.030 provides:

“Adequate public facilities. Public facilities that must be adequate for an application for new construction, remodeling, or replacement of an existing structure to be approved are transportation, water, sewer, and storm sewer facilities. **To be adequate, on-site and adjacent facilities must meet City standards, and off-site facilities must have sufficient capacity to (1) meet all existing demands, (2) satisfy the projected demands from projects with existing land use approvals, plus the additional demand created by the**

**application**, and (3) remain compliant with all applicable standards. (Emphasis added.)

Both the application and the Staff Report fail to address the issue of the capacity of the neighborhood's public facilities' to handle existing transportation demands, necessarily including traffic congestion and parking competition. Nor is there any discussion of the additional demand certain to be created by the proposed project. Without a specific finding that the requirements of CDC 02.030 are met, the application cannot be approved.

### **CDC Chapter 46 - Parking**

As just discussed, no application can be approved in the absence of public facilities sufficient to meet existing and expected demand. The application relies on public facilities, *i.e.*, off-site, on-street parking to meet the CDC Chapter 46 parking requirements. This means that sufficient on-street parking has to be available to meet demands per CDC 02.030.

There is already insufficient parking capacity to meet existing demand in the immediate vicinity of the proposed apartment house and office building. The popularity of The Willamette Garage food cart lot and the Willamette Falls Commercial District makes it all but impossible to find parking on or near Willamette Falls Drive. On many weeknight evenings, special event nights and, without exception, *every* weekend evening, parking overflows from Willamette Falls Drive to adjacent streets for many blocks. In particular, 15th Street and 6th Avenue take the brunt of it. Traffic circles around and around searching for a parking space. Traffic is frequently halted on Willamette Falls Drive behind drivers waiting for someone they've spotted walking to what they hope is a parked car to get in, get organized, start up and finally back out to relinquish the parking space.

Many homes along 6th Avenue do not have driveways. Mine is one of them and many times I have returned from work or weekend outings to find that cars are parked solid in front of my house, sometimes actually on my lawn. Many in the neighborhood have been forced to employ signs, cones and other devices to try to preserve their ability to park at their own homes. There are no sidewalks on 6th Avenue near the proposed project and with cars parked on both sides of the streets pedestrians and bicycles are put at risk walking in the street. Things are especially hazardous during weekday rush hour when commuter traffic uses 6th Avenue to avoid the perpetual traffic jam on northbound Willamette Falls Drive.

The proposed project supposes to inject perhaps as many as five or six new vehicles into the regularly occurring parking frenzy while providing merely four new parking spaces, two of which are inside a locked garage and reserved for the use of the applicant who will occupy the office space. Let's then call it what it is: two new parking spaces for as many as five new residents' cars plus whatever cars bring visitors to the apartments and clients to the office space. Even the apartment tenants will have nowhere to park.

The application does not demonstrate adequate parking capacity in any combination of on-site or on-street parking spaces and cannot be approved.

The CDC makes it plain that on-site, off-street parking is highly preferred over off-site, on-street parking. For example, CDC 01.030(C) provides that no off-street parking or loading area can be reduced below its minimum required size. A property owner cannot force parking onto the street by doing away with existing on-site parking.

The preference for on-site parking is emphasized in CDC 46.080(E), which provides that:

“On-street parking along the immediate property frontage(s) may be counted toward the minimum parking requirement with approval from the City Engineer.”

Only the immediate property frontages may be relied upon. The application’s claim that 11 standard spaces exist on-street neglects that qualification.

I have read the entire pertinent portions of the application and the Staff Report and have found nothing to indicate that reliance upon scarce on-street parking has been approved by the City Engineer. My review of the available Municipal Code and CDC has turned up no articulated standards or criteria that the City Engineer is required to adhere to in granting or withholding the approval required by CDC 46.080(E). There must be standards to guide even basic discretionary decisions.

Curiously, the application states, at Page 15, that 11 on-street parking spaces are available for inclusion in parking calculations under CDC 46.090. The Staff Report, Staff Finding 18, at Page 15, incorporates the “applicant findings” and then ignores them in favor of the staff’s own calculation that only four on-street spaces are available. As noted above, neither the application or the Staff Report makes any reference to approval of this use of on-street parking by the City Engineer.

### **Neighborhood Contacts and Discussion**

Pursuant to CDC 99.038 this application was discussed at Willamette Neighborhood Association meetings. The following entries are from the minutes of those meetings and show that my concerns are not unique:

1/10/24 Willamette Neighborhood Association meeting. “A proposed building next to 1593 Willamette Falls Drive will reflect the design of and be connected to the existing house. There will be a set back of 12’, parking on Knapp’s Alley, business on the first floor and 3 apartment units on the second floor. The zone is mixed use and is outside the historic district. Existing street parking is deemed adequate.”

2/14/24 Willamette Neighborhood Association meeting. “The proposed two-story structure next to 1593 WF Drive was presented again to answer questions. Parking in the area has been so heavily impacted by the food carts that occupants parking may be difficult.” Several homeowners within 500 ft attended this meeting to express concern about parking overflow from Willamette Falls Dr.

3/13/24 Willamette Neighborhood Association meeting. Community comments: “parking around the food carts on Willamette Falls Dr. still affects adjacent neighbors. Kathie (Association president) urged calls to Police Chief Mahuna via the non-urgent phone line to ticket violators.”

4/10/24 Willamette Neighborhood Association meeting. Police Chief Mahuna stated “parking around food carts at The Garage are out of line only if cars block driveways or are on private property.”

### Existing Parking Conditions

The photos below were taken by me on the dates and at the times indicated in the captions. They accurately depict parking conditions on and near Willamette Falls Drive in the vicinity of the proposed development. They show that the assumption made in the application and the Staff Report concerning the availability of parking spaces required for approval of the application are not justified by conditions as they actually exist.



In front of 1593 Willamette Falls Dr. 2.9.24 8pm



Across St from 1593 Willamette Falls Dr. 2.9.24 8pm





Across St from 1593 Willamette Falls Dr. 2.10.24 6:30pm



Across St from 1593 Willamette Falls Dr. 2.10.24 6:30pm



In front of 1593 Willamette Falls Dr. 2.10.24 6:30pm



Across St from 1593 Willamette Falls Dr. 2.22.24 2pm



In front of 1593 Willamette Falls Dr. 2.22.24 12pm



15<sup>th</sup> St side of 1593 Willamette Falls Dr. 2.22.24 2pm





15<sup>th</sup> St view of Willamette Falls Dr. 2.22.24 2pm



In front of 1593 Willamette Falls Dr. 2.23.24 7:30pm



Front of 1593 Willamette Falls Dr. 3.1.24 6pm



In front of 1593 Willamette Falls Dr. 3.1.24 6pm



15<sup>th</sup> St side of 1593 Willamette Falls Dr. 3.1.24 6pm



Corner of 6<sup>th</sup> Ave and 15<sup>th</sup> St 3.15.24 7pm



Corner of 6<sup>th</sup> Ave and 15<sup>th</sup> St 3.15.24 7pm



6<sup>th</sup> Ave between 16<sup>th</sup> St and 15<sup>th</sup> St 3.15.24 7pm



6<sup>th</sup> Ave at 15<sup>th</sup> St crossing 3.15.24 7pm

### Compatibility and Scale

The Comprehensive Plan – Land Use Planning, Section 1, Policy 5 states: “New construction and remodeling shall be designed to be compatible with the existing neighborhood through appropriate design and scale.”

CDC 55.010 provides:

“\*\*\* Attention will be paid to the proposal’s scale, layout and design, its compatibility with the surrounding natural environment, and the character of the surrounding neighborhood or area. The intent is to ensure that there is general compatibility between adjoining uses, that private and common outdoor space is provided, that vehicular access and circulation are safe, \*\*\*.”



The proposed apartment building is not consistent in scale within the block of existing homes on Willamette Falls Drive between 16th and 15th Streets or with the homes on Knapps Alley. This addition dwarfs the homes in the area. The rendering shows the inconsistency of scale.



The rendering above is not a fair depiction of the locale. Below is a Google Street View© image taken in 2018 showing the existing structure on the subject property to the left of the proposed apartment/office building, with buildings in the area. My home, shown by the red arrow, is on the other side of Knapps Alley and the little strip of land on which the application proposes to locate a 4-unit apartment/office building. The tree center left has already been sacrificed to rework Willamette Falls Drive.



## Design Review Approval Standards

CDC 55.100(C) and (D) require particular attention. Those sections contain a number of requirements clearly intended to protect adjacent property from interference with quiet enjoyment and are set out in full:

### “55.100 Approval Standards – Class II Design Review – General/Discretionary

#### “C. Compatibility between adjoining uses, buffering, and screening.

“1. In addition to the compatibility requirements contained in Chapter [24](#) CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

“a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.

“b. The size of the buffer required to achieve the purpose in terms of width and height.

“c. The direction(s) from which buffering is needed.

“d. The required density of the buffering.

“e. Whether the viewer is stationary or mobile.

“2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

“a. What needs to be screened?

“b. The direction from which it is needed.

“c. How dense the screen needs to be.

“d. Whether the viewer is stationary or mobile.

“e. Whether the screening needs to be year-round.

“3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

#### “D. Privacy and noise.

“1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.

“2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section [5.487](#).

“3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.

“4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section [5.487](#) shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC [55.110\(B\)\(11\)](#) and [55.120\(M\)](#).)”

I wish to point particularly to CDC 55.100(3), which I repeat:

“3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.”

The application submission on this requirement consists of the following statement:

“The main level of the building addition will be professional office, which will produce minimal, low level noise during the day and no noise in the evenings or at night.” Application, at 54.

This is, with all due respect, a startling mischaracterization of the sort of noise which is reasonably expected to emanate from apartments looming over my backyard sanctuary, complete with a parking lot (albeit two spaces and a garage) a few feet from my bedroom. I think it fair to say that as a general matter apartment tenants of an age and stage in life at which they are likely to seek tiny walkup apartments can be expected to be less seasoned than other members of society in matters involving respect for the peace and quiet enjoyed by others. Young, socially active people can be reasonably expected to come and go at all hours of the day and night and to create all manner of disturbances and disruptions as they arrive and depart. Coming and going from the Knapps Alley parking area will necessarily involve vehicle noise and exhaust emissions in the immediate vicinity of my rear deck and the master bedroom area of my home. Apart from coming and going, I am also expecting that approval of this project would position me to be regularly treated to unwanted TV, music and conversation noise from inside the apartment units, especially in warm weather with windows open.

I see no feasible means of bringing the proposed apartment building into compliance with CDC 55.100(C) and (D) respecting noise.

CDC 55.100(D)(3) also governs light and glare. The proposed lighting at the garage revealed in the application at pages 187-89 does not appear to comply with that section’s requirements or the requirements of CDC 47.170(13), which provides:

“Artificial lighting on all off-street parking facilities shall be concealed or shielded with an Illuminating Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property and so as not to create a

hazard to the public use of any road or street. Examples of shielded light fixtures are shown below.



Examples of shielded light fixtures”

## Conclusion

The application should be denied for want of compliance with the Comprehensive Plan and Community Development Code regarding compatibility and scale, the applicable provisions of the Community Development Code Chapter 46 regarding parking and Chapter 55 regarding project impacts on neighboring and adjacent properties.

## My Personal Perspective and Dismay

I am a quiet, respectful neighbor and informed, responsible citizen of my community who will be drastically impacted by this development because my home of 24 years sits right across the alley from the tiny sliver of land upon which a business located in Wilsonville wants to jam in an apartment house above an office. The upstairs apartments will look directly over and into my home and back yard. This feels like an immense and intimidating invasion of privacy; it will take from me the quiet peacefulness that I have cherished. My two dogs are hypersensitive to outside distractions, so much undue barking will be a given, disturbing me and those nearby.

The construction will be a serious and ongoing noise and privacy issue. Also, I get to experience this situation in duplicate because my next-door neighbor, Mary Brennock at 1592 6th Avenue, has filed a development review application (MISC-24-01) seeking to enlarge her garage and build an ADU above it. That garage sits right next to my bedroom and access to the ADU will be between our houses, up and down a set of stairs hanging on the outside of it. My heart aches to know as well that approval has apparently been given to take down an old growth stately Sequoia tree which is between our yards, just to make room for her development. With these two developments happening the value of my property and my ability to have the quiet enjoyment of it decreases – to the sole benefit of others. In sum, I feel entirely powerless and betrayed – but I have voiced my concerns.

Respectfully submitted,

*Sharla Cassidy*