

ORDINANCE NO. 4684

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE SECTION 18.04, BUILDING CODES  
THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 18.04.160-200 of the Albany Municipal Code is hereby amended as follows:

18.04.160 Historic Review Definitions.

For purposes of this ordinance only, the following definitions shall apply:

Alteration: A change, addition, or modification of a building which affects the exterior appearance of the building excluding, however, routine maintenance.

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

Building Official: The City Building Official or his/her designee.

Compatible Structure: A structure so designated on an historic survey as approved by the HAMC. (Generally a structure built before World War II which contributes to the historic character of an area.)

HAMC: The Albany Historic Advisory and Museum Commission.

Historic District: An area certified as an historic district by the Heritage Conservation and Recreation Service, United States Department of the Interior. Albany has three such districts listed on the National Register of Historic Places: Monteith, created by Resolution 2120; Hackleman, created by Resolution 2239; and Downtown, created by Resolution 2328.

Negotiation Period: A time during which the City (acting through staff, HAMC, or Council) and the applicant or any interested party are working together to explore alternatives which will enhance the historic value of the structure or neighborhood. During this time, no alteration, construction, moving, or demolition shall be permitted which is subject to the provisions of this ordinance.

Planning Director: The Director of the City of Albany Planning Department or his/her designee.

Primary Structure: A structure so designated on an historic survey as approved by the HAMC. (Generally a structure built between 1850 and 1900 and/or of exceptional architectural quality.)

Secondary Structure: A structure so designated on an historic survey approved by the HAMC. (Generally a structure built between 1900 and 1915, or structures built prior to 1900 but of less architectural or historical significance or a building which has been substantially altered.)

18.04.170 Historic Exterior Alteration Permit.

No person, corporation, or other entity shall alter the exterior of, nor add on to, an historic structure listed as primary or secondary within the City limits or a compatible structure within an Historic District, without first obtaining a permit as provided for in this chapter.

In obtaining an alteration permit as required above, the applicant shall file with the Planning Department an application on the form furnished for that purpose. Every application shall include the following information:

1. A description of the property by address, Tax Lot, Assessor's Map Number, and any additional information that will help identify and locate the proposed work.
2. A description of the previous and existing use of the structure and the intended future use.
3. Information which clearly shows the intended alteration and resulting appearance change of the structure.
4. Other information as may be required by the Planning Director to determine the extent and design of the proposed alteration.

18.04.175 Alteration Review.

The Planning Director shall approve residential alteration requests if (1) there is no change in appearance from the existing structure; or (2) if the proposed alteration duplicates the affected exterior building features as determined from a pre-1920 photograph, original building plans, or other evidence of original building features. In addition, the Planning Director shall approve alterations to all compatible structures (including compatible commercial structures) when the proposed alteration causes the structure to more closely resemble its original appearance.

For all other requests, a Type II procedure is required as set forth in Section 2.040 of the Development Code, except that the HAMC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The HAMC shall meet within 21 days of a request for a meeting or a public hearing and, unless extended by mutual consent of the applicant and the HAMC, shall complete any review within 45 days of the date the City received a complete application. The HAMC shall also be considered an affected party and shall receive notification as part of the Type II procedure. Failure of the HAMC to meet the time lines set forth above shall cause the request to be referred to the Council for review.

Under the Type II procedure, the Planning Director or HAMC can request additional information (plans, specifications, sketches, etc.) to better determine how the proposed alteration relates to the existing structure. In reviewing the request, the Planning Director or HAMC shall apply all of the following:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

In approving an alteration request, the Planning Director or HAMC may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the district, building, or site. All decisions to approve, approve with conditions or deny shall specify the basis for the decision. Decisions regarding compatible structures which are not acceptable to the applicant shall not be considered final decisions but instead, will automatically be referred to the HAMC (if made by the Director) or City Council (if made by the HAMC). All other decisions are final but may be appealed to the next higher reviewing body as specified in Section 18.04.200.

18.04.180 New Construction Exterior Design Permit.

No person, corporation, or other entity shall build, or cause to be built, any structure over 100 square feet within an historic district without first obtaining a Site Plan Review permit and a compatible design permit as provided for in this chapter.

In obtaining a compatible design permit as required above, the applicant shall file an application on the form furnished for that purpose. Every application shall include the following information:

1. A description of the property by address, tax lot, assessor's map number, and any additional information that will help identify and locate the proposed work.
2. A site plan showing the location of the structure on the site, setback dimensions, the location of driveways and landscape areas, and the general location of structures on adjacent lots.
3. Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the structure.
4. Other information as may be required by the Building Official to determine the extent and design of the proposed structure.

18.04.185 New Construction Exterior Design Review.

The Planning Director shall approve the request if the structure is less than 200 square feet. For all other requests, a Type II procedure is required as set forth in Section 2.040 of the Development Code, except that the HAMC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The HAMC shall meet within 21 days of a request for a meeting or public hearing and, unless extended by mutual consent of the applicant and the HAMC, complete any review within 45 days of the date the City received a complete application. The HAMC shall also be considered an affected party and shall receive notification as part of the Type II procedure. Failure of the HAMC to meet the time lines set forth above shall cause the request to be referred to the Council for review.

Under the Type II procedure, the Planning Director or HAMC can request additional information (plans, specifications, sketches, etc.) to better determine how the proposed structure fits with the surrounding area. In reviewing the request, the Planning Director or HAMC shall apply all of the criteria below pertaining to the particular historic district.

Within the Monteith and Hackleman districts (see attached Exhibit A):

1. The development maintains any unifying development patterns such as sidewalk and street tree location, setbacks, building coverage, and orientation to the street.
2. The structure is of similar size and scale of surrounding buildings, and as much as possible reflects the craftsmanship of those buildings.
3. Building materials and colors are reflective of and complementary to existing buildings within the district.

Within the Downtown district (see attached Exhibit A):

1. Maintain the horizontal elements of adjacent buildings. (These horizontal elements can include an alignment of window frames, roof lines, facades and the clear distinction between first floors and upper floors.)
2. Maintain other historic patterns, such as the horizontal/vertical pattern of upper story windows and the pattern of entrances along the street.
3. Building materials and colors are reflective of and complementary to existing historic buildings within the district.
4. Lot coverage, setbacks, and building orientation to the street are consistent with the surrounding development patterns.
5. The development maintains the pedestrian scale and orientation of the downtown district.

In approving a new construction request, the Planning Director or HAMC may attach conditions which are appropriate for the promotion and/or preservation of the historic or architectural integrity of the district, building, or site. All decisions to approve, approve with conditions, or deny shall specify the basis for the decision. Decisions which are not acceptable to the applicant shall not be considered final decisions but instead, will automatically be referred to the HAMC (if made by the Director) or City Council (if made by the HAMC).

18.04.190 Demolition and Moving Permits.

No person, firm, or corporation shall move, demolish, or cause to be demolished, any building or structure in the City without first obtaining a Moving or Demolition Permit from the Building Official for each such building or structure.

To obtain a moving or Demolition Permit as required above, the applicant shall provide information on the location, type, and size of structure, and the location of surrounding structures. The Building Official can request additional information to better determine if the request meets the applicable conditions for approval.

18.04.195 Demolition and Moving Review.

The Building Official shall issue a permit for moving or demolition if any of the following conditions exist:

1. The building is not designated as compatible within an historic district, or designated as primary or secondary within the city limits.
2. The structure is detached from any other structure and less than 750 square feet in area.
3. The structure has been damaged in excess of 70% of its previous value in a fire, flood, wind, or other Act of God, or vandalism.

All other permits shall be filed with the Planning Department and shall contain the following information:

-A description of the property by address, Tax Lot, and Assessor's Map Number, and any additional information that will help identify and locate the proposed work.

-A description of the previous and existing uses of the structure and the intended future use of the property.

-A drawing showing the location of the building on the property and any other buildings which will remain.

-The overall height of the building and the general type of construction.

-Other information as may reasonably be required by the Building Official to determine the scope and requirements of the proposed activity.

These Demolition/Moving permits not meeting Building Official criteria shall be processed under a Type II process as set forth in Section 2.040 of the Development Code except that the HAMC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The HAMC shall also be considered an affected party and shall receive notification as part of the Type II procedure. The Director, at his/her discretion, may initiate a public hearing before the HAMC concerning the proposed demolition or move.

The Planning Director or HAMC can request additional information to better determine the immediate need for the demolition/moving. In reviewing the request, the Planning Director or HAMC shall apply all of the following criteria:

1. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area.
2. There is a demonstrated public need for the new use which outweighs the public benefit which might be served by preserving the subject buildings on the site due to the building's contribution to the overall integrity and viability of the historic district.
3. The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.
4. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

If it is determined that the above criteria have not been met, the Director shall refer the request to the HAMC if he/she has not already done so. The HAMC shall meet within 21 days of a request for a meeting or public hearing and, unless extended by mutual consent of the applicant and the HAMC, shall complete any review within 45 days of the date the City received a complete application. For primary- and secondary-rated structures, the HAMC may extend the negotiation period to not more than 60 days from the date of the first public hearing attended by the applicant or representative, not to exceed 75 days from the date the City received a complete application. Failure of the HAMC to meet the time lines set forth above shall cause the request to be referred to the Council for review. Reasons for continuing the negotiation period beyond 45 days from the date a

complete application is received shall be in writing and include both the reasons for the continuation and the additional information or activity to be completed by the applicant during the additional negotiation period. Within the first negotiation period, the HAMC may request that the City Council further extend the negotiation period. All actions of the Director or HAMC can be appealed to the HAMC (if made by the Director) or the City Council (if made by the HAMC) as specified in Section 18.04.200.

18.04.200 Appeals and City Council Review--Alteration/Construction/Demolition.

Any decision by the Director or HAMC may be appealed to the HAMC (if made by the Director) or the City Council (if made by the HAMC) by filing a written notice of appeal within ten (10) days from the date of the decision. Such appeal notice shall state specifically the reasons why the appellant believes the prior decision was incorrect or not otherwise in the public interest.

After giving notice to the affected parties in the same manner as in the prior review and after holding a public hearing, the HAMC or City Council may affirm, reverse, or modify the prior decision upon adoption of relevant findings which address the applicable criteria.

Upon appeal or referral, the City Council may extend the negotiation period for demolition/moving requests a maximum of an additional 275 days but not more than 365 days from the date of receipt of a complete application upon a finding that one of the following conditions exists:

1. The applicant has not submitted sufficient information to determine if an immediate demolition or moving should be allowed.
2. There has been little or no activity within a reasonable amount of time by the permit applicant to explore other viable alternatives.
3. There is a project under way which could result in public or private acquisition of the historical building or site and the preservation or restoration of such building or site, and that there is reasonable ground to believe that the program or project may be successful.

If, at the end of 365 days, any program or project is unsuccessful and the applicant has not withdrawn his/her application for moving or Demolition Permit, the Building Official shall issue the Permit if the applicant otherwise complies with the Code and ordinances of the City.

Passed By The Council: May 22, 1985

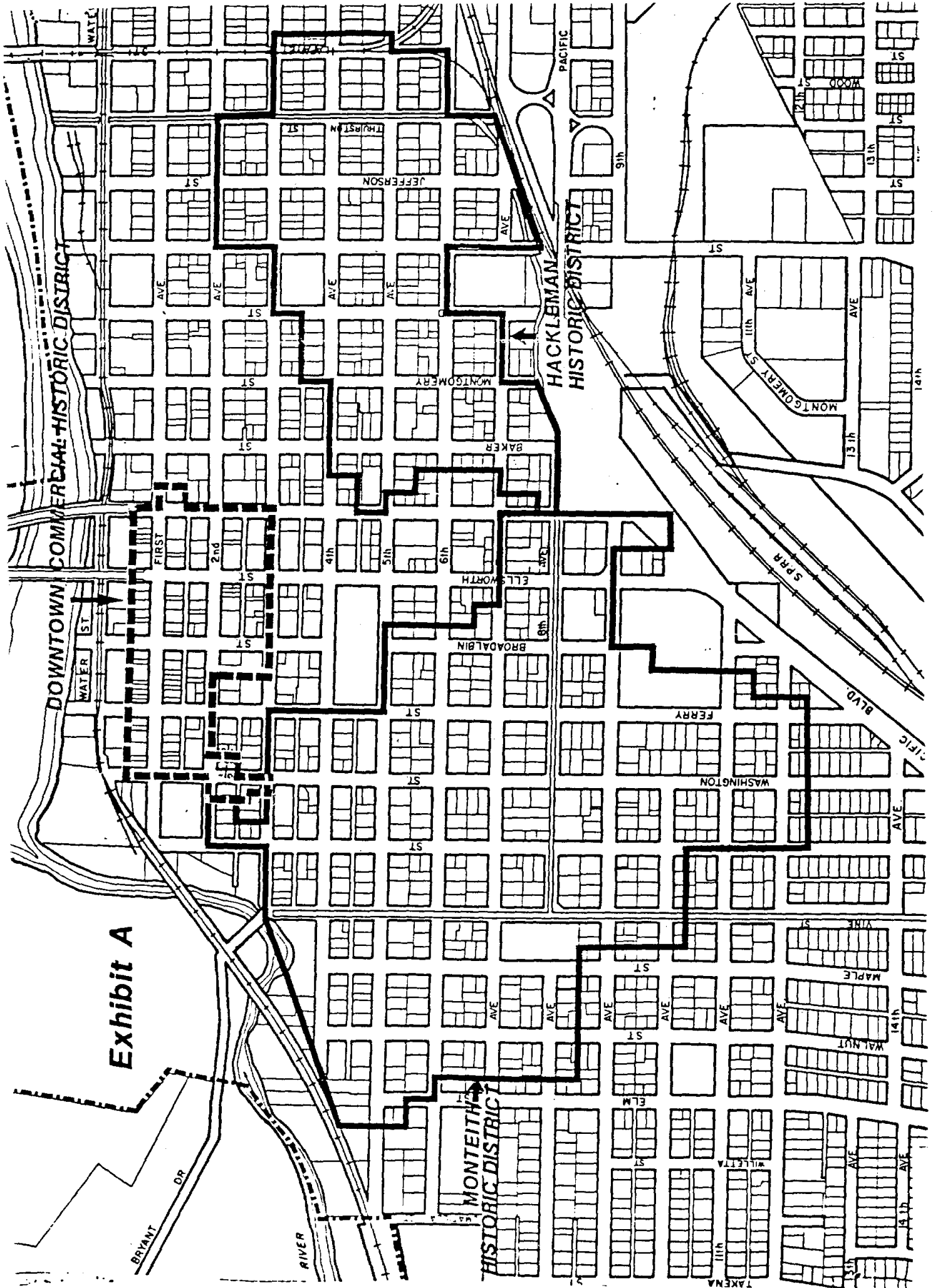
Approved By The Mayor: May 24, 1985

Effective Date: June 21, 1985

*Tom Holman*  
Mayor

ATTEST:

*W. J. ...*  
City Recorder



**Exhibit A**

**COMMERCIAL HISTORIC DISTRICT**

**DOWNTOWN**

**MONTEITH HISTORIC DISTRICT**

**HACKLEMAN HISTORIC DISTRICT**

WATER ST

WATER ST

BRYANT DR

RIVER

FIRST ST

2nd ST

4th ST

5th ST

6th ST

9th ST

11th ST

13th ST

14th ST

BROAD ST

ELM ST

WASHINGTON ST

FERRY ST

JEFFERSON AVE

MONTGOMERY AVE

BAKER AVE

BROADWAY

WATER AVE

WATER AVE

WATER AVE

PACIFIC

9th

11th

13th

14th

15th

16th

17th

18th

19th

S.F.R.R.

BLVD

WATER AVE

WATER AVE

WATER AVE

WATER AVE

MONTGOMERY ST

11th

13th

14th

15th

16th

17th

18th

WALNUT

MAPLE

VINE

14th

15th

16th

14th

15th

16th

14th

15th

16th

14th

15th

16th