

ORDINANCE NO. 4855

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE 18.04, BUILDING CODES.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Sections 18.04.160 through 18.04.200 are hereby amended to read as follows:

18.04.160 Historic Review Definitions. For purposes of this chapter only, the following definitions shall apply:

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

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

(3) Building Official: The City Building Official or his/her designee.

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

(5) HAMC: ~~The Albany Historic Advisory and Museum Commission.~~

(6) (5) Historic District: An area certified as an historic district by the Heritage Conservation and Recreation Service, National Register of Historic Places, National Park 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.

(6) LAC: The Landmarks Advisory Commission.

(7) Landmark: Any site, object, building, or structure designated by the City Council under AMC 18.04.165.

(7) (8) Negotiation Period: A time during which the City (acting through staff, HAME LAC, 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 chapter.

(8) (9) Planning Director: The Director of the City of Albany Planning Department or his/her designee.

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

(10) (11) Secondary Structure: A structure so designated on an historic survey approved by the HAME LAC. (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.)

18.04.165 Historic Landmark & District Designation or Historic Inventory Rerating. The process for designating a landmark, historic district, or rerating of a property previously rated on the City's historic inventory, may be initiated by the City Council, the Historic Landmarks Advisory Commission, or by any interested person who submits an application for designation or rerating to the Planning Director. At the time of application the Planning Director shall provide the property owner and applicant with information regarding the benefits and obligations of designation.

The following information shall be required in an application:

- (1) The applicant's name and address.
- (2) The owner's name and address, if different from the applicant.
- (3) A written description of the boundaries of the proposed district or the location of the proposed landmark or property to be rerated.
- (4) A map illustrating the boundaries of the proposed district or the location of the proposed landmark or the property to be rerated.
- (5) A statement explaining the following:
  - (A) The reason(s) why the proposed district, landmark or property should be designated or rerated.
  - (B) The reason(s) why the proposed boundaries of the proposed district are appropriate for designation.
  - (C) The potential impact, if any, that designation of the proposed district, landmark or inventory rerating would have on the residents or other property owners in the area.
- (6) Any other information deemed necessary by the Planning Director.

Within 21 days of receipt of a complete application, the LAC shall meet and follow a Type II procedure as set forth in Section 2.040 of the Development Code, except that the LAC shall replace the Hearings Board or Planning Commission as the reviewing body when called for by the Development Code. The LAC shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. The LAC shall forward a summary of its action to the City Council.

The LAC shall consider the following criteria in determining whether to approve a proposed landmark or district:

- (1) Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation.
- (2) Association with an event that has made a significant contribution to the city, county, state, or nation.
- (3) Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation.
- (4) Significance as an example of a particular architectural style, building type and/or convention.
- (5) Significance due to quality of composition, detailing and/or craftsmanship.
- (6) Significance as an example of a particular material and/or method of construction.
- (7) Significance because the resource retains its original design features, materials and/or character.
- (8) Significance as the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction.
- (9) Significance as a visual landmark.
- (10) Significance because existing land use surrounding the resource contributes to the integrity of the historic period represented.
- (11) Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community.
- (12) Significance because the property is 50 years old or older in conjunction with other criteria listed above.
- (13) The resource is listed on the National Register of Historic Places.

The LAC shall consider the following criteria in determining whether to approve a rerating:

- (1) The inventory was in error.
- (2) Additional research has uncovered an association with a person, group, organization, institution or events that have made a significant contribution to the city, county, state or nation.
- (3) Alterations to the structure have caused it to more closely approximate the historical character, appearance, or material composition of the original structure.
- (4) Alterations to the structure have removed distinguishing features or otherwise altered the exterior such that the existing rating is no longer justified.

Within 30 days after receipt of a LAC decision regarding a request for landmark or district designation, the City Council may hold a public hearing and shall:

- (1) Designate the proposed landmark or district by a duly enacted order.
- (2) Disapprove of designating the proposed landmark, historic district, or rerating of a property previously rated on the City's historic inventory, or
- (3) Remand the matter to the LAC for consideration of additional specified information.

The process for removing a landmark or historic designation may be initiated by the City Council, the LAC or by any interested person who submits to the Planning Director an application for removal of the designation. The City Council may amend or rescind its designation by following procedures required by this chapter for designating a landmark including the adoption of appropriate findings.

18.04.170 Historic Exterior Alteration Permit. (1) No person, corporation, or other entity shall alter the exterior of, nor add on to, an historic structure or landmark 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.

(2) 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:

(A) 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.

(B) A description of the previous and existing use of the structure and the intended future use.

(C) Information which clearly shows the intended alteration and resulting appearance change of the structure.

(D) 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. (1) The Planning Director shall approve residential alteration requests if (A) there is no change in historic character, appearance or material composition from the existing structure; or (B) if the proposed alteration materially 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.

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

(3) Under the Type II procedure, the Planning Director or HAME LAC 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 HAME LAC shall apply all of the following:

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(F) 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, and 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.

(G) 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.

(H) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.

(I) 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.

(J) 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.

(4) In approving an alteration request, the Planning Director or HAME LAC 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 HAME LAC (if made by the Director) or City Council (if made by the HAME LAC). 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. (1) 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.

(2) 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:

(A) 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.

(B) 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.

(C) Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the structure.

(D) 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. (1) 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 HAME LAC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The HAME LAC 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 HAME LAC, complete any review within 45 days of the date the City received a complete application. The HAME LAC shall also be considered an affected party and shall receive notification as part of the Type II procedure. Failure of the HAME LAC to meet the time lines set forth above shall cause the request to be referred to the Council for review.

(2) Under the Type II procedure, the Planning Director or HAME LAC 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 HAME LAC shall apply all of the criteria below pertaining to the particular historic district.

(3) Within the Monteith and Hackleman districts:

(A) The development maintains any unifying development patterns such as sidewalk and street tree location, setbacks, building coverage, and orientation to the street.

(B) The structure is of similar size and scale of surrounding buildings, and as much as possible reflects the craftsmanship of those buildings.

(C) Building materials and colors are reflective of and complementary

to existing buildings within the district.

(4) Within the Downtown district:

(A) Maintain the horizontal elements of adjacent buildings. (These horizontal elements can include an alignment of window frames, roof lines, facades and clear distinction between first floors and upper floors.)

(B) Maintain other historic patterns, such as the horizontal/vertical pattern of upper story windows and the pattern of entrances along the street.

(C) Building materials and colors are reflective of and complementary to existing historic buildings within the district.

(D) Lot coverage, setbacks, and building orientation to the street are consistent with the surrounding development patterns.

(E) The development maintains the pedestrian scale and orientation of the downtown district.

(5) In approving a new construction request, the Planning Director or HAME LAC 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 HAME LAC (if made by the Director) or City Council (if made by the HAME LAC).

18.04.190 Demolition and Moving Permits. (1) 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.

(2) 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. (1) The Building Official shall issue a permit for moving or demolition if any of the following conditions exist:

(A) The building or landmark is not designated as compatible within an historic district, or designated as primary or secondary within the city limits.

(B) The structure is detached from any other structure and less than 750 square feet in area.

(C) 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.

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

(A) 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.

(B) A description of the previous and existing uses of the structure and the intended future use of the property.

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

(D) The overall height of the building and the general type of construction.

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

(3) 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 HAME LAC shall replace the Hearings Board as the reviewing body when called for by the Development Code. The HAME LAC 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 HAME LAC concerning the proposed demolition or move.

(4) The Planning Director or HAME LAC can request additional information from the applicant or other relevant parties to better determine the immediate need for the demolition/moving. In reviewing the request, the Planning Director or HAME LAC shall apply all of the following criteria:

(A) 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.

(B) 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.

(C) The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.

(D) If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

(5) If it is determined that the above criteria have not been met, the Director shall refer the request to the HAME LAC if he/she has not already done so. The HAME LAC 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 HAME LAC, shall complete any review within 45 days of the date the City received a complete application. For primary- and secondary-rated structures and designated landmarks, the HAME LAC 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 HAME LAC 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 HAME LAC may request that the City Council further extend the negotiation period. All actions of the Director or HAME LAC can be appealed to the HAME LAC (if made by the Director) or the City Council (if made by the HAME LAC) as specified in Section 18.04.200.

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

(1) Any decision by the Director or HAME LAC may be appealed to the HAME LAC (if made by the Director) or the City Council (if made by the HAME LAC) 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.

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

(3) 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:

(A) The applicant has not submitted sufficient information to determine if an immediate demolition or moving should be allowed.

(B) There has been little or no activity within a reasonable amount of time by the permit applicant to explore other viable alternatives.

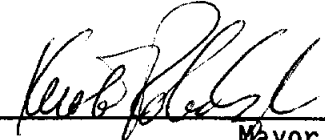
(C) There is a project under way which could result in public or private acquisition of the historical building or site and the preservation or restoration of such building or site, and that there is reasonable ground to believe that the program or project may be successful.

(4) 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 Council: March 8, 1989

Approved by Mayor: March 9, 1989

Effective Date: April 7, 1989

  
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Mayor

ATTEST:

  
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City Recorder