

## **I'M THINKING OF REDEVELOPING AN UPPER FLOOR IN DOWNTOWN...**

*Prepared by the City of Albany Community Development Department, 1/03*

### **Who will decide what has to be done to my building?**

- ◆ Ultimately, you do, in compliance with governmental regulations.
- ◆ You may want to consult with an architect or engineer, who can guide you through how to meet the State of Oregon Building Code, Americans with Disabilities Act (ADA), historic preservation and other state and federal requirements.
- ◆ The City of Albany's Building Division will need to approve most redevelopment plans and your construction-related activities. The City of Albany has no additional Building or Fire Code requirements beyond those required by state and federal law. However, the City's Building Division is responsible for overseeing whether your project meets state and federal requirements. They have some flexibility in interpreting how these requirements are applied.
- ◆ If your project will result in a use for the space that is different from how the space was last used, or if the space has not been used for over a year, your project will also need land use approval through the Albany Planning Division. Before you begin, you should check with Planning to see what level of review is required.
- ◆ Lead-based paint and asbestos removal require special reviews. An asbestos removal permit (obtained through a DEQ survey) is required from the state.

### **Do I need to bring my building up to the current Building and Fire Codes?**

- ◆ Maybe; maybe not completely. It depends on whether you will be returning the space to its last active use. The Building Code and Fire Code are triggered by a change in the type of use (such as from retail to restaurant).
- ◆ While your architect or engineer can advise you on whether your project is likely to meet the use test, you should ask for an over-the-counter consultation with the Albany Building Division on anything that isn't a direct re-use.
- ◆ The use categories in the state codes are fairly broad, and the Building Division ultimately has the authority to determine whether your re-use plans will allow your project to be considered a continuation of the previous use.

### **What about elevators – do I have to put one in?**

- ◆ Elevator requirements are based on how you plan to use the space and the size of the area. Because there are so many variables, you should check with an architect or engineer and/or ask for an over-the-counter consultation with the Albany Building Division.
- ◆ See ADA considerations, below.

### **Widening doors, elevators... do I really need to do all these improvements to meet the ADA?**

- ◆ The Federal Americans with Disabilities Act (ADA) requires accessibility improvements to be made up to the point where they reach 25% of the upgrade cost.
- ◆ ADA prioritizes the types of improvements, with highest priority on removing access barriers. You have a choice in how to meet the requirements, and your design professional will likely have some suggestions about the best alternatives for your project.
- ◆ ADA requirements may be mitigated by historic designation or approved alternative approaches.
- ◆ Albany's Building Division may consult with ADA representatives to help evaluate your options.
- ◆ The amount of flexibility that the Building Division has is greatly increased if your building is a historic resource (most buildings in the Downtown Historic District are – check with City Planning). If your building is on the State's Special Assessment program, the State Historic Preservation Office will discourage interior structural changes (providing even more flexibility).

### **How can my building ever meet new seismic (earthquake) requirements?**

- ♦ At this time, no seismic upgrades are required for existing space remaining in the *same use* and intensity. (However, there has been talk that the State may someday amend seismic requirements so they apply even to existing buildings.)
- ♦ Allowances are provided for existing and for historic buildings on a case-by-case basis.
- ♦ Finally, there are actually some fairly straight-forward structural improvements that can bring your building toward seismic standards. An architect or structural engineer can evaluate these.
- ♦ You may find that your lender or insurance company have additional concerns.

### **Do I need to put in sprinklers? Aren't there a lot of other fire-life-safety requirements?**

- ♦ Actually, adding sprinklers is just one option available to bring a building up to current Code.
- ♦ Several things blend together to determine whether additional fire-life-safety improvements are needed, including whether you will be changing uses, how big the area is, how you will be using the space, whether you have fire-rated walls and a few other things.
- ♦ The Albany Building Division will need to be involved in evaluating the options available for your space and type of use. As with ADA, designation as a historic resource allows the Building officials to use more flexibility in considering what is required and alternatives for your building.
- ♦ Many of our Downtown buildings share a common wall with their neighbors (a few are defined just by air space!) and lack a fire-rated separation. A rated separation is required between buildings as well as between different types of uses. Plaster and sheetrock walls are common, usually easy, approaches to achieving the required rating.
- ♦ Over time, some of these separations between buildings have been breached, increasing the area evaluated under the Code. By simply closing these openings, you can decrease the amount of area considered under the Code, perhaps reducing fire-life-safety requirements.
- ♦ You may find that your own concerns, or conditions of your insurer or lender, will lead to a decision to install additional fire-life-safety protection devices.
- ♦ Second exit requirements are another gray area. The number of people and/or the number of living units dictate what level of emergency exits is required. Generally, second floors will need two exits if there are two or more dwelling units, or over ten residents, or over ten people for a commercial use.
- ♦ Most of the exits from our Downtown buildings don't meet the standards for an emergency exit because they either swing out over a sidewalk or alley, or swing in. These can be redesigned to meet the test as emergency exits by inseting the doors so they can swing out unobstructed.

### **Anything else I need to keep in mind as I start planning my project?**

- ♦ The City of Albany's Building Official is currently willing to approach projects on a case-by-case basis. While this brings a desirable level of flexibility to their review, it doesn't give us a "cookbook" to look up their preferred approaches in. Your willingness to be flexible will be key to opening creative options and obtaining agreement on alternatives.
- ♦ In agreeing to a flexible approach, the Building Division has made it clear that any creative solutions must always address fire-life-safety needs and must not create other problems. They also want all creative solutions to work as if they were permanent, long term solutions.
- ♦ Any change to the outside of a historic building requires Historic Review through the City Planning Division. This excludes temporary changes (paint) but includes signs and awnings.
- ♦ You may want to consider applying for the State's Special Assessment for Historic Properties (a 15-year freeze on assessed value) before beginning improvements. While it requires an additional layer of review (by the State Historic Preservation Office), it also provides additional flexibility in how Building and Fire Codes are applied to your project.
- ♦ Parking requirements do not apply in the area between the Willamette River and 5th Avenue, between Calapooia Street and Baker Street. However, we encourage you to work with the ParkWise program to explore parking alternatives (especially for new housing units) as you begin your project.