## Staff Report

# Site Plan Review, Historic Review of Exterior Alterations and Historic Review of New Construction 

## HI-01-24

April 24, 2024

## Summary

This staff report evaluates a Historic Review of Exterior Alterations and New Construction, along with a Site Plan Review for Modification of Existing Development for a commercial structure on a developed lot within the Hackleman National Register Historic District (Attachment A). The applicant proposes to construct a 3,645 -square foot addition to the existing building and decouple an existing addition to be a freestanding building.

## Application Information

Review Body:
Staff Report Prepared By:
Property Owner:
Applicant:
Address/Location:
Map/Tax Lot:
Zoning:
Total Land Area:
Existing Land Use:
Neighborhood:
Surrounding Zoning:

Surrounding Uses:

Prior History:

Landmarks Commission (Type III review)
Alyssa Schrems, Planner II
Monteith Square LLC, 442 1st Avenue SW
Lori Stephens, 534 NW 4th Street, Corvallis, OR 97330
133 5th Avenue SE, Albany, OR 97321
Linn County Tax Assessor's Map No. 11S-03W-07BA-00800
Lyon Ellsworth (LE)
20,130 square feet
Restaurant
Central Albany
North: Lyon Ellsworth (LE) and Historic Downtown (HD)
East: Hackleman Monteith (HM)
South: Lyon Ellsworth (LE) and Hackleman Monteith (HM)
West: Lyon Ellsworth (LE) and Historic Downtown (HD)
North: Mixed Use- Apartments and Businesses
East: Residential- Single Unit Dwellings
South: Residential-Single Unit Dwellings and Multiple Dwellings, Fire Station
West: Commercial-Parking lot and Offices, Institutional-Government Offices

SP-94-93: Site Plan Review for pizza parlor. SP-30-02: Site Plan Review for construction of an addition. VR-10-02: Variance to minimum window requirement on streets adjacent to sidewalks. HI-06-02: construction of an addition.

## Notice Information

On April 10, 2024, a notice of public hearing was mailed to property owners within 300 feet of the subject property. On April 18, 2024, notice of public hearing was also posted at the subject site. As of April 22, 2024, no public testimony has been received.

## Analysis of Development Code Criteria <br> Historic Review of Exterior Alterations Generally (ADC 7.120)

Albany Development Code (ADC) review criteria for Historic Review of Exterior Alterations Generally (ADC 7.120) are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application. Code criteria are written in bold followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

## Exterior Alteration Criteria (ADC 7.100-7.165)

Section 7.150 of the ADC, Article 7, establishes the following review criteria in bold for Historic Review of Exterior Alterations applications. For applications other than the use of substitute materials, the review body must find that one of the following criteria has been met in order to approve an alteration request.

1. The proposed alteration will cause the structure to more closely approximate the historical character, appearance, or material composition of the original structure than the existing structure; OR
2. The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features.

ADC 7.150 further provides the review body will use the Secretary of the Interior's Standards for Rehabilitation as guidelines in determining whether the proposed alteration meets the review criteria.

Secretary of Interior's Standards for Rehabilitation - (ADC 7.160)
The following standards are to be applied to rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be
compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
The analysis includes findings related to the Exterior Alterations review criteria in ADC 7.150 , followed by the evaluation of the applicable Secretary of Interior Standards in ADC 7.160. Staff conclusions are presented after the findings.

## Findings of Fact

1.1 Location and Historic Character of the Area. The subject property is located at 1335 th Avenue SE in the Lyon Ellsworth (LE) zoning district within the Hackleman National Register Historic District. The surrounding properties are in the Hackleman Monteith (HM), Lyon Ellsworth (LE) or Historic Downtown (HD) district and are developed with a mix of residential (single dwelling units, multiple dwelling units), commercial (businesses and offices) and institutional (government offices).
1.2 Historic Rating. The subject building is rated as a Historic Contributing resource in the Hackleman National Register Historic District.
1.3 History and Architectural Style. The nomination form lists the architectural style of the building as Mission.
1.4 Prior Alterations. An addition to the west side of the structure was reviewed and permitted in 2002 and the interior has been altered to accommodate a restaurant.
1.5 Proposed Exterior Alterations. The applicant proposes to construct a 3,645-square foot addition on the east side of the existing building and to detach the existing addition on the west side of the building.
The applicant proposes to construct a 48-inch canopy above the main door of the existing addition, to add planters on either side of the main door, and to add a wall sconce on either side of the main door to match the existing wall sconces on the building. The applicant further proposes to construct a new addition to the building with similar elements that do not mimic the original. These unifying elements include tall windows, base/water table banding along the wall, curved arc entry, hip roof, and dentils at the roof. These proposed features are discussed further on in this report. Based on these facts, criterion ADC 7.150(2) is met.
1.6 Building Use (ADC 7.160(1)). The building's original use was a train station/meeting hall. The building was converted into a restaurant at some point and functions similarly to a meeting hall.

Only minimal exterior alterations are needed in association with the proposed use, which is consistent with ADC 7.160(1).
1.7 Historic Character (ADC 7.160(2)). The building was constructed in 1912 in the Mission style. Distinctive features of the building include three large rounded arched openings, green glazed tiles, a gable dormer on the south façade with the letters "OER" in a circle, and exposed rafters.

The applicant does not propose any front façade changes to the historic portion of the building. The new addition will be connected to the existing building and utilize openings that exist already. The applicant also proposes to detach the existing addition by removing a non-historic breezeway that was connected in 2002. Based on these facts, criterion ADC 7.160(2) is met.
1.8 Historic Record \& Changes (ADC 7.160(3) and (4)). The building is designed in the Mission style. The applicant proposes to construct a new 3,645-square foot addition on the east side of the existing building and to detach an existing addition on the west side of the building. Based on these facts, criterion ADC 7.160(3) and (4) are met.
1.9 Distinctive characteristics (ADC 7.160(5)). The applicant states that there will be no changes to any features, finishes, construction techniques, or examples of craftsmanship with the addition. The breezeway that is proposed to be removed was constructed in 2002 and is not considered historic. No distinctive features are listed in relation to the garage or to the area where the rear deck would be added. Based on these facts, criterion ADC 7.160(5) is met.
$1.10 \quad$ Deteriorated Features (ADC $7.160(6)$ ). The applicant states that there are no existing deteriorated historic features. Since there are no deteriorated historic features, criterion ADC $7.160(6)$ is satisfied.
1.11 Use of Chemical or Physical Treatments (ADC 7.160(7)). The applicant does not propose any chemical or physical treatments in relation to the new addition or decoupling the existing addition. Based on these facts, criterion ADC 7.160(7) is met.
1.12 Significant Archaeological Resources (ADC 7.160(8)). The applicant states there are no known archeological resources located at or near this site. If significant archaeological resources are found on the site, the contractor will notify the architect who will notify a SHPO archeologist. The artifact will not be moved and work in the area will cease until SHPO is done with their review. Based on these facts, this criterion appears to be met.
1.13 Historic Materials (ADC 7.160(9)). The applicant states that the breeze way that is proposed to be detached is not historic. No historic features will be destroyed with this addition. Based on these facts, the criterion in ADC 7.160(9) is met.
1.14 New Additions (ADC 7.160(10)). The applicant also proposes an addition on the east side of the building which is discussed in detail below in this report. The applicant states that the new addition will connect to the existing building on the east and north end of the building by enclosing the east wall and a portion of the north wall but will not alter these walls. In the future the addition could be removed without altering the essential form and integrity of the existing building. Based on these facts, the criterion in ADC $7.160(10)$ is met.

## Conclusions

1.1 The proposed exterior alterations will be compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features.
1.2 The proposed alteration is consistent with the Secretary of the Interior's Standards in ADC 7.160.

## Historic Review of New Construction (ADC 7.270)

The Community Development Director or the Landmarks Commission must find that the request meets the following applicable criteria in order to approve the new construction request.

## Within the Monteith and Hackleman Districts (ADC 7.270(1))

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 are reflective of and complementary to existing buildings within the district.

## Findings of Fact

2.1 Unifying Development Patterns (ADC 7.270(1)(a)): The applicant proposes to add a 3,645 square foot addition onto the east side of the building. The building addition is set back 28 feet from 5 th Avenue and 16 feet to the back edge of the sidewalk. The main façade of the train station itself is set back about 39 feet from the street and 27 feet to the sidewalk. There are no changes proposed to the sidewalk. In the LE zone, there is no maximum lot coverage and no required front setback. The applicant further states that there is a garage to the east built at the edge of the sidewalk. Other houses in the neighborhood are 12 to 15 feet from the sidewalk. The addition proposed is not as close to the sidewalk and street as the other buildings in the neighborhood. Based on these facts, it appears that the proposed additions are in keeping with the surrounding development patterns.
2.2 Size and scale (ADC 7.270(1)(b)): The applicant states that the building addition (total height of 15 feet and three inches) is not as tall as the train station itself ( 23 feet and two inches), nor as tall as the neighboring residential buildings to the south or east. The length of the front façade as seen from the street is also less than the train station. The length of the train station façade is 110 feet, and the length
of the façade addition is 36 feet. Based on this, the façade is proposed to be smaller in size and scale compared to the train station as seen from the street.

The addition to the train station is intended to look different from the train station yet tie into its elements without making it look the same. The building addition utilizes similar elements of the train station without mimicking it. These elements are, tall windows-proportional to the strain station; base/water table banding along the wall which is smaller in height than the train station base, curved arc entry, hip roof on part of the addition, and dentils at the roof to reflect the ends of eave rafters of the train station roof. There is a canopy entry addition proposed for the entry to the train station, and a different canopy proposed for the entry into the addition. The windows from the street will have divided lites whereas the windows in the train station will have no divided lites. The neighborhood has the same mix of divided lite and non-divided lite windows. The proposed hip roof on a portion of the addition ties the addition to the train station, but it is also a more residential style relating to the houses in the neighborhood. Based on these facts, the criterion appears to be met.
2.3 Building materials (ADC 7.270(1)(c)): The applicant states that the train depot has brick walls with concrete base and trim, and a tile roof. The walls and trim of the 2002 addition appears to be EIFS (synthetic stucco) with a standard asphalt roof. The new addition will have a stucco surface with a cast stone water table base and cast stone trim around the entry. The roof will be an asphalt shingled hip roof on the south and front portion of the addition, and a flat roof stepping further back from the front. The hip roof will have asphalt shingles similar to other residential structures in the neighborhood. The proposed flat roof will be similar to other flat roofs on many buildings within the block north of the alley and on the apartment building across 5th Avenue from the train station. Based on the findings, this criterion appears to be met.

## Site Plan Review Criteria (ADC 2.450)

## Criterion 1

## The application is complete in accordance with the applicable requirements.

## Findings of Fact and Conclusions

1.1 In accordance with ADC 1.170, the application was deemed complete as of April 2, 2024.
1.2 This criterion is met without conditions.

## Criterion 2

The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.

## Findings of Fact

2.1 The building is proposed to be used as a restaurant. The applicant proposes to construct a 3,645 square foot addition to the existing building and to detach an existing addition from the structure. Pursuant to the ADC 5.065-1 Schedule of Permitted Uses, a restaurant is an allowed use in the LE zone with Site Plan Review approval.
2.2 Lot Size, Dimensional Requirements, and Lot Coverage. Table 5.090-1 within the ADC contains the development standards for the LE zoning district. Pursuant to Table 5.090-1, the LE zoning district has a minimum lot size of 2,000 square feet for all non-residential uses, a minimum width of 20 feet and a minimum depth of 50 feet, and a maximum lot coverage standard of 100 percent.

The LE zoning district does not have a minimum front setback and has a zero-foot interior setback unless the property abuts a residential zone or use. This special setback requires a one-foot setback for each foot of wall height with a minimum setback of 10 feet. The applicant is proposing a wall height of 10 feet for the addition, which would mean an interior setback of 10 feet from the east property line. The site plan indicates that the structure will be set back 10 feet from the east property line, demonstrating that the setback is met.

This standard is met.
2.3 Building Height. Pursuant to ADC Table 5.090-1, the LE zoning district contains a maximum building height of 60 feet unless located within the Airport Overlay District. The subject property is not located within the Airport Overlay District and the proposed addition height is 15 feet and three inches. This standard is met.
2.4 Density. There is no density standard associated with restaurant uses in the LE zone. This standard is not applicable.
2.5 Landscaping, Buffering, and Screening. See finding under Criterion 6 below pertaining to Article 9. Landscaping, buffering, and screening standards are incorporated herein by reference.
2.6 Outside Storage. The applicant does not propose outside storage and display. This standard is not applicable.
2.7 Screening of Refuse Containers. ADC 5.370 requires any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, public facility, or any residential area must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. All refuse materials must be contained within the screened area.

The submitted site plan shows an enclosed garbage/recycling area in the northeast corner of the new addition with a rolling metal door. This standard is met.

## Conclusions

2.1 The proposal meets all applicable development standards.
2.2 This review criterion is met without conditions.

## Criterion 3

Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

## Findings of Fact

3.1 Article 4 Airport Approach district. According to Figure 4.410-1 of the ADC, the subject property is not located within the Albany Airport Approach district.
3.2 Article 6 Significant Natural Vegetation and Wildlife Habitat. Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat, does not show any areas of vegetation or wildlife habitat on the property.
3.3 Article 6: Floodplains. Comprehensive Plan Plate 5: Floodplains, the FEMA Flood Insurance Rate Map (FIRM), Community Panel No. 41043C0213H, dated December 8, 2016, shows the subject property is located outside of the Special Flood Hazard Area (SFHA), (aka 100-year floodplain).
3.4 Article 6: Wetlands. Comprehensive Plan Plate 6: Wetland Sites, shows this property has no significant wetland overlay districts on the subject property.
3.5 Article 6: Topography. Comprehensive Plan, Plate 7: Slopes, does not show any steep slopes on this property where development is proposed.
3.6 Article 7: Historic and Archaeological Resources. Comprehensive Plan, Plate 9: Historic Districts, shows the property is located in the Hackleman Historic District. As part of the application packet, a Historic Review for Exterior Alterations and a Historic Review for New Construction have been applied for and are discussed above.

## Conclusions

3.1 The subject property is located in the Hackleman Historic District and is subject to the additional regulations in Article 7 (Historic) as analyzed above.
3.2 The subject property is not located in any other special purpose (overlay) districts; therefore, the special purpose districts and regulations described in Articles 4 (Airport Approach) and 6 (Natural Resources) are not applicable.
3.3 This criterion is met without conditions.

## Criterion 4

## The application complies with all applicable Design Standards of Article 8.

## Findings of Fact

4.1 Applicability. ADC 8.315 applies to new developments and to the expansion of existing developments where commercial and/or institutional uses, as defined in Article 22, are existing or proposed including when such uses are part of a mixed-use development or live/work dwelling unit, with some listed exceptions. The proposal is for commercial development (restaurant) and is therefore subject to the standards of ADC 8.310 - 8.390 .
4.2 Relationship to Historic Overlay Districts: ADC 8.320 requires designated historic resources to comply with the standards in Article 7. The property is located in the Hackleman Historic District and is therefore subject to the standards in Article 7. The review body may grant flexibility in meeting any of the design standards where necessary to achieve historic compatibility.
4.3 Entrance Orientation and Parking Location: ADC 8.330(1) requires new buildings to be oriented to existing or new public streets by placing the building(s) and public entrance(s) close to streets, except if a proposed building is separated from the street by another building(s). The subject property is a corner lot with frontage on both 5th Avenue SE and Lyon Street SW. The existing addition is oriented towards Lyon Street with a front entrance facing the street and connectivity to the sidewalk. The applicant proposes to add an entrance canopy, planters, and ornamental light fixtures to satisfy this standard. The proposed new addition is oriented to 5th Avenue SE with pedestrian sidewalk access. The applicant also proposes to add entrance canopies, planters, and ornamental light fixtures to this entrance.
4.4 Parking Location \& Parking Lot Buffer: The project does not propose on-site parking, and none will be provided. This standard is met.
4.5 Regulated Facades. According to ADC 8.345(2), regulated facades shall include a minimum of two types of architectural features from the list in the code. The applicant proposes a weather protection canopy at the entrance which is at least 48 inches long (c), and other similar features (e) which are identified as Water table base detail with sill and base.

ADC $8.345(3)$ requires 50 percent windows on the primary façade and 25 percent windows on the secondary façade in the LE zone. The applicant requests relief from this standard from the Landmarks Commission. The applicant has redesigned the façade to meet all criteria except for the required percentage of windows. The applicant also notes that there was a variance applied for and granted in 2002 (Attachment D) to have fewer windows than required at the time. The Landmarks Commission may grant flexibility in meeting this standard.
4.6 Connectivity between sites: ADC 8.350 (2) requires connectivity between sites to promote connectivity and dispersal of traffic and efficient circulation between properties. New development may be required to provide street or driveway stubs and reciprocal access easements to, and for, adjacent properties. The subject property has secondary access via an existing public alley. There is no shared parking on site to connect to, therefore this criterion does not apply.
4.7 Internal Circulation System: ADC 8.350(3) requires an internal circulation system on the site. Interior drive aisles are required when a connecting drive aisle is more than 100 feet in length. There are no interior drive aisles on the subject property more than 100 feet in length. This standard is met.
4.8 Pedestrian Amenities: according to ADC 8.360 pedestrian amenities are required to enhance pedestrian comfort by providing awnings, seating, special paving, planters, and similar improvements. New buildings or expansions or modifications to existing buildings shall provide pedestrian amenities with a total point value not less than the minimum amount shown in Table 8.360-1. Proposed new building areas between zero and 20,000 square feet require one pedestrian amenity point per 2,500 square feet. The proposed building is 3,645 square feet; therefore, the proposal requires two pedestrian points (3,645 / 2,500 $=1.5(2))$. Table $9.360-2$ assigns point values of pedestrian amenities. The applicant proposes an open plaza of 1,016 square feet ( 300 square feet minimum), which is assigned a point value of 10 points. This standard is met.

## Conclusion

4.1 The proposed development meets the design standards of Article 8 with the exception of the ground level windows (ADC 8.345(3)), where the applicant requests flexibility from the Landmarks Commission.
4.2 This criterion is met, as conditioned.

## Criterion 5

## The application complies with all applicable Design Standards of Article 10.

Findings of Fact and Conclusion
5.1 Article 10 pertains to manufactured homes, manufactured home parks, and RV parks. The applicant does not propose to develop the site with a manufactured home, manufactured home park, or RV park.
5.2 This standard is not applicable.

## Criterion 6

The application complies with all applicable On-Site Development and Environmental Standards of Article 9.
Findings of Fact
6.1 Parking. Table 9.020-1 contains the maximum permitted parking standards per use. Restaurants have a maximum permitted parking space number of one per 200 square feet including some outdoor seating. The total area of the restaurant is proposed to be 8,647 square feet, which results in a maximum permitted parking space number of 43 ( 8,647 square feet/ 200 square feet $=43.24$ (43)). The applicant proposes no parking spaces with this development. The development is also located in the Downtown Assessment District, which also does not require parking spaces to be provided. This standard is met.
6.2 Landscaping. ADC 9.140(2) requires all required front and interior setbacks (exclusive of access ways and other permitted intrusions) to be landscaped before an occupancy permit will be issued unless the landscaping is guaranteed in accordance with ADC 9.190. The applicant provided a preliminary landscape plan (Attachment C.5.4). No trees are required as there is no frontage to plant them in. The applicant shows that there will be 10 shrubs that are 36 inches high planted in clusters. All remaining area must be treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
6.3 Buffering and Screening. Pursuant to ADC 9.210, Table 9.210-1 the proposed development, commercial use, requires buffering and screening when abutting dwellings in a residential zone. This standard is met through conditions.
6.4 Irrigation of Required Landscaping. ADC 9.160 requires all required landscaped areas to be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman provides documentation that the plants do not require irrigation.

## Conclusions

6.1 The proposal conforms with the applicable environmental standards, as conditioned.

## Conditions

Condition 1 Buffering and Screening. The applicant shall provide buffering and screening in compliance with ADC 9.240-9.250 along the east property line.

## Criterion 7

The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.
Findings of Fact

## Sanitary Sewer

7.1 City utility maps show an eight-inch PVC public sanitary sewer main in the alley between 4th and 5th Avenues. There are also eight-inch CP public sanitary sewer mains in both 5th Avenue and Lyon Street. The subject property has been developed and is connected to the public sewer system.
7.2 City records indicate that the subject property has been assessed for the public sanitary sewer facilities along all frontages.

## Water

7.3 City utility maps show a 12-inch public water main along the subject property's frontage on 5th Avenue. The subject property has been developed and been connected to the public water system.

## Storm Drainage

7.4 City utility maps show a six-inch PVC public storm drainage main in the alley between 4th and 5th Avenues. There is a 27 -inch RCP public storm drainage main in Lyon Street.
7.5 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
7.6 ADC 12.560 states that where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem.
7.7 If storm drainpipes are planned, the size and slope of each pipe must be indicated. The City does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property. Also, no storm water (including roof drainage) may be discharged to the sanitary sewer (ADC 12.530).
7.8 AMC 10.01.080(2) states that before the City will issue a building permit, the applicant must pay to the City the necessary System Development Charges (SDCs) and any other applicable fees for connection to the public sanitary sewer system.

## Conclusions

7.1 The subject property is connected to public utilities and proposed development will have no impact on the public water, sewer, or storm systems.
7.2 This criterion is met.

## Criterion 8

The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.
Findings of Fact
8.1 The project is located on the northwest corner of Lyon Street and 5th Avenue. The project will convert and expand a former pizza restaurant into a sit-down restaurant.
8.2 ADC 12.060 requires that all streets within and adjacent to new development will be improved to city standards.
8.3 Lyon Street is classified as a principal arterial, is under ODOT jurisdiction, and is improved to city standards. Improvements include curb, gutter, and sidewalk; two vehicle travel lanes in the northbound direction; and on-street parking along both sides of the road.
8.4 Fifth Avenue is classified as a local street and is improved to city standards. Improvements include
curb, gutter, and sidewalk; a vehicle travel lane in both directions; and on-street parking.
8.5 The applicant did not submit a trip generation estimate or Traffic Impact Analysis (TIA) with the application. The City of Albany's threshold for submittal of a trip generation estimate is 50 new peak hour trips. Developments that generate 100 or more new peak hour trips are required to submit a TIA.
8.6 Staff estimated site trip generation based on Institute of Transportation Engineers (ITE) trip generation rates. Trip generation for the former use was estimated by using ITE trip rates for category 903, "Fast Casual Restaurant". The previous use was estimated to generate a total of 486 average daily trips (ADT), of which 63 were expected to occur during the PM peak traffic hour.
8.7 The proposed use was estimated by using ITE trip rates for category 931, "Fine Dining Restaurant". The proposed use was estimated to generate a total of 729 average daily trips (ADT), of which 68 are expected to occur during the peak PM traffic hour. When compared to the previous use on the site, the proposed use will result in an additional 243 ADT and 5:00 p.m. peak hour trips.
8.8 The proposed site plan includes removal of an existing driveway approach to 5th Avenue near the east boundary of the site.

## Conclusions

8.1 ADC 12.060 requires all public streets adjoining new development be improved to city standards.
8.2 The development has frontage on both Lyon Street and 5th Avenue. Both street frontages are improved to city standards.
8.3 Based on ITE trip generation rates, the proposed use will generate an additional 243 ADT and 5:00 p.m. peak hour vehicle trips when compared to the previous use on the site.
8.4 The development is not projected to generate sufficient trips to require submittal of a trip generation estimate or TIA.
8.5 The proposed site plan includes the removal of an existing driveway approach to 5th Avenue near the east boundary of the site. In order to avoid driver confusion and remove conflicts with pedestrian movements, the existing driveway will need to be removed and replaced with standards curb, gutter, and sidewalk.

## Condition

Condition 2 Prior to the issuance of an occupancy permit, the applicant shall remove the site's existing driveway to 5th Avenue and replace it with standard curb, gutter, and sidewalk.

## Criterion 9

The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
Findings of Fact and Conclusion
9.1 See Findings under Site Plan Review Criterion 7 (above) related to stormwater quality standards in response to this review criterion. These findings are incorporated here by reference.
9.2 This criterion is met as conditioned in Criterion 7 (above).

## Criterion 10

The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
Findings of Fact and Conclusion
10.1 The property has been subject to four (4) previous land use decisions. SP-94-93 approved a change of use from a youth ministry center/club into a pizza parlor. In 2002, the property owner applied for SP-03-02, VR-10-02, and HR-06-02. These combined applications were to approve construction of a onestory 1,853 -square-foot building addition to a restaurant and a variance to the minimum window requirement on streets adjacent to sidewalks.
10.2 The property meets all existing conditions of approval, except where code requirements have changed, and this approval supersedes the standards of the time (minimum parking requirements etc.).
10.3 This criterion is met.

## Criterion 11

Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.
Findings of Fact and Conclusion
11.1 The site is not considered nonconforming. This criterion is not applicable.

## Analysis of Development Code Criteria

Section 2.455 of the ADC includes the following review criteria applicable to non-residential development, which must be met for this application to be approved. Development code criteria are written in bold followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

## Criterion 1

The transportation system can safely and adequately accommodate the proposed development.
Findings of Fact and Conclusions
1.1 Transportation findings and conclusions under Site Plan Review Criterion 8 (above) are incorporated here by reference.
1.2 Based on the findings and conclusions under Site Plan Review Criterion 8, the existing transportation system can safely and adequately accommodate the proposed development. This criterion is met.

## Criterion 2

Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
Findings of Fact and Conclusions
2.1 The applicant does not propose on-site parking and on-site delivery is facilitated by use of the existing alleyway.
2.2 This criterion is met.

## Criterion 3

The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized. Findings of Fact and Conclusions
3.1 The applicant proposes to add an addition to the existing building on site. The property was previously used as a pizza parlor and is now proposed as a fine dining establishment.
3.2 The applicant states that the proposed use will generate less traffic than the previous use, as the fine dining will require reservations. Guests are anticipated to stay longer at the restaurant than the previous restaurant use, which served take out and a quicker dining experience.
3.3 The applicant states that garbage and recycling will be screened and secured. Screening is required between the proposed addition and residential uses to the east.
3.4 As proposed, the design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses. This criterion is met.

## Overall Conclusions

The applicant proposes to construct a 3,645-square-foot addition to the existing building and decouple an existing addition to be a freestanding building.

Staff finds all applicable criteria are met for the site plan review, exterior alterations, and new construction.

## Options and Recommendations

The Landmarks Commission has three options with respect to the subject application:
Option 1: Approve the request as proposed;
Option 2: Approve the request with conditions of approval;
Option 3: Deny the request.
Based on the discussion above, staff recommends the Landmarks Commission pursue Option 2 and approve the Site Plan Review, Exterior Alteration and New Construction request with conditions. If the Landmarks Commission accepts this recommendation, the following motion is suggested.

## Motion

I move to approve the site plan review, exterior alterations and new construction including conditions of approval as noted in the staff report for application planning file no. SP-04-24/HI-01-24. This motion is based on the findings and conclusions in the April 24, 2024, staff report and findings in support of the application made by the Landmarks Commission during deliberations on this matter.

## Conditions of Approval

Condition 1 Site Plan Review - Screening. The applicant shall provide screening in compliance with ADC 9.250 along the east property line.
Condition 2 Site Plan Review-Transportation. Prior to the issuance of an occupancy permit, the applicant shall remove the site's existing driveway to 5th Avenue and replace it with standard curb, gutter, and sidewalk.

Condition 3 Exterior Alterations and New Construction. Construction shall occur in accordance with the plans approved with this application. Proposed changes may require a new review.

## Attachments

A. Location Map
B. Historic Resource Survey
C. Applicant's Submittal:

1. Findings of Fact- Site Plan Review
2. Findings of Fact- New Construction
3. Findings of Fact- Exterior Alterations
4. Construction drawings (revised)
5. Construction drawings (original)
6. Images
D. Variance \& Site Plan Review Decision (SP-30-02/VR-10-02)

Acronyms
ADC
Albany Development Code
ADT Average Daily Trips
HD Historic Downtown zone
HI Historic file abbreviation
HM Hackleman Monteith zone
ITE Institute of Transportation Engineers
LE Lyon Ellsworth zone
SP Site Plan Review file abbreviation
VR Variance file abbreviation

## COUNTY: Linn



## EXTERIOR ALTERATIONS/ADDITIONS:

Interior has been altered to accomodate restaurant

## NOTEWORTHY LANDSCAPE FEATURES:

None
ADDITIONAL INFO:
Passenger service discontinued 1933

## INTERIOR FEATURES:

None

LOCAL INVENTORY NO.: H. 074
CASE FILE NUMBER:
教
(

# HISTORIC RESOURCE SURVEY -ALBANY HACKLEMAN HISTORIC DISTRICT -PAGE TWO 

NAME: Tim Siddiqui
ADDRESS: 133 Fifth Ave. SE QUADRANGLE: Albany

T/R/S:T11-R3W-S07
MAP NO.: 11-3W-07BA
TAX LOT: 00800


NEGATIVE NO.: T-03
SLIDE NO.: H. 074


GRAPHIC \& PHOTO SOURCES: Albany Community Development Planning Division \& Tanya Neel.
historic name: ORegon Electnic Railroad original use: Rail Road station commonname: Ciddici's Pizza ADDRESS: 1335 th

CITY: Albany
owner: Linn (ounty Tim Siddiqu.

## CATAGORY:

LOCATION: Monteith Historic District

## ASSOCIATED FEATURES:

MAP NO: $\ 1-3 \omega-07 B A$ TAX LOT: 00800
block: 5 LOT: $6,7,8$
additionname: Eastern Add
PIN NO.: ZONING: Itm
plan type/shape: Rectangular Foundation material: concre te roof Form materials: H upped, tileo STRUCTURAL FRAMING: wood
PRIMARY WINDOW TYPE: Y/ DH,
EXTERIOR SURFACING MATERIALS: PRIMARY: BRICK DECORATIVE: cast stome DECORATIVE: three lange Round anched openings , qreen glazed tiles, qAB6 donmen(s) with OER" leltens in cinde, exposed rablus
EXTERIOR ALTERATIONS/ADDITIONS:
interian has been altered to accomodate restacnant

## NOTEWORTHY LANDSCAPE FEATURES:

other: passengu service dis continued 1933

RECORDED BY: Roz Keeney
LOCAL INVENTORY NO.: H,O74

DATE: 07/96
SHPO INVENTORY NO.:

CASE FILE NO.:

## Linn County Tax Data File

```
Tax lot ##.... . 11S03W07BA00800
Tax acct #.... 0089827
Site address.. 133 5TH AVE SE
In-City? Y
Owner......... LINN COUNTY
Address-1..... SIDDIQUI, TIM S AGT
Address-2..... C/O TIM D SIDDIQUI
Address-3..... 133 5TH AVE SE
Address-4..... ALBANY OR 97321-0000
Address-5.....
Property class... 0040 Tax Code #1...0801
Stat class....... 000 Tax Code #2...0000
Land market value... 107,300
Imp. market value... 28,330
```

84. "133 Fifth S.E.

Significance: Primary

Use: Meeting Hall
Date: 1912

Present Owner: Linn Co.
P.O. Box 100

Albany, OR 97321
Tax Lot: 11-3W-7BA, TL 800

Description:
One story, brick and cast stone walls, brick interior chimney, concrete foundation, and hipped roof. The plan is symmetrical about both axes with central pavillions at the front (south) and "track" side (north). The pavillions have three large round arch openings framed in cast stone. The front end wings have three windows each, double-hung, one light over one, headed by a flat brick arch with cast keystone. A continuous cast stone base is terminated by a sill course. Above is the Flemish bond brick wall with raked joists. The hipped roof is covered with a green glazed Mission tile and has a broad overhang and exposed rafters with shaped ends and soffits. Centered on the north and south is a gabled brick dormer with a cast circular panel with the letters "OER". (Oregon Electric Railway).

Alterations: Cast stone has been painted.
Sources: 1. Beckham, State-wide Inventory, 1976
2. 1925 Sanborn Map
3. Beecherl, Albany Preservation Thesis, 1976

Remarks: The condition of the building is good. Some roof tiles missing - eaves sagging - gutters and wood trim need paint. The style is Mission.

Historical Comments: The building appears on the 1925 Sanborn Maps. In 1913, Lyman Griswold was the District Engineer for the Oregon Electric Railroad Company; J. J. Hoydar was an agent John Shane, a pumpman.

The Oregon Electric Railway was the most up-to-date electrically operated railway in the west. It extended from Portland south to Eugene ( a distance of over 122 miles), it branched to Forest Grove and Hillsboro, Woodburn and Corvallis ( 150 miles operated). Main line: Albany, Salem, Harrisburg, Junction City. One hundred trains per day.

Albany to Portland, five trains daily. Two were limited and made the run of 78 miles in two hours and 25 minutes.

Fast over-night freight service between Portland and valley points. (i.e. fruit, hogs, lumber, berries, potatoes, onions, and celery were sent to eastern markets). ("Oregon Electric Railway Bears Large Share of Tax Burden," Democrat-Herald, November, 1925, p.7).

1913: Lyman Griswold, district engineer Oregon Electric Railroad Company, 10 Flinn Building.

- The former Oregon Electric Railroad Depot in Albany, Oregon, is a one story, brick building with a rectangular shape. Constructed in the Mission Style, the building has a hip roof covered with tiles; it is broken by a small, decorative dormer on the south (front) elevation. The eaves are open with closely-spaced, exposed wooden brackets for support and decoration. The windows have horizontal, brick voussoirs with keystones. Three arched bays are located on the north and south elevations. The two bays to the east and west are entrances to the building. The building is set on a concrete base and has primarily one-over-one, double-hung sash windows. The letters "OER" are on the decorative dormer on the front elevation.

The Oregon Electric Company completed its line to Albany, Oregon, in 1912, providing service between Portland and Eugene. The tracks were completed in Albany and the event was heralded with a July 4 th celebration. The company ran interurban, electric cars over this track until May 13, 1933, when passenger service was discontinued.

In recent years this building has been a veterans mceting hall. The depot cost approximately $\$ 32,000$ to construct.


Transportatio

34) At Fifth and Lyon the Albany trolley line intersected with the Oregon Electric Railway tracks. The
trolley ran from the S to the Southern Pacific station. The trolley was later extenden east on First to Lyon, and north on Lyon Oregon Electric traversed Albany on Fifth Avenue to the westend we tracks to the Sunrise area. The that went through town on Water Avenue, passing the O.E. Fre where it was rejoined with the tracks Oregon Electric passenger station showh here was later Vetereight station on Jackson Street. The 1914.


Transportation
45) Oregon Electric Station at 5th \& Lyon. Construction shack in foreground. This building was purchased by the Associated Veterans of Linn County, Inc., in February 1931 for $\$ 7,500$, c. 1913.

46) Arrival of first train from Portland on newly completed Oregon Electric Railway. 5th \& Lyon Streets, c. 1912.

31) Oregon Electric Railway Depot, Fifth \& Lyon, c. 1915.

32) Albany's first street railway locomotive, c. 1900. The locomotive was later found in Alaska, and has since been restored in Nevada.

InTERIORS

112) Albany's First National Bank, 300 West First Avenue, c. 1915.

113) The interior of the Oregon Electric Railway Depot, c. 1915.

November 2, 1993

Tim Siddiqui dba Ciddici's Pizza 250 Broadalbin Street SW Albany, OR 97321

APPROVAL DATE: November 2, 1993
EFFECTIVE DATE: November 9, 1993 unless an appeal has been filed on or prior to the effective date.

## Dear Tim:

SUBJECT: Site Plan Review Case No. SP-94-93 for Property Located at 133 5th Avenue (Tax Lot 800, 11S-3W-07BA).

Your application for Site Plan Review to change a use from a youth ministry center/club to a pizza parlor has been processed and found to be in conformance with the Albany Development Code with the following conditions which are based on the City's Development Code (ADC), Municipal Code (AMC), current policies, and facility plans for long-range development. We are available to discuss the details of these requirements with you and we are always open to considering alternatives that enhance your development and still meet our long-term needs.

1. Use of the building shall occur in substantial conformance to the application request submitted for review and approval subject to the conditions noted below. Any changes to the approved Site Plan must be approved by the Planning Division.
2. The existing structure is in the Hackleman Historic District with a Primary historic rating. Should any exterior alterations be necessary to accommodate the proposed use including replacement of windows, siding, porches, railings, and/or roofing materials, contact Charles Johnson, Associate Planner, at 967-4300, Extension 364 to discuss the proposed alterations, and if necessary, to schedule a review by the Landmarks Advisory Commission (ADC7.140 thru 7.220 revised).
3. Prior to operational stage of the business, perimeter curbing or some other acceptable means of providing protection to unsuspecting motorists who may drive off the edge of the parking lot and on the alley which is approximately 6 to 8 inches lower. Contact the Planning Department for assistance.
4. Provide a minimum of twenty-two (22) off-street parking spaces. Parking spaces shall be designated in the parking lot [ADC9.120(8)] prior to occupancy. Standard parking spaces shall be a minimum of 9 feet by 19 feet. Forty percent of the total parking spaces in the lot may be designated for compact cars. The minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed and/or the space painted with the words "Compact Car Only." Provide one "Handicapped" parking stall a minimum of 15 feet in width. The handicapped parking space shall be designated on the pavement "Handicapped Only" and signed as required in Chapter 31 of the Uniform Building Code and in particular Section 3108 [ADC9.120(12) revised].
5. Provide a minimum of four (4) bicycle parking spaces. Each space must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet. Required spaces must be located as near as possible to building entrances used by automobile occupants [ADC9.120(13) revised].
6. The large maple tree located in the front yard area adjacent to Fifth Avenue and Lyon Street was removed. As per the condition of approval for the removal of the tree, it must be replaced with two (2) trees a minimum of 10 feet in height at time of planting. For assistance in selecting a variety of street tree, contact Charles Johnson, Associate Planner at 967-4300, Extension 364.
7. Landscaping shall be installed prior to a Final Occupancy Permit being issued for the building or within $\mathbf{9 0}$ days of issuance of a Temporary Occupancy Permit or the applicant may submit a landscape completion guarantee equal to $110 \%$ of the estimated cost of the required landscaping which shall be forfeited to the City of Albany if landscaping is not completed within one year of completion of the building (ADC9.190 revised).
8. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained (ADC9.200 revised).
9. Required landscaped areas adjacent to paved areas shall be protected by the use of railroad ties secured by rebar driven 18 inches into the ground or by large boulders, or some other acceptable means of providing protection [ADC9.150(5) revised].
10. Prior to operational stage of the business, wheel stops or perimeter curbing shall be installed a minimum of 3 feet from the sidewalk on Lyon Street to prevent cars from overhanging on to the sidewalk.
11. All refuse materials shall be contained within a screened area consisting of a sight obscuring fence, wall or hedge at least 6 feet in height. No refuse container shall be placed within 15 feet of a dwelling window (ADC4.300 revised).
12. Although the proposed change of use is in conformance with the Albany Development Code, you should be aware that the existing site is presently not in conformance with the Development Code in several areas and, in particular, the landscape provisions adjacent to street rights-of-way and buffering and screening requirements for commercial businesses adjacent to residential uses. The CC (Community zoning district has a buffering/screening requirement of ten (10) feet adjacent to any residential use.

Development not complying with these provisions must be brought into compliance with the base zone standards to an extend commensurate with the proposed changes [ADC2.370(2)(a) and (e). While the landscaping adjacent to Lyon Street and 5th Avenue and the buffering adjacent to residential uses is not are not in conformance with the Albany Development Code, staff has determined that the following standard must be installed along the east property line prior to operational stage of the business:
(1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or (3) a fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation [ADC9.210(d) revised].
13. Fences and walls will be maintained in a safe condition and opacity will be maintained as required. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will
be replaced within six (6) months after dying or becoming diseased to the point that the required opacity is not met. [ADC4.310(4c) revised].
14. Obtain Sign Permit(s) (ADC18.210 existing) for all new signs other than a change of face [ADC18.320(15) existing]:

|  | Lyon Street |
| :---: | :---: |
| Maximum Number of Signs [ADC18.612(1) existing]: | 2 |
| Maximum Aggregate Area [ADC18.612(2) existing] : | 100 square feet |
| Maximum Individual Wall Sign [ADC18.613(1) existing]: | 60 square feet or $12 \%$ of wall area, whichever is less. |
| If wall signs used exclusively, |  |
| Maximum Aggregate area [ADC18.613(2) existing]: | 150 square feet |
| Maximum Individual Wall Sign [ADC18.613(2): | 75 square feet or $12 \%$ of wall area, whichever is less. |
| Maximum free-standing sign (ADC18.614 existing): | 50 square feet with a maximum height of 25 feet. |
| Maximum projecting sign (ADC18.615 existing): | 50 square feet |
|  | Fifth Avenue |
| Maximum Number of Signs [ADC18.612(1) existing]: | 2 |
| Maximum Aggregate Area [ADC18.612(2) existing] : | 100 square feet |
| Maximum Individual Wall Sign [ADC18.613(1) existing]: | 60 square feet or $12 \%$ of wall area, whichever is less. |
| If wall signs used exclusively, |  |
| Maximum Aggregate area [ADC18.613(2) existing]: | 150 square feet |
| Maximum Individual Wall Sign [ADC18.613(2): | 75 square feet or $12 \%$ of wall area, whichever is less. |
| Maximum free-standing sign (ADC18.614 existing): | 50 square feet with a maximum height of 25 feet. |
| Maximum projecting sign (ADC18.615 existing): | 50 square feet |

15. As this property is located within the Hackleman Historic District, all wall signage must be reviewed and approved for historic compatibility. Contact Charles Johnson, Associate Planner, at 967-4300, Extension 364 for assistance.
16. When a free-standing sign is located at the corner of two intersecting rights-of-way and placed a distance from the right-of-way corner of less than 75 feet, the sign shall be counted as one sign for each frontage. Where a face can be seen from a street, then that face shall count as part of the aggregate area for that street frontage (not to exceed counting one face per frontage). The maximum size allowed for such sign shall be based on the street frontage with the highest average daily traffic count or the average of the two frontages [ADC18.510(5) existing].
17. No trees, shrubs, fences, or signs may be located within any vision clearance area which prohibits structures or planting that would impede visibility between the heights of two feet and eight feet. A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the two
sides. For a commercial driveway, the measurement along the lot line and driveway shall be 20 feet and for Lyon Street and Fifth Avenue, the measurement for the two sides is 30 feet (ADC6. 160 existing, ADC12.180 proposed).
18. Pennants, streamers, festoon lights, and other similar devices with parts intended to be moved by the wind are prohibited by the Albany Sign Code adopted October 10, 1984. Pennants, flags, streamers and one temporary sign per frontage may be used as part of an opening or promotional event subject to a time limit not to exceed 60 days in any one calendar year. Each display period requires a separate permit, but the display duration can be from 7 to 60 days (ADC13.480 revised).
19. Any temporary sign may be no larger than 16 square feet for one face or 32 square feet for two or more faces. If the sign is not attached to a building, the maximum height of the sign shall not exceed 4 feet. All temporary signs shall be anchored, may not be located within 10 feet of any public right-of-way, attached or within a parked vehicle, nor within any vision clearance area. All signs shall be maintained in a safe, neat, clean and attractive condition. A fee of $\$ 10.00$ will be charged for any permit which involves the promotion or sale of merchandise or services. The permit shall be valid for the period specified thereon and may be renewed annually (ADC13.480 revised).
20. Signs which are for public safety and convenience such as parking directional signs, store hours, open/closed etc. shall be located and sized commensurate with their function but shall not exceed 8 square feet per face per sign. No more than $50 \%$ of the sign area can be a business identification or logo [ADC18.320(11) existing]. No permit is required before placing, constructing, or erecting these signs.

The applicants should be aware that the following items are not conditions of Site Plan Review but are Uniform Building Code, Fire and Life Safety Code, and/or Municipal Code requirements which must also be addressed:

1. Obtain all necessary Building Permits necessary to accommodate the proposed use prior to construction. Submit a minimum of two sets of building plants to the Building department for review and approval with application for Building Permits. Contact Hank Stream, Building Official at 967-4300, Extension 370 for assistance.
2. Obtain Electrical Permits for Linn County Building Department.
3. The owner/occupant must comply with all aspects of the Uniform Fire Code as they pertain to this particular type of occupancy.
4. Provide one (1) approved 2A10BC on-site fire extinguisher during construction.
5. A fire and life safety inspection by the Fire Department is required prior to operational stage of the business. Contact Jim Mackie or Dennis Haney at 967-4302 to schedule an inspection.
6. Food preparation appliances which create grease laden vapors shall be placed under an approved hood system.
7. Approved hood systems shall include adequate fire suppression equipment. Two copies of the plans for the extinguishing system shall be submitted to the Fire Marshal for approval prior to installation.
8. The hood extinguishing system shall be tested in the presence of a Fire Department representative before the system is placed in service.
9. An approved address must be posted on the building prior to occupancy of the building. Numbers must be no less than three (3) inches in height and shall be painted upon or affixed to the building in a contrasting and highly visible color.
10. Trash dumpsters or containers with an individual capacity of 1.5 cubic yards ( 40.5 cubic feet) or greater shall not be stored within buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines.
11. Prior to opening for business, approved portable fire extinguishers shall be provided at approved locations as per National Fire Protection Association (NFPA) Standard Number 10. Contact the Albany Fire Department Fire Prevention Bureau, Jim Mackie or Dennis Haney, at 967-4389 for assistance in selection and placement requirements.
12. City of Albany Ordinance No. 4922 requires all businesses and residences that have robbery/burglary alarms to acquire an Alarm Users Permit from the Albany Police Department. If you have or are planning to install a robbery/burglary alarm system, please contact Leigh Ann Marshall at the Police Department at 967-4317 to obtain the permit.

The City of Albany Fire Department offers training in the following areas: (1) Use of Fire Extinguishers, First Aid; and (3) Hazardous Materials. For additional information, contact Jim Rice at 967-4389.

The applicant's proposal shall be initiated within one year of the effective date of the decision, provided that compliance occurs with the specified conditions and requirements. A one-year extension may be requested prior to the expiration date.

Should you wish to proceed prior to the effective date, you may sign the Release and Indemnity Agreement which is enclosed. If you or another affected party is dissatisfied with this decision or any conditions thereof, you may file an appeal on a form prescribed by the City prior to the effective date listed above. However, if you have any questions regarding these conditions or believe that any of the conditions may be in error, please feel free to request a meeting with our staff prior to the effective date to discuss them further by calling me at 967-4300, Ext. 362.

V. Candace Ribera

Development Coordinator
attachment(s)
pc: $\quad$ Building Division
Public Works, Engineering
Fire Suppression Bureau
Police Department
File No. SP-94-93

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$$

TIM, DON, DANE, ANNE

Challenges:
FREESTANDING BUILDING WITH 2 IMPORTANT FACADES FRONT/BACK
DAVE: POSSIBLE KITCHEN MOVE TO "NEW"?
TIM: RECENTLY REMODELED
DON. BASEMENT? DOESN'T MEET CODE. NEEDS AT STORAGE?
SHMO- PRATER TO CONVEY MORE OF HISTORy CHARACTER THAN DOES ToDay

Kitaler ceiling

SHPO- PREFERS MINIMAL OVERLAPPING OF "NEW" ZLDE

- Connection transparent.

BUILDING DESIGN - LOOK LIKE SEPARATE TAX COT, BUT COMPUMENIARY
Location
NW CORNER



Tim Siddiqui, top, chats in the new addition at his Ciddici's Pizza restaurant at Fifth Avenue and Lyon Street in Albany. A H held a party Friday evening in the addition.

# Ciddici's Pizza adds on to landmark 

## BY CATHY INGALLS

ALBANY DEMOCRAT-HERALD
Back in the early '90s, every time Tim Siddiqui went by the old Oregon Electric Railroad
'We wanted it to blend in with the building and have the focus still he on the train station'
additions to the building would have to be approved by the Albany Landmarks Commission and the State Historic Preservation Office. Human nature is to try to

Addition has feel of the period
图 Continued from A5
and he did an excellent job with the interior and exterior," she said.

One of the trickiest parts of the project turned out to be picking the right exterior paint, but advice from Giffen and the preservation groups helped Siddiqui choose one that was historically acceptable and matched the look of the train station.
"We mixed paint for weeks, put some on, and then we'd stand and look at it and do it all again until we got just the right color," Siddiqui said. "We did the building in stucco to give it a period feel."

Siddiqui is proud of how the addition complements the train station. He credits N.O.W. Builders of Albany with a quality construction job and Albany architect Don Johnson with developing a pleasing, histori-cal-looking design.
"He had the innate ability to make things work without me being able to tell him exactly what I wanted," he said.

Siddiqui says he spent about $\$ 200,000$ on the project. The 1,834-square-foot addition contains a 1,200 -square-foot dining area, a game room, two bath-


Mark Ylen/Democrat-Herald
Ciddici's houses a complete collection of the posters that have promoted the annual River Rhythms concert series.
rooms and a hallway, and there is a new patio for outside seating. The building was designed so it can be split off from the train station if Siddiqui or a future owner wants to do that.

The tables and chairs in the dining room are the same kind as those in the older building. Hanging on the lavender and eggshell-white walls are framed posters from the entire River Rhythms concert series. There also are posters from the

Northwest Art \& Air Festival, along with work by Albany artist Melissa Babcock Saylor.

The historic Albany photos that used to hang on the walls have been temporarily removed, but Siddiqui plans to rehang them later in a grouping.

Although the building looks different from the outside, Siddiqui said his business motto remains the same: "You give us the money, we give you the food, and nobody gets hurt."

# Trafico: High-profile location 

Continued from A5
While the store's stock is small, it covers a lot of bases. There's an assortment of grocery items, a display of fancy cowboy boots, shelves filled with Christian books and cassette tapes in Spanish, racks of Mexican spices, stacks of tortillas and piles of corn husks for wrapping tamales.

The beverage case holds bottles of Jarritos soda next to cans of Coke, the candy aisle has more chili powder than chocolate, and the ice cream freezer is packed with mango-, coconutand even cucumber-flavored confections.

Some of the gaps on the shelves are still filling up as the move from the old location continues.
bringing some things," Benitez said. "Little bit by little bit."

Macario said most of her customers are from Mexico, an observation confirmed by the profusion of prepaid telephone calling cards for Mexican cities displayed on the wall. But she also sells a fair number of calling cards for Guatemala, El Salvador, Honduras, Nicaragua, Colombia and Chile.

Anglos come to the store, too, she said, mainly for the pan dulce. Those numbers may be about to grow. Macario's relocation seems likely to elevate her business to the kind of prominence enjoyed by the San Jose Mexican Store, a six-year-old venture across from Heritage Mall at 1322 Geary St. S.E.
"Those are both high-traffic locations," said Janet Steele,

Chamber of Commerce. "Hopefully, their market may expand."

Both stores reflect the strong growth in Linn County's Hispanic population, which more than doubled in the 1990s, according to census figures.
"I think it's an indication of how necessary those kinds of businesses are to the community," Steele said. "If there's a niche, people will fill it."

If business grows with the higher-profile spot, Benitez said, La Carneceria y Panaderia Michoacan will grow along with it.
"I think we'll put more shelves, more things in here," he said.
"But not right now. Little bit by little bit."

The store is open from $7 \mathrm{a} . \mathrm{m}$. to 9 p.m. seven days a week.

George W. Rollir joined Meridian Mo 3.198. in Albany as a loan officer. Rolling than four years' exp and has completed uing education requ state.

Meridian Mortga mortgage brokerage offices throughout tl Willamette Valley o conventional, VA an loans.

## Comings \& Goin!

Automotives Pl ing its grand openin June 30 at 1445 S.E. Lake Drive, Corvall shop offers auto rep puter diagnosis, mo ing, brake jobs, lub change service, tun ventive maintenanc chase inspections ar service discount.

June 6 - The Alban Chamber of Commerce the Wah Chang Golf at Spring Hill Country C Country Club Lane N.W Albany. Cost: \$100 (\$50 Registration: Mail to AC 548, Albany, OR 97321, fax to 926-7064.

June 6 - Oregon S University and Washing University will present Food Business 101: New Food Industry E from 1 to 5 p.m. at the Innovation Center, 1207 Parkway, Portland. Cost Registration: 503-872-6 aaron.johnson@oregor

June 10 - The Cor Chamber of Commerce annual meeting at noor Courtyard Inn, 2435 N.V Blvd. Mike Corwin of th State University athletic will facilitate a discussi "Shopping Corvallis. for members, $\$ 16$ for n Reservations: 757-1505

June 10 - State Fa will present a long-ter insurance seminar at West Hills Assisted Livi Community, 5595 S.W. Road in Corvallis. Infor 7136.

## Senate be

THe sssounte
washincton
Politicians hail et corn-based gasolin as a boon to the e and a way to reduce dependence on fore


ORegon Elective R.R. Station 1912133 sthse
Note the large Round arch openings framed in cast stone.
The Roof is covered with a green glazed Mission tile
note the letters OER in the gabled Brick dormer.
The OR was the most up.todabe electrically operated $R R$ in the west. It went From Port to Eugene a covered 122 miles.
One hundred trains Aday were on the rails.
It made $s$ trains dandy. From AlBA ny to portland. a 78 mile Run which took 2 hr \& 2 Sminutes. Besides people it carved fruit, hogs, Lumber, Burrier, potatoes, omois i celery $\rightarrow$
to eastern markets
It stored passenger service in 1933.
It cost $\$ 32,000$ to Build.

April 2, 2024

## Site Plan Review -

## RE: New construction, modify existing development. Project Address: 133 5th Ave SE, Albany, Oregon.

## Narrative:

The historic Oregon Electric Railway on 5th Street in Albany was built in 1912 and served many areas from Portland to Eugene. It was later converted into a Veteran's Meeting Hall, and then in 1993, it became a quick serve pizza restaurant.

When it was a pizza restaurant, an addition was constructed in 2002 on the west end of the depot. This addition had a connector portion which allowed people to pass from the addition into the historic depot.
With this Site Plan Review, the new owners propose three major changes: (1) remove the connector portion of the 2002 addition in order to separate the 2002 building from the existing building, (2) construct an addition onto the historic depot to house a new commercial kitchen, restrooms, and offices, and (3) remove on-site parking. These spaces will be separated into three fire areas: A, B1, and B2.

Fire Area A: The 2002 constructed east building, separated from the train station. It will be used for storage of decorations, furniture, and restaurant related items.
Fire Area B1: West side of original train depot. It was originally a large lobby/ticketing area and women's lounge. It will be used as the main dining areas of the restaurant.

Fire Area B2: East side of the original train depot will be a new addition. This east portion of the original building was the baggage area. It will be converted into a bar. Off this bar will be the new kitchen, restrooms, and offices.

History of Oregon Electric Railway.
From the National Register of Historic Places:
133 Fifth S.E.
Significance: Primary
Use: Meeting Hall
Date: 1912
Description:
Tax Lot: 11-3W-7BA, TL 800
Within the Hackleman District:

Criterion 1: The application is complete in accordance with the applicable requirements. $\begin{gathered}\text { Attachment C.1. }\end{gathered}$ Fact: All application questions have been answered and required documentation provided. In addition, the Landmark's application and materials have been submitted for review.

Conclusion: Application is complete and in accordance with the applicable requirements.

Criterion 2: The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.
Fact: There are no minimum or maximum setbacks, except for a 10 foot minimum side setback on the east side of the property between the LE/ commercial and HM residential zones. We have redesigned the addition to comply with a 10 foot east boundary setback and $10^{\prime}$ wall height along the eastern setback.
Minimum lot size: 2,000sf (actual $=20,130 \mathrm{sf}$ ). No maximum size for buildings. Minimum $20^{\prime}$ width and $50^{\prime}$ depth (actual $=100^{\prime} \times 201.3^{\prime}$ ). Landscape area: $100 \%$. Max height $60^{\prime}$. Lot coverage maximums $100 \%$.
The only site requirement pertaining to the proposal (aside from the eastern setback) is that the building must not be over $60^{\prime}$ in height. The addition is only $15^{\prime}-3^{\prime \prime}$ in height.

Conclusion: The proposal complies with provisions of the LE/HM zones.

Criterion 3: Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
Fact: The project site is in the HM historic district. Additions and changes must be compatible with surrounding buildings, and materials must be complimentary to the existing buildings within the district. The development maintains unifying development patterns.

An application for this project is under review by the Landmarks Commission and complies with the HM district requirements. Removal of the 2002 connector addition brings the depot closer to its original design, and the addition to the east is complimentary to the depot and existing buildings within the district.

Conclusion: The proposed project complies with the Historic HM special purpose district.

Criterion 4: The application complies with all applicable Design Standards of Article 8. Fact: Applicable design standards for this project are as follows:

Section 8.330 applies to new buildings only. Per 8.330(1), a new building must be oriented to the street with pedestrian sidewalk access. Per $8.330(1)(a)$, main entrances for new buildings shall have three features. Among those features are entrance canopies, planters, and ornamental light fixtures.

Section 8.330 (2) and (3), pertain to parking location and parking lot buffer. This project is not required to have on-site parking and no on-site parking will be provided.

Section 8.345 applies to new buildings only. Per 8.345(2) - Facade Design and Articulation, the regulated facade must have two features. Among those features are (c) a weather protection canopy at the entrance which is at least $48^{\prime \prime}$ long and (e) other similar features (ie. Water table base detail with sill and base).

Section 8.345 (3) - Ground Floor Windows, the primary facade in the LE zone must have 50\% windows between two feet and eight feet above grade, and the secondary facade must have $25 \%$ windows between two feet and eight feet above grade. New Building A (2002 constructed building), does not meet these standards.

Section 8.360 (1) - Required Number of (Pedestrian) Amenities, applies to new buildings and expansion of existing buildings. This section, along with Table 8.360-2, explains the amount of required points and amenities (plaza 10pts.).

Per section 8.390 (3) - Screening, item (a), service areas must be screened and (b), roof mounted equipment must be screened.
8.320 - meet historic overlay as detailed in chapter 7.

The 'new' building, (Fire Area/Building A) is the west building constructed in 2002. It will be separated from the depot, and meets all criteria except for the required percentage of windows. The required percentage of windows will be part of the Landmarks Review to keep the windows as they currently are. Also, in 2002, there was a variance applied for and granted to have fewer windows than code required at that time.

## Building A:

*Has an entrance which faces the street with sidewalk access.
*Will have three main entrance features: canopy, planters, and ornamental light fixtures. *Will have two facade requirements: canopy and has an existing water table base detail on the facade.
*Will have an open plaza of 837 sf to exceed the 300sf plaza requirement of Section 8.360 (1). The associated table indicates only 1 point is required since the building is under $2,500 \mathrm{sf}$. The plaza is worth 10 points.
*It has no parking, no service areas.
*Mechanical is screened.

## New Addition:

The new addition to the east meets all applicable Article 8 requirements:
8.330 and 8.345 apply to new buildings only and not additions.
8.360 and 8.390 apply to additions.
*There will be an open plaza of 1,016 sf to exceed the 300 sf plaza requirement of Section 8.360 (1). The associated table indicates only 2 point are required since the building addition is $3,646 \mathrm{sf}$ (under the 20,000sf threshold). There is 1 point required for every $2,500 \mathrm{sf}$. The plaza is worth 10 points.
*8.390 (3)(a): All garbage and recycling is screened by walls and a garage door.
(b): All roof-mounted equipment will be located so it will not be visible from public rights-of-way as shown on sheet A-503.

Conclusion: The application complies with the Design Standards of Article 8.

Criterion 5: The application complies with all applicable Design Standards of Atrticle 10. Fact: There are no manufactured homes proposed for the site.

Conclusion: Criterion 5 is not applicable.

Criterion 6: The application complies with all applicable On-Site Development and Environmental Standards of Article 9.
Fact: The site is located in the Downtown Assessment District and therefore no off-street or bicycle parking is required. A landscape plan is required. A preliminary landscape plan is shown on Site Plan sheet G-004.

Conclusion: The proposed site development complies with the On-Site Development and Environmental Standards of Article 9.

Criterion 7: The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.
Fact: The previous use was as a fast food pizza restaurant, with some indoor, high turnover dining and take out. The new restaurant use will be converted from a high intensity use to a fine dining, quality restaurant with reservations only.

The use for public facilities and utilities is expected to be less than before. Therefore, existing utilities will be sufficient to serve this development.

To address specific Fire Marshal items:

* Fire Flow Demand from OFC TABLE B1051.1(2) Calculated Fire Flow. Previous existing structure: 5,124SF: 1,750 GPM/ 2 Hour. All buildings are type V-B.

New fire areas:
A= 1,725SF : 1,500 GPM/ 2 Hour
B1 $=2,587 \mathrm{SF}: 1,500 \mathrm{GPM} / 2$ Hour
B2 $=4,356 \mathrm{SF}: 1,750$ GPM/ 2 Hour
Each proposed structure has no greater demand on the fire flow than the existing structure.

* The closest fire hydrant to the most remote corner of the building is 396 ft , which is less than the 400 ft maximum distance.
* Fire Hydrant locations are shown on 3/G-005.
* No sprinklers are proposed with this development.

Conclusion: Existing public facilities and utilities are adequate to serve the proposed site development.

Criterion 8: The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.

Fact: This site is located in downtown Albany and in the Downtown Parking Assessment District where transportation serves this site. In addition, the previous use was as a fast food pizza restaurant, with some indoor, high turnover dining and take out. The new restaurant use will be converted from a high intensity use to a fine dining, quality restaurant with reservations only.

Per the Trip Generation Manual, we will be converting the restaurant to a lesser use and therefore no transportation improvements will be necessary.

Conclusion: No transportation improvements will be required with this proposed site development.

Criterion 9: The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
Fact: This site is located in downtown Albany and is served by the existing stormwater system. The addition, with an impervious flat roof, will drain stormwater to the existing stormwater system. The building addition footprint is replacing an impervious asphalt and cement parking lot.

Because the impervious roof of the building addition is replacing an impervious parking lot, no change in the stormwater runoff entering the existing stormwater system is expected.

Conclusion: Existing stormwater system is adequate to serve the proposed site development.

Criterion 10: The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
Fact: Prior land use decisions have been reviewed for compliance including Landmarks findings. The new development will meet existing conditions of approval for the site.

In addition, we propose to bring this proposal before the Landmarks Commission to show how the addition is compatible with the existing building and remove the connector piece of a previous addition in order to bring the existing building closer to its original design. So, new Landmarks decision will replace the previous Landmarks decision.

In this way, and as stated in the previous Criterion Conclusions, we are meeting all existing conditions of approval from past land use cases.

Conclusion: The proposal meets all existing conditions of approval for the site or use.

Criterion 11: Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.
Additional Criteria for Non-Residential Applications (including the non-residential portion of a mixed-use development) [ADC 2.455]. Each criterion must have at least one finding of fact and conclusion statement. (See example on page 8.)
Fact: The site is in conformance.

Conclusion: This criterion is not applicable as the site is in conformance.

## Additional Criterion:

Criterion 1: The transportation system can safely and adequately accommodate the proposed development.
Fact: The use is existing as a restaurant. It is going from a quick service, take out and fast seating experience to a fine dining, reservation only dining experience within the downtown area. The trips generated will be less than the previous use.

Conclusion: The transportation system can safely and adequately accommodate the proposed development.

Criterion 2: Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
Fact: There will be no parking on site, so pedestrians will be safe. Entrances face the streets which have on-street parking.

Conclusion: Criterion 2 is not applicable since there is no off-street parking.
Criterion 3: The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
Fact: The operating characteristics of the proposed addition and 'new' building separation are the same restaurant use as was on the site previously. The operation of the development will be less traffic than the previous use, which was a quick serve pizza restaurant. The new restaurant will be fine dining requiring reservations. Guests will stay longer at the restaurant than the previous restaurant use which served take out and a quicker dining experience.

All negative impacts, such as garbage and recycling will be screened and secure. The use is less intense than the previous use.

Conclusion: The design and operating characteristics of the proposed development are compatible with the surrounding development and land uses.

Sincerely,


Lori Stephens
Architect, AIA
Broadleaf Architecture PC
534 NW 4th St,
Corvallis, OR 97330

April 2, 24

## Historic Review - New Construction Narrative and Findings of Fact.

## RE: Landmarks Review: New Building Addition. <br> Project Address: $1335^{\text {th }}$ Ave SE, Albany, Oregon.

## Narrative:

The owner proposes to construct an addition to the historic Oregon Electric Railway to house a new commercial kitchen, offices, bar entry, restrooms, and a wine vault.

## History of the Oregon Electric Railway Building.

From the National Register of Historic Places:

## 133 Fifth S.E.

Significance: Primary
Use: Meeting Hall
Date: 1912
Description:
Tax Lot: 11-3W-7BA, TL 800
Alterations: Cast stone has been painted.
Sources: 1. Beckham, State-wide Inventory, 1976
2. 1925 Sanborn Map
3. Beecherl, Albany Preservation Thesis, 1976

Remarks: The condition of the building is good. Some roof tiles missing sagging - gutters and wood trim need paint. The style is Mission.

Historical Comments: The building appears on the 1925 Sanborn Maps. In 1913, Lyman Griswold was the District Engineer for the Oregon Electric Railroad Company; J. J. Hoydar was an agent John Shane, a pumpman.

The former Oregon Electric Railroad Depot in Albany, Oregon, is a one story, rectangular shaped building constructed in the mission style set on a concrete base. It is made of brick walls and cast stone trim with a brick interior chimney. The plan is symmetrical about both axes with central pavillions at the front (south) and "track" side (north). The pavillions have three large round arch openings framed in cast stone. The
front-end wings have three windows each, double-hung, one light over one, headed by a flat brick arch with cast keystone. A continuous cast stone base is terminated by a sill course. Above is the Flemish bond brick wall with raked joists. The hipped roof is covered with a green glazed Mission tile and has a broad overhang and exposed rafters with shaped ends and soffits. Centered on the north and south is a gabled brick dormer with a cast circular panel with the letters "OER". (Oregon Electric Railway).

The Oregon Electric Company completed its line to Albany, Oregon, in 1912, providing service between Portland and Eugene. The tracks were completed in Albany and the event was heralded with a July 4th celebration. The company ran interurban, electric cars over this track until May 13, 1933, when passenger service was discontinued. In recent years this building has been a veteran's meeting hall. The depot cost approximately $\$ 32,000$ to construct.

The Oregon Electric Railway was the most up-to-date electrically operated railway in the west. It extended from Portland south to Eugene (a distance of over 122 miles), it branched to Forest Grove and Hillsboro, Woodburn, and Corvallis ( 150 miles operated).

Main line: Albany, Salem, Harrisburg, Junction City. One hundred trains per day.
Albany to Portland, five trains daily. Two were limited and made the run of 78 miles in two hours and 25 minutes.

Fast overnight freight service between Portland and valley points. (i.e. fruit, hogs, lumber, berries, potatoes, onions, and celery were sent to eastern markets). ("Oregon Electric Railway Bears Large Share of Tax Burden," Democrat-Herald, November, 1925, p.7).

1913: Lyman Griswold, district engineer Oregon Electric Railroad Company, 10 Flinn Building.

Addition: The train station was converted into a pizza restaurant in 1993. An addition was constructed in 2002 to the west side of the building. This addition is a square, non-descript, EIFS walled building with a connector hallway between two buildings, the connectors does not appear to have altered the exterior of the train station much. It appears a window was removed and an opening created for passage between the two buildings.

## Review Criteria Within the Hackleman District:

Criterion 1: The development maintains any unifying development patterns such as sidewalk and street tree location, setbacks, building coverage, and orientation to the street.

Fact: The building addition is setback 28 feet from 5th Avenue and 16 feet to the back edge of the sidewalk. The main facade of train station itself is set back about 39 feet from the street and 27 feet to the sidewalk. There will be no changes to the sidewalks. In the LE zone there are no setbacks or maximum lot coverage. There are no existing street trees along $5^{\text {th }}$ Ave. The garage to the east is built at the edge of the sidewalk. The apartment building south of the site is built at the edge of the sidewalk. Other houses in the neighborhood are 12-15 feet from the sidewalk. The addition we propose is not as close to the sidewalk and street as the other buildings in the neighborhood.

Conclusion: The building addition maintains unifying development patterns.

Criterion 2: The structure is of similar size and scale of surrounding buildings, and as much as possible reflects the craftsmanship of those buildings.
Fact: The building addition ( $15^{\prime}-3^{\prime \prime}$ height) is not as tall as the train station itself ( $23^{\prime}-2^{\prime \prime}$ height), nor as tall as the neighboring residential buildings to the south or east. The length of the front facade as seen from the street is also less than the train station. The length of the train station facade is $110^{\prime}$ and the length of the facade addition is $36^{\prime}-0^{\prime \prime}$. So, it is smaller in size and scale compared to the train station as seen from the street.
The addition to the train station is meant to look different from the train station, yet tie into its elements without making it look the same. The building addition utilizes similar elements of the train station without mimicking it. These elements are: tall windows - proportional to the train station; base/water table banding along the wall which is smaller in height than train station base, curved arc entry, hip roof on part of the addition, and dentils at the roof to reflect the ends of eave rafters of the train station roof. There is a canopy entry addition proposed for the entry to the train station, and a different canopy proposed for the entry into the addition. The windows from the street will have divided lites whereas the windows in the train station have no divided lites. The neighborhood has the same mix of divided lite and non-divided lite windows. The proposed hip roof on a portion of the addition ties the addition to the train station (as stated earlier), but it also is a more residential style relating to the houses in the neighborhood.

Conclusion: The building and canopy additions are in scale with surround buildings and will reflect the craftsmanship of the associated building and surrounding buildings.

Criterion 3: Building materials are reflective of and complementary to existing buildings within the district.
Fact: Building materials: The train depot has brick walls with concrete base and trim, and a tile roof. The walls and trim of the 2002 addition appear to be EIFS (synthetic stucco) with a standard asphalt roof. The new addition will have a stucco surface with a cast stone water table base, and cast stone trim around the entry. The roof will be an asphalt shingled hip roof on the south, front portion of the addition, and a flat roof stepping further back from the front. The hip roof will have asphalt shingles similar to other residential structures in the neighborhood. The proposed flat roof will be similar to other flat roofs on many buildings within the block north of the alley and on the apartment building across $5^{\text {th }}$ Ave from the train station.

Conclusion: The building materials for the additions are reflective and complimentary to the associated buildings within the district.


Image from $4^{\text {th }}$ street north of the alley between $4^{\text {th }}$ and $5^{\text {th }}$ street.

Sincerely,


Lori Stephens
Architect, AIA
Broadleaf Architecture PC
534 NW $4^{\text {th }}$ St,
Corvallis, OR 97330

April 2, 2024

# Historic Review - Exterior Alteration Narrative and Findings of Fact. <br> RE: Landmarks Review: New building addition and removal of portion of 2002 addition. 

Project Address: $1335^{\text {th }}$ Ave SE, Albany, Oregon.

## Narrative:

The owner proposes to remove a portion of an earlier addition on the west end of the historic train station and construct an addition on the east end. There was an addition in 2002 to the train station on the northwest corner. The square building addition was separate from the train station except for a connector hallway (and a small fenced outdoor area). The owner proposes to remove the connector hallway addition and fenced area, and make the earlier addition a separate building from the train station.

Since this will be a separate building, it is being treated as a new building and must follow Chapter 8 standards. To meet Chapter 8 standards, we will construct a $48^{\prime \prime}$ canopy above the main door, add planters to either side, and add a wall sconce on either side of the main door to match the existing wall sconces on this building. The other item that Chapter 8 requires is to have the primary, front façade be composed of $50 \%$ windows along the wall. The secondary façade must have a minimum $25 \%$ windows on the façade. The building currently does not meet Chapter 8 window standards for either façade. In fact, in 2002, when the building was constructed, a variance was requested to deviate from this standard to a lesser percentage, and it was granted. We are asking the Landmarks Commission to allow the building façade windows to remain as-is and waive the $50 \% / 25 \%$ window requirement.
The owner also proposes an addition which will connect to the train station on the east and north end of the building. This addition will enclose the east wall and a portion of the north wall but will not alter those walls.

Aside from the building addition and connector removal, the owner proposes to remove a small, wooden shed on the east property line.

## Within the Hackleman District:

Review Criteria: For all other exterior alteration requests, except for the use of substitute materials*, and including all non-residential requests, the review body must find that one of the following criteria has been met to approve an alteration request:
a. The proposed alteration will cause the structure to more closely approximate the historical character, appearance, or material composition of the original structure than the existing structure,
or
b. The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features.

Criterion: The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features.

## Fact:

Connector Removal: The proposed removal of the connector hall between the train station and the old addition will expose the west brick wall of the train station to the exterior instead of enclosing it. With the construction of the connector, there was an opening created in the train station wall. This opening will be filled in to match the existing wall as closely as possible. A window will be installed to match the existing windows so the western side of the train station will be restored close to its original appearance.
Existing windows on the 2002 addition to remain: Because we are separating the 2002 building from the historic building, we must follow the standards set out in Chapter 8 of the Albany Development Code. In Chapter 8-8.345(3), the standard is for new buildings in the LE zone to have $50 \%$ windows on the primary façade and $25 \%$ windows on the secondary façade. Since this building is existing and will be used for storage, it doesn't make a lot of sense for us to put in more windows to meet this standard. For one, when the building was constructed, a variance was granted allowing the owners to have fewer windows than the standard. At that time, the amount of windows in the facades were acceptable, and we argue they are still acceptable for the neighborhood. Only two buildings in the area possibly have $50 \%$ windows on their primary façade. All buildings to the south and east of the train station are residential with less than $50 \%$ façade windows. There are parking lots to the west of the train station. To the north is an alley with mostly residential backing up to the station property. There are two commercial buildings north of the alley, one of which might have $50 \%$ windows on its facades. So, a majority of buildings in the immediate vicinity do not have $50 \%$ windows on their façades. We are asking the Landmarks Commission to allow us to keep the façades of the addition as they currently.
Building Addition: The building addition ( $15^{\prime}-3^{\prime \prime}$ height) is not as tall as the train station itself ( $23^{\prime}-2^{\prime \prime}$ height), nor as tall as the neighboring residential buildings to the east. The length of the front facade as seen from the street is also less than the train station. The length of the train station facade is $110^{\prime}$ and the length of the facade addition is $36^{\prime}-0^{\prime \prime}$. So, it is smaller in size and scale compared to the train station as seen from the street.
The addition to the train station is meant to look different from the train station yet reflect elements of the train station. The building addition utilizes similar elements of the train station but has scaled them down. These elements are: tall windows proportional to the train station; base/water table banding along the wall which is smaller in height; curved arc entry; hip roof on part of the addition, and dentils at the roof to reflect the eave rafters of the train station roof. There is a canopy entry addition proposed for the entry to the train station, and a different canopy proposed for the entry into the addition. The windows from the street will have divided lites whereas the windows in the train station have no divided lites. Windows in the area have both single pane and divided lites. The proposed hip roof on a portion of the addition ties the addition to the train station (as stated earlier), but it also is a more residential style relating to the houses in the neighborhood.

Building materials: The train depot has brick walls with concrete base and trim, and a tile roof. The later addition walls and trim appear to be EIFS (synthetic stucco) with a standard asphalt roof. The new addition will have a stucco surface with a cast stone water table base, and cast stone trim around the entry. The roof will be an asphalt shingled hip roof on the south, front portion of the addition, and a flat roof stepping further back from the front.

Conclusion: The proposed alterations are compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features.

Sincerely,


Lori Stephens
Architect, AIA
Broadleaf Architecture PC
534 NW $4^{\text {th }}$ St,
Corvallis, OR 97330

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CODE SUMMARY-SYBARIS BULDING





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## SHADED AREA HM HISTORIC

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ExISTING SOUTH ELEVATION AND PARKING LOT.





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SHADED AREA HM HISTORIC DISTRICT.







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EXIITING SOUTH ELEVATION AND PARKING LOT.



PROPOSED SOUTH ELEVATION WITH ADDITION.



(4.503) Firist foor Plan $\begin{aligned} & \text { SCALE: } 1 / 14^{\prime \prime}=1-0^{\prime \prime}\end{aligned}$


Shed to be removed.


Existing exterior details.


Existing view of where addition is proposed.


PRELIMINARY -
NOT TO BE USED

Exterior vinyl fencing to be removed.
View of annex and connection to train station.





## NOTICE OF TENTATIVE DECISION

DATE OF NOTICE:
FILE:
TYPE OF REQUEST:

REVIEW BODY:
OWNER/APPLICANT:
APPLICANT REP:
ADDRESS/LOCATION:
ASSESSOR MAP/TAX LOT:
ZONING:

September 9, 2002
SP-30-02 and VR-10-02
Site Plan Review for construction of a one-story 1,853 -square-foot building addition to a restaurant, to be used as a banquet/meeting room.

Variance to the minimum window requirement on streets adjacent to sidewalks.

Historic Review. The Landmarks Advisory Commission approved the design for the building on July 23, 2002 (File HI-06-02). A review was necessary because the property is in the Hackleman Historic District.
Planning Staff, Anne Giffen, AICP
Tim Siddiqui; 133 5th Avenue SE; Albany, OR 97321
Don Johnson; DJ Architecture; 201 1st Avenue NW; Albany, OR 97321
133 5th Avenue SE
Linn County Assessor's Map No. 11S-3W-7BA; Tax Lot 800
LE (Lyon Ellsworth)

On August 15, 2002, a Notice of Filing of this application was mailed to surrounding property owners for comment. Later in the review process, it was discovered that the site plan did not meet the minimum window requirements on the Lyon Street façade, and the applicant filed for a variance. This action changed the review process to give the affected parties a second opportunity to comment.

On September 9, 2002, the City of Albany Community Development Director granted TENTATIVE APPROVAL WITH CONDITIONS of the above Site Plan Review and Variance applications. The City based its decision upon demonstration of conformance with the applicable review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW.

If you wish to propose modifications to the proposed conditions of approval or request a public hearing on the project, you must do so in writing by 5:00 p.m. on September 20, 2002. If no one proposes modifications to the conditions or requests a public hearing by 5:00 p.m. on September 20, 2002, the tentative decision will become final. Once the project has final approval, it is valid for three years unless substantial construction of the project has been accomplished within that time.

The staff report is enclosed with this Notice of Decision. If you wish to speak to someone about this project, please contact planners Anne Giffen or Don Donovan at (541) 917-7550.


Enclosure: Staff Report

## VARIANCE

None.

## SITE PLAN

## Public Facilities

1.1 Prior to building occupancy, the applicant must install a grease interceptor that will meet City Building Division regulations.
1.2 Before a building permit will be issued for this project, the applicant must submit a detailed storm drainage plan to the Engineering Division for review. The plan must show how storm water runoff from the proposed improvements and modifications to the site will be accommodated, and how the runoff will be properly routed to an approved discharge point.
1.3 Before a building permit will be issued for this project, the applicant must pay any necessary systems development charges for water, sewer and transportation. The transportation SDC is estimated at \$14,758.03.

## Special Features of the Site

None.

## Compatibility

None.

## Traffic Circulation and Pedestrian Safety

4.1 Prior to building occupancy, the applicant shall install an "exit only - do not enter" sign at the site's driveway access to the alley.
4.2 Prior to building permit approval, please submit a plan indicating how the parking lot planter will be landscaped.
4.3 Prior to building occupancy, the applicant shall install the required parking lot landscaping of one tree at least 10 feet high at the time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.
4.4 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. [ADC 9.200]

## SITE PLAN MAP - FILE SP-30-02/VR-10-02

## (Subject to Conditions of Approval)

ELEVATIONS - FILE SP-30-02
(Subject to Conditions of Approval)

## IMPORTANT INFORMATION FOR THE APPLICANT/PROPERTY OWNER

Please read through the following requirements and processes that are frequently missed or overlooked by applicants or developers. This list is not meant to be all-inclusive; rather, we have attempted to compile those requirements that relate to your specific type of development. These requirements are not conditions of the land use decision; they are Municipal Code or Development Code regulations or planning/engineering/fire/building administrative policies and procedures that must be followed as part of the development process.

## Planning Division

1. The project must be constructed in substantial accord with the approved plans and conditions of approval. The Planning Division must approve any proposed deviation from the approved plans. All aspects of the site plan must be constructed prior to final building inspection, or financial assurance provided, if that is allowed.
2. Land use approval by the Planning Division is separate from the building permit processes and does not constitute building permit approval.
3. The land use approval is valid for 3 years from the date of the Notice of Decision. [ADC 1.060]

## Public Works/Engineering Division

1. Before doing any work in the City's public right-of-way or on City public utility lines, an Encroachment Permit must be acquired from the City of Albany Public Works/Engineering Division. Call 917-7676 regarding obtaining this permit. The City of Albany's Engineering Division will inspect all work performed in the public right-of-way and on public utilities. [AMC14.12.020]
2. In order to improve the quality of the storm water runoff discharged to the public storm drain system, at a minimum, the final catch basin in a private storm drainage system must include an approved oil/water separator. [ADC 12.570 (8)]
3. Any contaminated discharge currently routed to the storm drain system must be connected to the sanitary sewer.
4. The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.
5. The applicant is responsible for obtaining utility locates. Call 1-800-332-2344 for this service. A City representative must be present when any public utilities are exposed.
6. Pretreatment: Any process (non-domestic) wastewater discharge to the sanitary sewer may be subject to pretreatment requirements. Storm water discharge is limited to non-contaminated runoff, and must meet local and state DEQ standards, including construction runoff. Questions regarding wastewater pretreatment requirements can be addressed to Jeff Crowther, Environmental Services, (541) 917-7613.

## Building/Fire

1. The owner/occupant must comply with all aspects of the Uniform Fire Code as they pertain to this particular type of occupancy or development. [UFC 101.2]
2. A-3 Occupancy, V-N Construction. Provide 1-hour fire-resistive walls when less than 20 feet to the property line or center of the street. [OSSC 503.1]
3. All openings shall be protected by 45 -minute fire-resistive assemblies when less than 10 feet from the property line, and are not permitted when less than 5 feet from the property line. [OSSC Table 5-A] Parapet walls shall be provided as per OSSC 709.4.1.
4. The new addition must be fully accessible to the disabled. [OSSC 1106.1.1]
5. ORS 447.241 requires that up to $25 \%$ of the project budget be used for removing barriers to accessibility in the paths of travel to the altered area, the restrooms, telephones, and drinking fountains. The path of travel begins with the parking lot, routes to all required exits, ramps, required entrances, and paths of travel to the new addition. The cost of the new accessible restrooms may be included in the $25 \%$ requirement.
6. All drawings and calculations are to be prepared by an architect or engineer registered in Oregon.
7. All accessible parking spaces shall be labeled as per ORS 447.233.

## General

1. Before building permits will be issued, the applicant must pay or arrange for financing of the required Transportation System Development Charges (SDCs). The rate for this fee is set by Council Resolution. The fee is based upon projected vehicle trips using the ITE Trip Generation Manual. The SDC fee is indexed to the ENR Construction Cost index and may be annually adjusted with the new rate effective on July 1. Based upon the current fee rate, the estimated Transportation SDC fee for this project is \$14,758.03.
2. Before building permits will be issued, the applicant must pay, or arrange for financing of, the required Sanitary Sewer and Water System Development Charges (SDCs). The rates for these charges are set by Council Resolution and may be annually adjusted, with the new rate to be effective on July 1. For calculation of these SDCs, contact the City of Albany Engineering Division at 917-7676.
3. Financing. System Development Charges (SDCs), in-lieu-of assessments, and other assessments may be financed with the City.

This parcel was assessed for sewer by Ordinance 583 on April 26, 1912, 5th Avenue - Elm to Main Street, by front footage. In addition, this parcel was assessed by Ordinance 964 on May 12, 1920, Eastern Addition, Block 5 - all.

Water has never been assessed and there are no outstanding assessments.
If you choose to finance any charges, before you are ready to pick up your building permits contact Diane Wood in the Finance Department (917-7522) to make these arrangements. The amount to be paid or financed is calculated on the rate in place at the time the applicant filed for building permits, not on the date the Notice of Decision is made.

COMMUNITY DEVELOPMENT DEPARTMENT
333 Broadalbin Street SW, P.O. Box 490, Albany, OR $97321 \quad$ Ph: (541) 917-7550 Fax: (541) 917-7598

## STAFF REPORT

Site Plan \& Variance Review

## GENERAL INFORMATION

DATE OF REPORT:
FILES:
TYPE OF APPLICATION:

REVIEW BODY:
PROPERTY OWNER:

## APPLICANT:

ADDRESS/LOCATION:
MAP/TAX LOT:
ZONING:
TOTAL LAND AREA:
EXISTING LAND USE:
NEIGHBORHOOD:
SURROUNDING ZONING:

SURROUNDING USES:

PRIOR HISTORY:

September 9, 2002
SP-30-02 and VR-10-02
Site Plan Review for construction of a one-story 1,833 -square-foot building addition to a restaurant to be used as a banquet/meeting room.
Variance to the minimum window requirement on streets adjacent to sidewalks.
Historic Review. The Landmarks Advisory Commission approved the design for the building on July 23, 2002 (file HI-06-02). A review was necessary because the property is in the Hackleman Historic District.
Anne Giffen, Project Planner
Tim Siddiqui; 133 5th Avenue SE; Albany, OR 97321
Don Johnson, DJ Architecture; 201 1st Avenue NW, Suite B; Albany, OR 97321

133 5th Avenue SE
Linn County Assessor's Map No. 11S-3W-7BA; Tax Lot 800
LE (Lyon Ellsworth)
21,000 square feet
Restaurant
Central Albany
Properties to the north and west are zoned LE. Properties to the east are zoned HM (Hackleman Monteith). Properties to the south are zoned LE and HM.

North: Multi-Family Residential<br>South: Multi-Family Residential<br>East: Single-Family Residential<br>West: Retail (car sales lot)

Lyon Ellsworth (LE) was created when the land use districts identified in the Town Center Plan were adopted in Central Albany in 1996. Before being zoned LE, the subject site was zoned CB, Central Business.
Because the new building is proposed to be attached to an existing historic landmark within the Hackleman National Register Historic District, the Landmarks Advisory Commission and State Historic Preservation Office were required to approve the design of the new building (HI-06-02).

Notices were mailed to surrounding property owners on August 15, 2002. At the time the comment period ended August 26, 2002, the Albany Planning Division had received no comments.

## STAFF DECISION

APPROVAL with CONDITIONS of this Site Plan Review (SP-30-02) application for a one-story 1,833 -squarefoot building addition to an existing historic structure; and APPROVAL of a Variance (VR-10-02) to the minimum fenestration requirements in the LE zone. These approvals are subject to the conditions found in this staff report.

## General Provisions

Records. The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation and verification. All information provided represents the current information it has in a readily available format. While it is believed that the information provided is accurate, occasionally this information proves to be inaccurate, therefore the City does not warrant the accuracy of its available information. Prior to making any property purchases or other investment based in full or in part upon the information provided, the City specifically advises that the applicants independently field verify the information contained within the City's records.

## Relationship of this staff report to the overall Development Code and other applicable codes or regulations.

 The intent of this staff report is to review the application for compliance with the site plan review approval criteria. It is not intended to list out each and every applicable Development Code regulation or other pertinent codes and regulations. All applicable regulations will apply to this project. The Development Code has been periodically revised since initial adoption. The references to Development Code sections herein reflect the current standards of the City at the time this application was filed.Expiration of Site Plan Review Approval. All land use approvals expire three years from the date of the approval, unless substantial construction of the project has been accomplished within that time. Substantial construction is defined as "any physical improvement of a property, the cost of which equals or exceeds fifty percent of the fair market value of the property before the improvement was started."

## PROJECT OVERVIEW

The project is located on a corner lot at the northeast corner of Lyon Street and 5th Avenue. The project will add a one-story 1,833 -square-foot building that is attached by a glass breezeway to the historic 1912 Oregon Electric Railroad station. The new building will add a banquet room and additional bathrooms to an existing restaurant. The project will also remove some existing parking spaces. The project is in the Hackleman National Register Historic District and therefore review by the Landmarks Advisory Commission is required. It was reviewed and approved. The property is also participating in the state's Special Assessment program, and was reviewed and approved by the State Historic Preservation Office.

## STAFF ANALYSIS

The Albany Development Code contains the following review criteria that must be met for this application to be approved. Code criteria are written in bold italics and are followed by findings and conclusions.

## Variance Review, VR-10-02

The applicant has applied for a variance from the following Development Code standard:
(1) Section 8.340 (1) requires ground-floor windows and doors on facades adjacent to public sidewalks. In this case, staff has determined that this requirement would apply to the Lyon Street façade.

The following review criteria must be met for the variance to be approved. The Code criteria are written in bold italics and are followed by findings, conclusions and conditions.

## V-(1) The proposal will be consistent with the desired character of the area.

## FINDINGS OF FACT

1.1 The building addition is proposed to be attached (by enclosed breezeway) to a historic-contributing resource in the Hackleman National Register historic district. The historic resource is the Oregon Electric Railroad station, constructed in 1912 in the Mission style of architecture. The station is of masonry construction and includes a gable dormer centered over three large arched openings in the center of the building. On each wing, there are three one-over-one double-hung windows.
1.2 The building addition was designed and located to be compatible with the existing rail station. It will have a stucco exterior painted in a masonry color and will have wainscoting around the bottom that matches that on the historic station.

This addition will also incorporate the theme of three windows/openings in the center and each wing by using three windows on each side of the square building. This will result in approximately $40 \%$ windows and doors on the Lyon Street façade (measured between 2 and 8 feet from the ground).
1.3 The property is adjacent to two c. 1920s residential apartment buildings on Lyon Street and across the street from the Armory building (masonry construction) and a car lot. These buildings also do not meet the $75 \%$ window requirement. The character of the area is more residential in nature than the Downtown Commercial historic district, with a lot of buildings in residential or office use. Large retail storefront windows characterize downtown a few blocks to the north and northwest.

## CONCLUSIONS

1.1 The proposed building addition was designed specifically to be compatible with the historic Oregon Electric Railroad building. The design is also compatible with other historic buildings in the area in regards to the amount of windows provided.

## V-(2) If more than one variance is being requested, the cumulative effect of the variances results in a project which is still consistent with the overall purpose of the zone.

## FINDINGS OF FACT

2.1 Only a variance to the percent of window requirements is necessary. Granting this variance will not affect the purpose or character of the LE (Lyon-Ellsworth) zone.
2.2 In reviewing existing design standards, staff has identified the need to reduce the window requirement in the LE zone from $75 \%$ to either $50 \%$ or $25 \%$ in the future. Most of the buildings south of 4th Avenue in the LE zone are houses converted to commercial uses. The $75 \%$ window requirement is more appropriate for the retail-oriented businesses in the core pedestrian area of the downtown.

## CONCLUSIONS

2.1 Reducing the minimum required fenestration will be consistent with the existing character of the area and with other buildings in the LE zone. This criterion is satisfied.
$V$-(3) The requested variance is the minimum necessary to allow the proposed use of the site.

## FINDINGS OF FACT

3.1 A variance is needed for the $75 \%$ window and door requirement on the Lyon Street side of the new building. The proposed design (three windows and a door) calculates to approximately $40 \%$ openings (measured between 2 and 8 feet from the ground) on this façade.
3.2 Meeting the $75 \%$ window and door openings requirement would completely change the design of the building. The design proposes the same number of windows on all sides of the new building, which is square. The request to use only three windows on the Lyon Street facade is the minimum necessary to keep the character of the building compatible with the other buildings in the near area, especially the Oregon Electric Railroad building.
3.3 The building design was reviewed by the Landmarks Advisory Commission and the State Historic Preservation Office. Both of these groups have approved the proposed building design and feel it is compatible with the existing historic railroad building and with the character of the area. Neither review body recommended adding additional windows to the design.

## CONCLUSIONS

3.1 Meeting the $75 \%$ window requirement would cause the proposed building to be less compatible with the existing historic Oregon Electric Railroad building. The proposed building design was approved by the Landmarks Advisory Commission and State Historic Preservation Office.

## $V$ (4) Any impacts resulting from the variance are mitigated to the extent practical.

## FINDINGS OF FACT

4.1 There are no negative impacts to allowing a reduced window amount. Staff recognizes that the current requirement in the Code is excessive and is proposing to reduce the minimum window requirement.

## CONCLUSIONS

4.1 There are no impacts to mitigate from granting the variance. This criterion is met.

## Site Plan Review, SP-30-02

A number of standards are found in the Development Code that are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. The Albany Development Code contains the following review criteria that must be met for this application to be approved. Code criteria are written in bold italics followed by findings, conclusions and conditions.

## (1) Public facilities can accommodate the proposed development.

## FINDINGS OF FACT

1.1 Sanitary Sewer. Utility maps indicate that public sanitary sewer in this vicinity consists of an 8 -inch main in 5th Avenue and Lyon Street for the full length of the property's frontages, and an 8 -inch main in the
alley along the north property boundary. The existing building is currently connected to the public sanitary sewer system. Any process (non-domestic) wastewater discharge to the sanitary sewer may be subject to pretreatment requirements. Grease is a prohibited discharge to the sanitary sewer [AMC 10.01.040b]. A grease interceptor that will meet City Building Division requirements is required.
1.2 Sanitary Sewer. Sanitary Sewer System Development Charges (SDCs) for commercial development are based on the number of wastewater plumbing fixtures. If the proposed project results in a net increase in the number of fixtures, then additional SDCs will be due when building permits are issued. Any modifications to existing plumbing must meet the minimum Code requirements.
1.3 Water. Utility maps indicate that public water in this vicinity consists of a 4 -inch line in Lyon Street and a 2 -inch line in 5th Avenue. The existing building is currently connected to the public water system.
1.4 Water. Water System Development Charges for commercial development are based on the size of water meter serving the site. The applicant is proposing to increase the size of one of the existing water meters serving the site from $3 / 4$ inch to 1 inch. This will result in an additional SDC due at the time of building permit issuance.
1.5 Storm Drainage. Utility maps indicate that public storm drainage in this vicinity consists of a 27 -inch main in Lyon Street and a 10 -inch main in the alley along the north property boundary.
1.6 Storm Drainage. A development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water (including roof drainage) may be discharged to the public sanitary sewer system (ADC 12.530). Storm water discharge is limited to non-contaminated runoff, and must meet City of Albany and state Department of Environmental Quality standards.
1.7 Storm Drainage. Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. Before beginning work, the applicant must submit to the Public Works Engineering Division a storm drainage plan for the site that shows the proposed slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes are planned, indicate the size and slope of each pipe. The City does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property.
1.8 Access. Access to the site will be provided by an existing driveway to 5th Avenue, and a reconfigured driveway to the public alley that runs along the north boundary of the site.
1.9 Streets. Lyon Street is classified as a principal arterial street, is part of the state highway system (Highway 20), and is under the jurisdiction of ODOT. The street is currently constructed to City standards and, together with Ellsworth Street, operates as a one-way couplet. Improvements include: curb, gutter and sidewalk; two northbound travel lanes; and on-street parking along both aides. ODOT transportation volumes tables published for Year 2000 show the section of Lyon Street having an average of 17,100 daily vehicle trips.

5th Avenue is classified as a local street, and is constructed to City standards. Improvements include: curb, gutter, and sidewalk; a travel lane in each direction; and on-street parking along both sides.
1.10 Trip Generation. The applicant was not required to submit a traffic study with the application. The amount of traffic generated by the development was estimated by staff using ITE trip generation rates for a High Turn-over, Sit Down Restaurant. The development is projected to generate 239 vehicle trips per day.
1.11 Capacity. No capacity or level of service problems have been identified on the street system adjacent to the development. Therefore, the additional vehicle trips should be easily accommodated.
1.12 Sidewalks. Public sidewalk exists along both Lyon Street and 5th Avenues. There is a concrete walkway/pad from the 5th Avenue sidewalk to the main door. This provides easy access to the public sidewalk network.

## CONCLUSIONS

1.1 The public utility systems serving this site are adequate to accommodate the proposed development.
1.2 Additional System Development Charges will be due for a net increase in the number of wastewater plumbing fixtures on the site, and for an increase in the size of water meter serving the site.
1.3 Before work is begun on the project, the applicant must submit to the Public Works Engineering Division a storm drainage plan for the site. The plan must show how storm water runoff will be collected from the improvements on the site, and how it will be discharged to an approved location.
1.4 The project will add 239 new vehicle trips to the street system. The public street system adjacent to the development is constructed to City standards and has adequate capacity to accommodate the proposed development.
1.5 Public facilities can accommodate the proposed use if the following conditions are met.

## CONDITIONS

1.1 Prior to building occupancy, the applicant must install a grease interceptor that will meet City Building Division regulations.
1.2 Before a building permit will be issued for this project, the applicant must submit a detailed storm drainage plan to the Engineering Division for review. The plan must show how storm water runoff from the proposed improvements and modifications to the site will be accommodated, and how the runoff will be properly routed to an approved discharge point.
1.3 Before a building permit will be issued for this project, the applicant must pay any necessary systems development charges for water, sewer and transportation. The transportation SDC is estimated at $\$ 14,758.03$.
(2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.

## FINDINGS OF FACT

2.1 Topography. According to city contour maps, the subject property is at 210 feet elevation. The property is flat.
2.2 Floodplain. The subject property does not lie within a floodplain as shown on FEMA/FIRM Community Panel No. $410137003 F$ (July 7, 1999).
2.3 Wetlands. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map (dated 1994) (Albany Quad) shows no wetlands on the subject property. There is no local wetland inventory for this area.
2.4 Vegetation. The site has one large tree, measuring 30 inches in diameter, in the southwest corner (front yard) near 5th Avenue. The site plan shows that this tree will be retained and protected during construction. Railroad building is a historic contributing resource on the local historic inventory. Regulations in Article 7 require all new construction to be reviewed. The Landmarks Advisory Commission (LAC) met on July 23, 2002, to review the proposed new building design and approved it with minor conditions. They concurred that the house is non-contributing to the Monteith district. The property owner is also participating in the State Historic Preservation Office's (SHPO) special assessment program, which requires a review by the state. The SHPO has approved the proposed building design and location.

## CONCLUSIONS

2.1 The significant tree in the southwest corner of the site will be saved.
2.2 The property is in the Hackleman historic district. The structure on this property is a historic contributing resource. New construction in the district was reviewed and approved for compatibility with existing historic resources.
2.3 There are no other special features on this site. This criterion is satisfied.
(3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

## FINDINGS OF FACT

3.1 The property is zoned Lyon-Ellsworth (LE), a commercial zone in the Central Albany planning area. The surrounding land uses include single-family residential properties (zoned Hackleman Monteith) to the east, apartments to the north and south, and a car sales lot and offices to the west. The building is currently being used as a restaurant. Planning staff is unaware of any complaints about the restaurant.
3.2 Building Orientation. New commercial buildings shall be oriented to existing or new public streets by placing buildings and their public entrances close to the street so that pedestrians have a direct and convenient route from the street sidewalk to building entrances. [ADC 8.330]
3.3 The existing Oregon Electric Railroad building is oriented to 5th Avenue. The site plan shows that the proposed building addition is located in the northwest corner of the site, between the existing building and Lyon Street. The building is oriented to both Lyons Street and 5th Avenue, with windows and a door on each of these street-facing facades.
3.4 The main customer entrance to the existing restaurant is from 5th Avenue. There is also a customer entrance from the parking lot on the north side of the building. The new building addition will have doors facing 5th Avenue and also Lyon Street, but the main restaurant entrance will continue to be through the Oregon Electric Railroad building on 5th Avenue.
3.5 The building addition is proposed to be 17 feet 8 inches tall, which is shorter than the main building on the property (the station is 24 feet in height). The addition is proposed to be set back approximately 30 feet from the front façade of the main Oregon Electric Railroad building (5th Avenue side). The proposed building location and height will make it easy for customers to find the main entrance through the existing historic train station.
3.6 General Building Design. New commercial buildings shall provide architectural relief and interest with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Walls visible from a public street shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick stucco, synthetic stucco, textured concrete block, textured concrete, and landscaping. [ADC 8.340]
3.7 The new building's style, location and height were carefully designed to preserve the historical features and visibility of the existing historic Oregon Electric Railroad station to the greatest extent possible. The design includes using the wainscoting pattern from the rail station on the lower part of the new building on all sides, which will add architectural variety to the building facades.

The site plan shows that an outside dining courtyard is proposed on the south side of the building addition and just west of the existing historic train station. This will add visual variety and help create a pleasant pedestrian environment and a welcoming building.
3.8 Parking Location. On sites smaller than 3 acres, off-street parking shall be located to the side or rear of the building(s) except where it is not feasible due to limited or no street frontage or where there are access restrictions. The subject property is approximately 21,000 square feet. Parking for customers is located on the east and north sides (to the side and rear of the existing building), and not in the 5th Avenue or Lyon Street front yards.
3.9 Transparency. Ground-floor windows (including doors) shall be provided along building frontages adjacent to sidewalks. For this development, the Lyon Street façade is to provide $75 \%$ windows or transparency at the pedestrian level in the LE. The applicants have requested a variance to the minimum transparency requirement because the design is compatible with the historic resource on the property and the Landmarks Advisory Commission and State Historic Preservation Office approved the proposed design. (See the Variance review at the beginning of the staff report.)
3.10 Pedestrian Amenities. All new commercial structures shall provide pedestrian amenities. A list of acceptable pedestrian amenities is in the Code. The number of pedestrian amenities required for a development less than 5,000 square feet is one. [ADC 8.360]

The new building is proposed to be 1,833 square feet, so one pedestrian amenity is required. The site plan shows an outdoor dining courtyard located in front of the proposed addition and 5th Avenue and between the existing railroad building and Lyon Street. The courtyard is proposed to be gated with an iron fence with brick posts. Tables and chairs are proposed within the courtyard. The fence design is compatible with the historic railroad building and the area.
3.11 Pedestrian Connections. Walkways shall connect building entrances to streets adjoining the site and to transit stops. Pedestrian connections to adjoining properties shall be provided except where such connection is impractical. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. [ADC 8.370]
3.12 Existing public sidewalk connects pedestrians from Lyon Street and 5th Avenue to the building entrance and to the closest transit stop. A concrete pad connects the building entrance on 5th Avenue to the sidewalk.
3.13 Setbacks. There is no minimum front or side yard setback in the LE zone. The new building is proposed to be set back 5 feet 3 inches from the west property line (Lyon Street side) and 58 feet from 5th Avenue. The proposed setback is similar to other setbacks in the zone. This setback standard is met.
3.14 Lot Coverage. The maximum lot coverage in LE is $100 \%$. The proposed development will result in $70 \%$ lot coverage. This standard is met.
3.15 Landscaping within Front Yards. [ADC 9.140(2)] The landscape standards for commercially zoned property require that all yards adjacent to a street (exclusive of access ways and other permitted intrusions) be landscaped prior to issuance of an occupancy permit. The minimum landscaping acceptable per 1,000 square feet of required yard area in all commercial districts is as follows:
a. One tree at least six feet in height; and
b. Five five-gallon or eight one-gallon shrubs, trees or accent plants; and
c. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
The site is already developed and landscaped. In the LE zone there is very little required front yard, and this development exceeds the minimum landscape yard requirements. The proposed building addition will reduce the area of the existing front yards to approximately 4,000 square feet.

The site plan shows four trees, approximately 12 shrubs and 6 planter boxes in the yards along Lyon Street and 5th Avenue. The application indicates additional shrubs will be planted along the edge of the new addition.

The existing and proposed front yard landscaping satisfies the minimum requirements.
3.16 Other Compatibility Details. Undesirable impacts produced on the site, such as noise, glare, odors, dust or vibrations have been adequately screened from adjacent properties. [ADC 8.390]
3.17 Lighting. The application states that existing roof lights, flood lights and wall sconces around the existing station (as indicated on the site plan) will be retained. These existing lights do not reflect glare on adjacent properties. The site plan and application indicate additional lights will be provided around the new addition to maintain the same level of lighting as currently exists.
3.18 Refuse Area. The refuse area is already enclosed and will remain where it is. The elevation plans do not show any exterior vents or mechanical devices. If any mechanical devices do end up along the exterior of the property, they must be screened from the adjacent public view prior to occupancy. The proposed addition does not appear to produce any undesirable impacts for nearby residences.

## CONCLUSIONS

3.1 The proposed building addition is oriented to both Lyon Street and 5th Avenue. Off-street parking is located behind and to the side of the existing and proposed buildings. The location of the addition continues to make the main entrance to the restaurant easily distinguishable on 5th Avenue. The minimum orientation threshold standards are met.
3.2 All sides of the building have windows and architectural variety.
3.3 The proposed courtyard satisfies the pedestrian amenities requirement. Adequate pedestrian connections are provided to the public sidewalk network. This criterion is met.
3.4 There does not appear to be a need for additional screening of unsightly exterior improvements or features.
3.5 The existing site landscaping meets the minimum landscaping requirements for required yards.

## Criterion (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

## FINDINGS OF FACT

4.1 Access and Circulation. The site plan submitted by the applicant shows an entry driveway from 5th Avenue to the parking lot. The parking lot exit is currently to the alley north of the property, between 4th and 5th Avenues.

To clarify that the driveway to the alley is an exit only, an "Exit Only - Do Not Enter" sign is needed for the driveway to the alley.
4.2 Pedestrian Walkways. The entrance to the proposed building addition is through the main building.
4.3 On-Site Parking Spaces. Developments within the Downtown Assessment District are not required to provide off-street parking. [ADC Article 14, Table 3] This property falls within the Downtown Assessment district and therefore does not need to provide a minimum number of on-site parking spaces.
4.4 The site plan proposes elimination of 4 on-site parking spaces and reconfiguring the site's driveway to the alley along its north boundary. Parking spaces within the site's parking lot are angled, and use a one-way travel aisle. The entrance to the lot is from 5th Avenue, and the exit is to the public alley along the site's north boundary.
4.5 Parking Lot Landscaping. A new planter is shown on the site plan at the west end of the row of parking stalls along the north property line. The planter needs to be landscaped with the following minimum requirements. Curbed planters shall be at least 5 feet in width. Each planter shall contain:
a. 1 tree at least 10 feet high at the time of planting, and
b. decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. [ADC 9.150(1)]

The site plan does not show any landscaping in the new planter adjacent to the parking lot exit. Either the site plan may be modified to show how the minimum landscaping requirements will be met, or a landscape plan must be submitted.
4.6 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. [ADC 9.200]
4.7 Parking Lot Striping. Lots containing more than two parking spaces must have all required spaces permanently and clearly marked (painted line width is minimum 4 inches). If parking spaces for motorcycle parking, compact and disabled parking are provided, they shall be so designated within the stall. Parking for the disabled shall be in conformance with the Oregon State Structural Specialty Code. [ADC 9.120(8); (11) and (12)]
4.8 Parking Lot Drainage. Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface areas of the parking lot. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights of way, and abutting private property. [ADC 9.120(4)] The Public Works Engineering Division will review and approve the on-site drainage system for the site in conjunction with the plans for relocating the public sanitary sewer.
4.9 Bicycle Parking. The development is not adding parking spaces and therefore no bicycle parking spaces are required to be added. [ADC 9.120(13)] The site plan does not show any bicycle racks.
4.10 Vision Clearance at driveways, intersections and on right-of-way curves. [ADC 12.180] No trees, shrubs, fences, or signs may be located within any vision clearance area which prohibits structures or planting that would impede visibility between the heights of two feet and eight feet. A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the two sides. For a commercial driveway, the measurement along the lot line shall be 20 feet.

## CONCLUSIONS

4.1 An "Exit Only - Do Not Enter" sign is needed at the east driveway on 7th Avenue.
4.2 No parking lot landscaping is shown on the plan.

## CONDITIONS

4.1 Prior to building occupancy, the applicant shall install an "exit only - do not enter" sign at the site's driveway access to the alley.
4.2 Prior to building permit approval, please submit a plan indicating how the parking lot planter will be landscaped.
4.3 Prior to building occupancy, the applicant shall install the required parking lot landscaping of one tree at least 10 feet high at the time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.
4.4 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. [ADC 9.200]

Attachment(s): Notice of Decision, Information for Applicant

## AFFIDAVIT OF MAILING BY CITY OF ALBANY STAFF

## STATE OF OREGON <br> )

City of Albany
) ss
I do hereby certify that on the 9 th day of September, 2002, I placed in the outgoing City of Albany mail 13 separate envelopes (list attached) to be picked up by a representative of Mid-Valley Presort, the City's mail service contractor. The contractor shall deliver to the Salem Post Office these envelopes containing a letter notifying affected parties of a decision regarding a request to construct a building addition on the Oregon Electric Railroad property located at 133 th Ave SE (File SP-30-02/VR-10-02).

A copy of such notice is attached hereto. Any failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirement of the Albany Development Code for notice.


> AFFIDAVIT OF MAILING BY REPRESENTATIVE OF MID-VALLEY PRESORT
> 1215 WILBUR STREET SE
> SALEM, OR 97302

## STATE OF OREGON )

City of Albany ) ss

I do hereby certify that on the 9th day of September, 2002, I picked up from the outgoing City of Albany mail 13 separate envelopes and caused to be delivered to the Salem Post Office these envelopes containing a letter notifying affected property owners of the information as stated above by the City of Albany staff.

Representative of Mid-Valley Presort

11S-3W-7BB, 04500,04400
FRANCES J MULLICAN
505 ELLSWORTH ST SW
ALBANY OR 97321
11S-3W-7BA, 00100
DANIEL \& BARBARA POWELL
104 4TH AVE SE
ALBANY OR 97321
11S-3W-7BA, 00200
PATRICK JENNINGS
4115 N CASTLE AVENUE
PORTLAND OR 97217
11S-3W-7BA, 00300
RONALD WEIBE
1725 CASCADE HEIGHTS DRIVE NW
ALBANY OR 97321
11S-3W-7BA, 00400
CECELIA BABCOCK
130 4TH AVE SE
ALBANY OR 97321
11S-3W-7BA, 00500
REENIE WEISS
PO BOX 2573
CORVALLIS OR 97339

TARIQ SIDDIQUI 424 BAKER STREET SE ALBANY OR 97321

11 S-3W-7BA, 00900
GARY GRASS
2550 SW LEONARD ST
CORVALLIS OR 97333
11S-3W-7BA, 01100
ROBERT FURRY
118 5TH AVE SE
ALBANY OR 97321
11S-3W-7BA, 01200
JOAN MASON HALL
128 5TH AVE SE
ALBANY OR 97321
11S-3W-7BA, 01300
TERRY BROUGHTON
845 11TH AVE SW
ALBANY OR 97321
TIM SIDDIQUI
133 5TH AVE SE
ALBANY OR 97321
DON JOHNSON
DJ ARCHITECTURE
201 IST AVENUE NW SUITE B
ALBANY OR 97321

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Internal Distribution Only:
(For Department Use Only)
Applicant Rep**
Property Owner/Applicant**
Building Division (Blaine B)
Fire Department (Traci C)
Public Works Engineering (Gordon S.)
Public Works Traffic (Ron I)
Participating Parties **
File SP-26-02

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**include staff report.

## NOTICE OF TENTATIVE DECISION

DATE OF NOTICE:
FILE:
TYPE OF REQUEST:

REVIEW BODY:
OWNER/APPLICANT:
APPLICANT REP:
ADDRESS/LOCATION:
ASSESSOR MAP/TAX LOT:
ZONING:

September 9, 2002
SP-30-02 and VR-10-02
Site Plan Review for construction of a one-story 1,853 -square-foot building addition to a restaurant, to be used as a banquet/meeting room.

Variance to the minimum window requirement on streets adjacent to sidewalks.

Historic Review. The Landmarks Advisory Commission approved the design for the building on July 23, 2002 (File HI-06-02). A review was necessary because the property is in the Hackleman Historic District.

Planning Staff, Anne Giffen, AICP
Tim Siddiqui; 133 5th Avenue SE; Albany, OR 97321
Don Johnson; DJ Architecture; 201 1st Avenue NW; Albany, OR 97321
133 5th Avenue SE
Linn County Assessor's Map No. 11S-3W-7BA; Tax Lot 800
LE (Lyon Ellsworth)

On August 15, 2002, a Notice of Filing of this application was mailed to surrounding property owners for comment. Later in the review process, it was discovered that the site plan did not meet the minimum window requirements on the Lyon Street façade, and the applicant filed for a variance. This action changed the review process to give the affected parties a second opportunity to comment.

On September 9, 2002, the City of Albany Community Development Director granted TENTATIVE APPROVAL WITH CONDITIONS of the above Site Plan Review and Variance applications. The City based its decision upon demonstration of conformance with the applicable review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW.

If you wish to propose modifications to the proposed conditions of approval or request a public hearing on the project, you must do so in writing by 5:00 p.m. on September 20, 2002. If no one proposes modifications to the conditions or requests a public hearing by 5:00 p.m. on September 20, 2002, the tentative decision will become final. Once the project has final approval, it is valid for three years unless substantial construction of the project has been accomplished within that time.

The staff report is enclosed with this Notice of Decision. If you wish to speak to someone about this project, please contact planners Anne Giffen or Don Donovan at (541) 917-7550.


[^0](See Staff Report for background findings related to these conditions.)

## VARIANCE

None.

## SITE PLAN

## Public Facilities

1.1 Prior to building occupancy, the applicant must install a grease interceptor that will meet City Building Division regulations.
1.2 Before a building permit will be issued for this project, the applicant must submit a detailed storm drainage plan to the Engineering Division for review. The plan must show how storm water runoff from the proposed improvements and modifications to the site will be accommodated, and how the runoff will be properly routed to an approved discharge point.
1.3 Before a building permit will be issued for this project, the applicant must pay any necessary systems development charges for water, sewer and transportation. The transportation SDC is estimated at $\$ 14,758.03$.

## Special Features of the Site

None.

## Compatibility

None.
Traffic Circulation and Pedestrian Safety
4.1 Prior to building occupancy, the applicant shall install an "exit only - do not enter" sign at the site's driveway access to the alley.
4.2 Prior to building permit approval, please submit a plan indicating how the parking lot planter will be landscaped.
4.3 Prior to building occupancy, the applicant shall install the required parking lot landscaping of one tree at least 10 feet high at the time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.
4.4 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. [ADC 9.200]



## IMPORTANT INFORMATION FOR THE APPLICANT/PROPERTY OWNER

Please read through the following requirements and processes that are frequently missed or overlooked by applicants or developers. This list is not meant to be all-inclusive; rather, we have attempted to compile those requirements that relate to your specific type of development. These requirements are not conditions of the land use decision; they are Municipal Code or Development Code regulations or planning/engineering/fire/building administrative policies and procedures that must be followed as part of the development process.

## Planning Division

1. The project must be constructed in substantial accord with the approved plans and conditions of approval. The Planning Division must approve any proposed deviation from the approved plans. All aspects of the site plan must be constructed prior to final building inspection, or financial assurance provided, if that is allowed.
2. Land use approval by the Planning Division is separate from the building permit processes and does not constitute building permit approval.
3. The land use approval is valid for 3 years from the date of the Notice of Decision. [ADC 1.060]

## Public Works/Engineering Division

1. Before doing any work in the City's public right-of-way or on City public utility lines, an Encroachment Permit must be acquired from the City of Albany Public Works/Engineering Division. Call 917-7676 regarding obtaining this permit. The City of Albany's Engineering Division will inspect all work performed in the public right-of-way and on public utilities. [AMC14.12.020]
2. In order to improve the quality of the storm water runoff discharged to the public storm drain system, at a minimum, the final catch basin in a private storm drainage system must include an approved oil/water separator. [ADC $12.570(8)]$
3. Any contaminated discharge currently routed to the storm drain system must be connected to the sanitary sewer.
4. The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.
5. The applicant is responsible for obtaining utility locates. Call 1-800-332-2344 for this service. A City representative must be present when any public utilities are exposed.
6. Pretreatment: Any process (non-domestic) wastewater discharge to the sanitary sewer may be subject to pretreatment requirements. Storm water discharge is limited to non-contaminated runoff, and must meet local and state DEQ standards, including construction runoff. Questions regarding wastewater pretreatment requirements can be addressed to Jeff Crowther, Environmental Services, (541) 917-7613.

## Building/Fire

1. The owner/occupant must comply with all aspects of the Uniform Fire Code as they pertain to this particular type of occupancy or development. [UFC 101.2]
2. A-3 Occupancy, V-N Construction. Provide 1-hour fire-resistive walls when less than 20 feet to the property line or center of the street. [OSSC 503.1]
3. All openings shall be protected by 45 -minute fire-resistive assemblies when less than 10 feet from the property line, and are not permitted when less than 5 feet from the property line. [OSSC Table 5-A] Parapet walls shall be provided as per OSSC 709.4.1.
4. The new addition must be fully accessible to the disabled. [OSSC 1106.1.1]
5. ORS 447.241 requires that up to $25 \%$ of the project budget be used for removing barriers to accessibility in the paths of travel to the altered area, the restrooms, telephones, and drinking fountains. The path of travel begins with the parking lot, routes to all required exits, ramps, required entrances, and paths of travel to the new addition. The cost of the new accessible restrooms may be included in the $25 \%$ requirement.
6. All drawings and calculations are to be prepared by an architect or engineer registered in Oregon.
7. All accessible parking spaces shall be labeled as per ORS 447.233.

## General

1. Before building permits will be issued, the applicant must pay or arrange for financing of the required Transportation System Development Charges (SDCs). The rate for this fee is set by Council Resolution. The fee is based upon projected vehicle trips using the ITE Trip Generation Manual. The SDC fee is indexed to the ENR Construction Cost index and may be annually adjusted with the new rate effective on July 1. Based upon the current fee rate, the estimated Transportation SDC fee for this project is \$14,758.03.
2. Before building permits will be issued, the applicant must pay, or arrange for financing of, the required Sanitary Sewer and Water System Development Charges (SDCs). The rates for these charges are set by Council Resolution and may be annually adjusted, with the new rate to be effective on July 1. For calculation of these SDCs, contact the City of Albany Engineering Division at 917-7676.
3. Financing. System Development Charges (SDCs), in-lieu-of assessments, and other assessments may be financed with the City.

This parcel was assessed for sewer by Ordinance 583 on April 26, 1912, 5th Avenue - Elm to Main Street, by front footage. In addition, this parcel was assessed by Ordinance 964 on May 12, 1920, Eastern Addition, Block 5 - all.

Water has never been assessed and there are no outstanding assessments.
If you choose to finance any charges, before you are ready to pick up your building permits contact Diane Wood in the Finance Department (917-7522) to make these arrangements. The amount to be paid or financed is calculated on the rate in place at the time the applicant filed for building permits, not on the date the Notice of Decision is made.


# STAFF REPORT <br> Site Plan \& Variance Review 

## GENERAL INFORMATION

DATE OF REPORT:
FILES:
TYPE OF APPLICATION:

REVIEW BODY:
PROPERTY OWNER:

## APPLICANT:

ADDRESS/LOCATION:
MAP/TAX LOT:
ZONING:
TOTAL LAND AREA:
EXISTING LAND USE:
NEIGHBORHOOD:
SURROUNDING ZONING:

SURROUNDING USES:

PRIOR HISTORY:

September 9, 2002
SP-30-02 and VR-10-02
Site Plan Review for construction of a one-story 1,833 -square-foot building addition to a restaurant to be used as a banquet/meeting room.
Variance to the minimum window requirement on streets adjacent to sidewalks.

Historic Review. The Landmarks Advisory Commission approved the design for the building on July 23, 2002 (file HI-06-02). A review was necessary because the property is in the Hackleman Historic District.
Anne Giffen, Project Planner
Tim Siddiqui; 133 5th Avenue SE; Albany, OR 97321
Don Johnson, DJ Architecture; 201 1st Avenue NW, Suite B; Albany, OR 97321

## 133 5th Avenue SE

Linn County Assessor's Map No. 11S-3W-7BA; Tax Lot 800
LE (Lyon Ellsworth)
21,000 square feet
Restaurant
Central Albany
Properties to the north and west are zoned LE. Properties to the east are zoned HM (Hackleman Monteith). Properties to the south are zoned LE and HM .
North: Multi-Family Residential
South: Multi-Family Residential
East: Single-Family Residential
West: Retail (car sales lot)
Lyon Ellsworth (LE) was created when the land use districts identified in the Town Center Plan were adopted in Central Albany in 1996. Before being zoned LE, the subject site was zoned CB, Central Business.
Because the new building is proposed to be attached to an existing historic landmark within the Hackleman National Register Historic District, the Landmarks Advisory Commission and State Historic Preservation Office were required to approve the design of the new building ( $\mathrm{HI}-06-02$ ).

## NOTICE INFORMATION

Notices were mailed to surrounding property owners on August 15, 2002. At the time the comment period ended August 26, 2002, the Albany Planning Division had received no comments.

## STAFF DECISION

APPROVAL with CONDITIONS of this Site Plan Review (SP-30-02) application for a one-story 1,833 -squarefoot building addition to an existing historic structure; and APPROVAL of a Variance (VR-10-02) to the minimum fenestration requirements in the LE zone. These approvals are subject to the conditions found in this staff report.

## General Provisions

Records. The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation and verification. All information provided represents the current information it has in a readily available format. While it is believed that the information provided is accurate, occasionally this information proves to be inaccurate, therefore the City does not warrant the accuracy of its available information. Prior to making any property purchases or other investment based in full or in part upon the information provided, the City specifically advises that the applicants independently field verify the information contained within the City's records.

## Relationship of this staff report to the overall Development Code and other applicable codes or regulations.

 The intent of this staff report is to review the application for compliance with the site plan review approval criteria. It is not intended to list out each and every applicable Development Code regulation or other pertinent codes and regulations. All applicable regulations will apply to this project. The Development Code has been periodically revised since initial adoption. The references to Development Code sections herein reflect the current standards of the City at the time this application was filed.Expiration of Site Plan Review Approval. All land use approvals expire three years from the date of the approval, unless substantial construction of the project has been accomplished within that time. Substantial construction is defined as "any physical improvement of a property, the cost of which equals or exceeds fifty percent of the fair market value of the property before the improvement was started."

## PROJECT OVERVIEW

The project is located on a corner lot at the northeast corner of Lyon Street and 5th Avenue. The project will add a one-story 1,833 -square-foot building that is attached by a glass breezeway to the historic 1912 Oregon Electric Railroad station. The new building will add a banquet room and additional bathrooms to an existing restaurant. The project will also remove some existing parking spaces. The project is in the Hackleman National Register Historic District and therefore review by the Landmarks Advisory Commission is required. It was reviewed and approved. The property is also participating in the state's Special Assessment program, and was reviewed and approved by the State Historic Preservation Office.

## STAFF ANALYSIS

The Albany Development Code contains the following review criteria that must be met for this application to be approved. Code criteria are written in bold italics and are followed by findings and conclusions.

## Variance Review, VR-10-02

The applicant has applied for a variance from the following Development Code standard:
(1) Section 8.340(1) requires ground-floor windows and doors on facades adjacent to public sidewalks. In this case, staff has determined that this requirement would apply to the Lyon Street façade.

The following review criteria must be met for the variance to be approved. The Code criteria are written in bold italics and are followed by findings, conclusions and conditions.

## V-(1) The proposal will be consistent with the desired character of the area.

## FINDINGS OF FACT

1.1 The building addition is proposed to be attached (by enclosed breezeway) to a historic-contributing resource in the Hackleman National Register historic district. The historic resource is the Oregon Electric Railroad station, constructed in 1912 in the Mission style of architecture. The station is of masonry construction and includes a gable dormer centered over three large arched openings in the center of the building. On each wing, there are three one-over-one double-hung windows.
1.2 The building addition was designed and located to be compatible with the existing rail station. It will have a stucco exterior painted in a masonry color and will have wainscoting around the bottom that matches that on the historic station.

This addition will also incorporate the theme of three windows/openings in the center and each wing by using three windows on each side of the square building. This will result in approximately $40 \%$ windows and doors on the Lyon Street façade (measured between 2 and 8 feet from the ground).
1.3 The property is adjacent to two c. 1920s residential apartment buildings on Lyon Street and across the street from the Armory building (masonry construction) and a car lot. These buildings also do not meet the $75 \%$ window requirement. The character of the area is more residential in nature than the Downtown Commercial historic district, with a lot of buildings in residential or office use. Large retail storefront windows characterize downtown a few blocks to the north and northwest.

## CONCLUSIONS

1.1 The proposed building addition was designed specifically to be compatible with the historic Oregon Electric Railroad building. The design is also compatible with other historic buildings in the area in regards to the amount of windows provided.

## V-(2) If more than one variance is being requested, the cumulative effect of the variances results in a project which is still consistent with the overall purpose of the zone.

## FINDINGS OF FACT

2.1 Only a variance to the percent of window requirements is necessary. Granting this variance will not affect the purpose or character of the LE (Lyon-Ellsworth) zone.
2.2 In reviewing existing design standards, staff has identified the need to reduce the window requirement in the LE zone from $75 \%$ to either $50 \%$ or $25 \%$ in the future. Most of the buildings south of 4th Avenue in the LE zone are houses converted to commercial uses. The $75 \%$ window requirement is more appropriate for the retail-oriented businesses in the core pedestrian area of the downtown.

## CONCLUSIONS

2.1 Reducing the minimum required fenestration will be consistent with the existing character of the area and with other buildings in the LE zone. This criterion is satisfied.

## $V-(3) \quad$ The requested variance is the minimum necessary to allow the proposed use of the site.

## FINDINGS OF FACT

3.1 A variance is needed for the $75 \%$ window and door requirement on the Lyon Street side of the new building. The proposed design (three windows and a door) calculates to approximately $40 \%$ openings (measured between 2 and 8 feet from the ground) on this façade.
3.2 Meeting the $75 \%$ window and door openings requirement would completely change the design of the building. The design proposes the same number of windows on all sides of the new building, which is square. The request to use only three windows on the Lyon Street facade is the minimum necessary to keep the character of the building compatible with the other buildings in the near area, especially the Oregon Electric Railroad building.
3.3 The building design was reviewed by the Landmarks Advisory Commission and the State Historic Preservation Office. Both of these groups have approved the proposed building design and feel it is compatible with the existing historic railroad building and with the character of the area. Neither review body recommended adding additional windows to the design.

## CONCLUSIONS

3.1 Meeting the $75 \%$ window requirement would cause the proposed building to be less compatible with the existing historic Oregon Electric Railroad building. The proposed building design was approved by the Landmarks Advisory Commission and State Historic Preservation Office.

## $V$ - (4) Any impacts resulting from the variance are mitigated to the extent practical.

## FINDINGS OF FACT

4.1 There are no negative impacts to allowing a reduced window amount. Staff recognizes that the current requirement in the Code is excessive and is proposing to reduce the minimum window requirement.

## CONCLUSIONS

4.1 There are no impacts to mitigate from granting the variance. This criterion is met.

## Site Plan Review, SP-30-02

A number of standards are found in the Development Code that are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. The Albany Development Code contains the following review criteria that must be met for this application to be approved. Code criteria are written in bold italics followed by findings, conclusions and conditions.

## (1) Public facilities can accommodate the proposed development.

## FINDINGS OF FACT

1.1 Sanitary Sewer. Utility maps indicate that public sanitary sewer in this vicinity consists of an 8 -inch main in 5th Avenue and Lyon Street for the full length of the property's frontages, and an 8 -inch main in the
alley along the north property boundary. The existing building is currently connected to the public sanitary sewer system. Any process (non-domestic) wastewater discharge to the sanitary sewer may be subject to pretreatment requirements. Grease is a prohibited discharge to the sanitary sewer [AMC 10.01.040b]. A grease interceptor that will meet City Building Division requirements is required.
1.2 Sanitary Sewer. Sanitary Sewer System Development Charges (SDCs) for commercial development are based on the number of wastewater plumbing fixtures. If the proposed project results in a net increase in the number of fixtures, then additional SDCs will be due when building permits are issued. Any modifications to existing plumbing must meet the minimum Code requirements.
1.3 Water. Utility maps indicate that public water in this vicinity consists of a 4-inch line in Lyon Street and a 2 -inch line in 5th Avenue. The existing building is currently connected to the public water system.
1.4 Water. Water System Development Charges for commercial development are based on the size of water meter serving the site. The applicant is proposing to increase the size of one of the existing water meters serving the site from $3 / 4$ inch to 1 inch. This will result in an additional SDC due at the time of building permit issuance.
1.5 Storm Drainage. Utility maps indicate that public storm drainage in this vicinity consists of a 27 -inch main in Lyon Street and a 10 -inch main in the alley along the north property boundary.
1.6 Storm Drainage. A development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water (including roof drainage) may be discharged to the public sanitary sewer system (ADC 12.530). Storm water discharge is limited to non-contaminated runoff, and must meet City of Albany and state Department of Environmental Quality standards.
1.7 Storm Drainage. Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. Before beginning work, the applicant must submit to the Public Works Engineering Division a storm drainage plan for the site that shows the proposed slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes are planned, indicate the size and slope of each pipe. The City does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property.
1.8 Access. Access to the site will be provided by an existing driveway to 5th Avenue, and a reconfigured driveway to the public alley that runs along the north boundary of the site.
1.9 Streets. Lyon Street is classified as a principal arterial street, is part of the state highway system (Highway 20), and is under the jurisdiction of ODOT. The street is currently constructed to City standards and, together with Ellsworth Street, operates as a one-way couplet. Improvements include: curb, gutter and sidewalk; two northbound travel lanes; and on-street parking along both aides. ODOT transportation volumes tables published for Year 2000 show the section of Lyon Street having an average of 17,100 daily vehicle trips.

5th Avenue is classified as a local street, and is constructed to City standards. Improvements include: curb, gutter, and sidewalk; a travel lane in each direction; and on-street parking along both sides.
1.10 Trip Generation. The applicant was not required to submit a traffic study with the application. The amount of traffic generated by the development was estimated by staff using ITE trip generation rates for a High Turn-over, Sit Down Restaurant. The development is projected to generate 239 vehicle trips per day.
1.11 Capacity. No capacity or level of service problems have been identified on the street system adjacent to the development. Therefore, the additional vehicle trips should be easily accommodated.
1.12 Sidewalks. Public sidewalk exists along both Lyon Street and 5th Avenues. There is a concrete walkway/pad from the 5th Avenue sidewalk to the main door. This provides easy access to the public sidewalk network.

## CONCLUSIONS

1.1 The public utility systems serving this site are adequate to accommodate the proposed development.
1.2 Additional System Development Charges will be due for a net increase in the number of wastewater plumbing fixtures on the site, and for an increase in the size of water meter serving the site.
1.3 Before work is begun on the project, the applicant must submit to the Public Works Engineering Division a storm drainage plan for the site. The plan must show how storm water runoff will be collected from the improvements on the site, and how it will be discharged to an approved location.
1.4 The project will add 239 new vehicle trips to the street system. The public street system adjacent to the development is constructed to City standards and has adequate capacity to accommodate the proposed development.
1.5 Public facilities can accommodate the proposed use if the following conditions are met.

## CONDITIONS

1.1 Prior to building occupancy, the applicant must install a grease interceptor that will meet City Building Division regulations.
1.2 Before a building permit will be issued for this project, the applicant must submit a detailed storm drainage plan to the Engineering Division for review. The plan must show how storm water runoff from the proposed improvements and modifications to the site will be accommodated, and how the runoff will be properly routed to an approved discharge point.
1.3 Before a building permit will be issued for this project, the applicant must pay any necessary systems development charges for water, sewer and transportation. The transportation SDC is estimated at $\$ 14,758.03$.
(2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.

## FINDINGS OF FACT

2.1 Topography. According to city contour maps, the subject property is at 210 feet elevation. The property is flat.
2.2 Floodplain. The subject property does not lie within a floodplain as shown on FEMA/FIRM Community Panel No. 410137 003F (July 7, 1999).
2.3 Wetlands. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map (dated 1994) (Albany Quad) shows no wetlands on the subject property. There is no local wetland inventory for this area.
2.4 Vegetation. The site has one large tree, measuring 30 inches in diameter, in the southwest corner (front yard) near 5th Avenue. The site plan shows that this tree will be retained and protected during construction.
2.5 Historic District. The site is in the Hackleman National Register Historic District. The Oregon Electric Railroad building is a historic contributing resource on the local historic inventory. Regulations in Article 7 require all new construction to be reviewed. The Landmarks Advisory Commission (LAC) met on July 23,2002 , to review the proposed new building design and approved it with minor conditions. They concurred that the house is non-contributing to the Monteith district. The property owner is also participating in the State Historic Preservation Office's (SHPO) special assessment program, which requires a review by the state. The SHPO has approved the proposed building design and location.

## CONCLUSIONS

2.1 The significant tree in the southwest corner of the site will be saved.
2.2 The property is in the Hackleman historic district. The structure on this property is a historic contributing resource. New construction in the district was reviewed and approved for compatibility with existing historic resources.
2.3 There are no other special features on this site. This criterion is satisfied.
(3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

## FINDINGS OF FACT

3.1 The property is zoned Lyon-Ellsworth (LE), a commercial zone in the Central Albany planning area. The surrounding land uses include single-family residential properties (zoned Hackleman Monteith) to the east, apartments to the north and south, and a car sales lot and offices to the west. The building is currently being used as a restaurant. Planning staff is unaware of any complaints about the restaurant.
3.2 Building Orientation. New commercial buildings shall be oriented to existing or new public streets by placing buildings and their public entrances close to the street so that pedestrians have a direct and convenient route from the street sidewalk to building entrances. [ADC 8.330]
3.3 The existing Oregon Electric Railroad building is oriented to 5th Avenue. The site plan shows that the proposed building addition is located in the northwest corner of the site, between the existing building and Lyon Street. The building is oriented to both Lyons Street and 5th Avenue, with windows and a door on each of these street-facing facades.
3.4 The main customer entrance to the existing restaurant is from 5th Avenue. There is also a customer entrance from the parking lot on the north side of the building. The new building addition will have doors facing 5th Avenue and also Lyon Street, but the main restaurant entrance will continue to be through the Oregon Electric Railroad building on 5th Avenue.
3.5 The building addition is proposed to be 17 feet 8 inches tall, which is shorter than the main building on the property (the station is 24 feet in height). The addition is proposed to be set back approximately 30 feet from the front façade of the main Oregon Electric Railroad building (5th Avenue side). The proposed building location and height will make it easy for customers to find the main entrance through the existing historic train station.
3.6 General Building Design. New commercial buildings shall provide architectural relief and interest with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Walls visible from a public street shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick stucco, synthetic stucco, textured concrete block, textured concrete, and landscaping. [ADC 8.340]
3.7 The new building's style, location and height were carefully designed to preserve the historical features and visibility of the existing historic Oregon Electric Railroad station to the greatest extent possible. The design includes using the wainscoting pattern from the rail station on the lower part of the new building on all sides, which will add architectural variety to the building facades.

The site plan shows that an outside dining courtyard is proposed on the south side of the building addition and just west of the existing historic train station. This will add visual variety and help create a pleasant pedestrian environment and a welcoming building.
3.8 Parking Location. On sites smaller than 3 acres, off-street parking shall be located to the side or rear of the building(s) except where it is not feasible due to limited or no street frontage or where there are access restrictions. The subject property is approximately 21,000 square feet. Parking for customers is located on the east and north sides (to the side and rear of the existing building), and not in the 5th Avenue or Lyon Street front yards.
3.9 Transparency. Ground-floor windows (including doors) shall be provided along building frontages adjacent to sidewalks. For this development, the Lyon Street façade is to provide $75 \%$ windows or transparency at the pedestrian level in the LE. The applicants have requested a variance to the minimum transparency requirement because the design is compatible with the historic resource on the property and the Landmarks Advisory Commission and State Historic Preservation Office approved the proposed design. (See the Variance review at the beginning of the staff report.)
3.10 Pedestrian Amenities. All new commercial structures shall provide pedestrian amenities. A list of acceptable pedestrian amenities is in the Code. The number of pedestrian amenities required for a development less than 5,000 square feet is one. [ADC 8.360]

The new building is proposed to be 1,833 square feet, so one pedestrian amenity is required. The site plan shows an outdoor dining courtyard located in front of the proposed addition and 5th Avenue and between the existing railroad building and Lyon Street. The courtyard is proposed to be gated with an iron fence with brick posts. Tables and chairs are proposed within the courtyard. The fence design is compatible with the historic railroad building and the area.
3.11 Pedestrian Connections. Walkways shall connect building entrances to streets adjoining the site and to transit stops. Pedestrian connections to adjoining properties shall be provided except where such connection is impractical. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. [ADC 8.370]
3.12 Existing public sidewalk connects pedestrians from Lyon Street and 5th Avenue to the building entrance and to the closest transit stop. A concrete pad connects the building entrance on 5th Avenue to the sidewalk.
3.13 Setbacks. There is no minimum front or side yard setback in the LE zone. The new building is proposed to be set back 5 feet 3 inches from the west property line (Lyon Street side) and 58 feet from 5th Avenue. The proposed setback is similar to other setbacks in the zone. This setback standard is met.
3.14 Lot Coverage. The maximum lot coverage in LE is $100 \%$. The proposed development will result in $70 \%$ lot coverage. This standard is met.
3.15 Landscaping within Front Yards. [ADC 9.140(2)] The landscape standards for commercially zoned property require that all yards adjacent to a street (exclusive of access ways and other permitted intrusions) be landscaped prior to issuance of an occupancy permit. The minimum landscaping acceptable per 1,000 square feet of required yard area in all commercial districts is as follows:
a. One tree at least six feet in height; and
b. Five five-gallon or eight one-gallon shrubs, trees or accent plants; and
c. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
The site is already developed and landscaped. In the LE zone there is very little required front yard, and this development exceeds the minimum landscape yard requirements. The proposed building addition will reduce the area of the existing front yards to approximately 4,000 square feet.

The site plan shows four trees, approximately 12 shrubs and 6 planter boxes in the yards along Lyon Street and 5th Avenue. The application indicates additional shrubs will be planted along the edge of the new addition.

The existing and proposed front yard landscaping satisfies the minimum requirements.

### 3.16

Other Compatibility Details. Undesirable impacts produced on the site, such as noise, glare, odors, dust or vibrations have been adequately screened from adjacent properties. [ADC 8.390]
3.17 Lighting. The application states that existing roof lights, flood lights and wall sconces around the existing station (as indicated on the site plan) will be retained. These existing lights do not reflect glare on adjacent properties. The site plan and application indicate additional lights will be provided around the new addition to maintain the same level of lighting as currently exists.
3.18 Refuse Area. The refuse area is already enclosed and will remain where it is. The elevation plans do not show any exterior vents or mechanical devices. If any mechanical devices do end up along the exterior of the property, they must be screened from the adjacent public view prior to occupancy. The proposed addition does not appear to produce any undesirable impacts for nearby residences.

## CONCLUSIONS

3.1 The proposed building addition is oriented to both Lyon Street and 5th Avenue. Off-street parking is located behind and to the side of the existing and proposed buildings. The location of the addition continues to make the main entrance to the restaurant easily distinguishable on 5th Avenue. The minimum orientation threshold standards are met.
3.2 All sides of the building have windows and architectural variety.
3.3 The proposed courtyard satisfies the pedestrian amenities requirement. Adequate pedestrian connections are provided to the public sidewalk network. This criterion is met.
3.4 There does not appear to be a need for additional screening of unsightly exterior improvements or features.
3.5 The existing site landscaping meets the minimum landscaping requirements for required yards.

## Criterion (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

## FINDINGS OF FACT

4.1 Access and Circulation. The site plan submitted by the applicant shows an entry driveway from 5th Avenue to the parking lot. The parking lot exit is currently to the alley north of the property, between 4th and 5th Avenues.

To clarify that the driveway to the alley is an exit only, an "Exit Only - Do Not Enter" sign is needed for the driveway to the alley.
4.2 Pedestrian Walkways. The entrance to the proposed building addition is through the main building.
4.3 On-Site Parking Spaces. Developments within the Downtown Assessment District are not required to provide off-street parking. [ADC Article 14, Table 3] This property falls within the Downtown Assessment district and therefore does not need to provide a minimum number of on-site parking spaces.
4.4 The site plan proposes elimination of 4 on-site parking spaces and reconfiguring the site's driveway to the alley along its north boundary. Parking spaces within the site's parking lot are angled, and use a one-way travel aisle. The entrance to the lot is from 5th Avenue, and the exit is to the public alley along the site's north boundary.
4.5 Parking Lot Landscaping. A new planter is shown on the site plan at the west end of the row of parking stalls along the north property line. The planter needs to be landscaped with the following minimum requirements. Curbed planters shall be at least 5 feet in width. Each planter shall contain:
a. 1 tree at least 10 feet high at the time of planting, and
b. decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. [ADC 9.150(1)]

The site plan does not show any landscaping in the new planter adjacent to the parking lot exit. Either the site plan may be modified to show how the minimum landscaping requirements will be met, or a landscape plan must be submitted.
4.6 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. [ADC 9.200]
4.7 Parking Lot Striping. Lots containing more than two parking spaces must have all required spaces permanently and clearly marked (painted line width is minimum 4 inches). If parking spaces for motorcycle parking, compact and disabled parking are provided, they shall be so designated within the stall. Parking for the disabled shall be in conformance with the Oregon State Structural Specialty Code. [ADC 9.120(8); (11) and (12)]
4.8 Parking Lot Drainage. Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface areas of the parking lot. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights of way, and abutting private property. [ADC 9.120(4)] The Public Works Engineering Division will review and approve the on-site drainage system for the site in conjunction with the plans for relocating the public sanitary sewer.
4.9 Bicycle Parking. The development is not adding parking spaces and therefore no bicycle parking spaces are required to be added. [ADC 9.120(13)] The site plan does not show any bicycle racks.
4.10 Vision Clearance at driveways, intersections and on right-of-way curves. [ADC 12.180] No trees, shrubs, fences, or signs may be located within any vision clearance area which prohibits structures or planting that would impede visibility between the heights of two feet and eight feet. A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the two sides. For a commercial driveway, the measurement along the lot line shall be 20 feet.

## CONCLUSIONS

4.1 An "Exit Only - Do Not Enter" sign is needed at the east driveway on 7th Avenue.
4.2 No parking lot landscaping is shown on the plan.

# 4.1 Prior to building occupancy, the applicant shall install an "exit only - do not enter" sign at the site's driveway access to the alley. <br> 4.2 Prior to building permit approval, please submit a plan indicating how the parking lot planter will be landscaped. <br> 4.3 Prior to building occupancy, the applicant shall install the required parking lot landscaping of one tree at least 10 feet high at the time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. <br> 4.4 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. [ADC 9.200] 

Attachment(s): Notice of Decision, Information for Applicant


## NOTICE OF TENTATIVE DECISION



On August 15, 2002, a Notice of Filing of this application was mailed to surrounding property owners for comment. Later in the review process, it was discovered that the site plan did not meet the minimum window requirements on the Lyon Street façade, and the applicant filed for a variance. This action changed the review process to give the affected parties a second opportunity to comment.
On September 9, 2002, the City of Albany Community Development Director granted TENTATIVE APPROVAL WITH CONDITIONS of the above Site Plan Review and Variance applications. The City based its decision upon demonstration of conformance with the applicable review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW.

If you wish to propose modifications to the proposed conditions of approval or request a public hearing on the project, you must do so in writing by 5:00 p.m. on September 20, 2002. If no one proposes modifications to the conditions or requests a public hearing by 5:00 p.m. on September 20, 2002, the tentative decision will become final. Once the project has final approval, it is valid for three years unless substantial construction of the project has been accomplished within that time.

The staff report is enclosed with this Notice of Decision. If you wish to speak to someone about this project, please contact planners Anne Giffen or Don Donovan at (541) 917-7550.


Enclosure: Staff Report

# SUMMARY OF CONDITIONS OF APPROVAL - FILES SP-30-02/VR-10-0tachment D. 37 

(See Staff Report for background findings related to these conditions.)

## VARIANCE

None.

## SITE PLAN

## Public Facilities

1.1 Prior to building occupancy, the applicant must install a grease interceptor that will meet City Building Division regulations.
1.2 Before a building permit will be issued for this project, the applicant must submit a detailed storm drainage plan to the Engineering Division for review. The plan must show how storm water runoff from the proposed improvements and modifications to the site will be accommodated, and how the runoff will be properly routed to an approved discharge point.
1.3 Before a building permit will be issued for this project, the applicant must pay any necessary systems development charges for water, sewer and transportation. The transportation SDC is estimated at $\$ 14,758.03$.

## Special Features of the Site

None.

## Compatibility

None:

## Traffic Circulation and Pedestrian Safety

4.1 Prior to building occupancy, the applicant shall install an "exit only - do not enter" sign at the site's driveway access to the alley.
4.2 Prior to building permit approval, please submit a plan indicating how the parking lot planter will be landscaped.
4.3 Prior to building occupancy, the applicant shall install the required parking lot landscaping of one tree at least 10 feet high at the time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.
4.4 Landscape Maintenance. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. [ADC 9.200]

SITE PLAN MAP - FILE SP-30-02/VR-10-02
(Subject to Conditions of Approval)

ELEVATIONS - FILE SP-30-02
(Subject to Conditions of Approval)



SOUTH ELEVATION

11)

AERCEFITHBCTMUETE



BUILDING
ELEVATIONS



[^0]:    Enclosure: Staff Report

