ARTICLE 7
HISTORIC OVERLAY DISTRICT

Commentary

Cross-references have been checked and updated in Article 7, the figures have been renumbered to follow the new numbering protocol, and the word "Advisory" has been deleted from the Landmarks Commission name.

7.000 Overview. The regulations of the Historic Overlay District supplement the regulations of the underlying zoning district. The historic overlay district provides a means for the City to formally recognize and protect its historic and architectural resources. Recognition of historical landmarks helps preserve a part of the heritage of the City. When the regulations and permitted uses of a zoning district conflict with those of the historic overlay district, the more restrictive standards apply.

The following list is a summary of the major headings in this article.

- Designation, Re-Rating or Removal of Historic Landmarks and Districts
- Historic Review of Exterior Alterations
- Historic Review of Substitute Materials
- Historic Review of New Construction
- Historic Review of Demolitions or Relocations [Ord. 5463, 9/13/00]

7.010 Applicability. This article is applied:

(1) To properties in the Downtown, Hackleman, Monteith or Albany Municipal Airport National Register Historic Districts as identified in Figure 7**.010**-1 and 7**.010**-2.

(2) To all other structures and sites that appear on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks. [Ord. 5463, 9/13/00]

7.015 Expiration of Historic Review Approval. See Article 1, Section ~~1.080 (2)~~ **1.310**. [Ord. 5720, 08/12/2009]

7.020 Definitions. As used in this Article, the following words and phrases shall have the following meanings:

Demolition: The intentional destruction of all or part of a building or structure.

Exterior Alteration: Any physical changes to the exterior of an existing structure; generally excludes maintenance work such as painting and repairs.

Historic Contributing: A building or structure originally constructed before 1946 that retains and exhibits sufficient integrity (materials, design, and setting) to convey a sense of history. These properties strengthen the historic character of the district. [Ord. 5488, 7/11/01]

Historic Integrity: A measure of authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period in comparison with its unaltered state; for example, a historic building of high integrity has few alterations or ones that

DRAFT

can be easily reversed.

Historic Non-contributing: A building or structure originally constructed before 1946 that retains but does not exhibit sufficient historic features to convey a sense of history. These properties do not strengthen the historic character of the district in their current condition. [Ord. 5488, 7/11/01]

Landmark: All designated historic buildings or structures on the Local Historic Inventory are considered landmarks. A landmark is either a historic contributing building, site, structure or object within a historic district, is listed individually on the National Register of Historic Places, or is on the Local Historic Inventory but located outside a historic district.

Landmarks ~~Advisory~~ Commission: The Mayor appoints the Commission to make advisory recommendations about historic districts, conservation districts, buildings and sites. The Commission has the authority to recommend rules and regulations for adoption; compile and maintain a list of all historic buildings, sites and objects; conduct an educational program on historic properties within its jurisdiction; make recommendations about the designation of particular historic buildings and sites; and recommend removal from any list of designated historic buildings and sites any property it finds no longer worthy of such designation. [Ord. 5488, 7/11/01]

Local Historic Inventory: A list of historic properties that have been determined significant by the Landmarks ~~Advisory~~ Commission and City Council for either their architecture or history based on the criteria of the National Register. It includes properties located within the listed National Register historic districts and buildings, sites, structures, objects and districts located outside of the listed National Register Districts.

National Register of Historic Places: The nation's official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. In Albany, this includes all properties within the National Register Historic District boundaries and properties listed individually outside of designated historic districts.

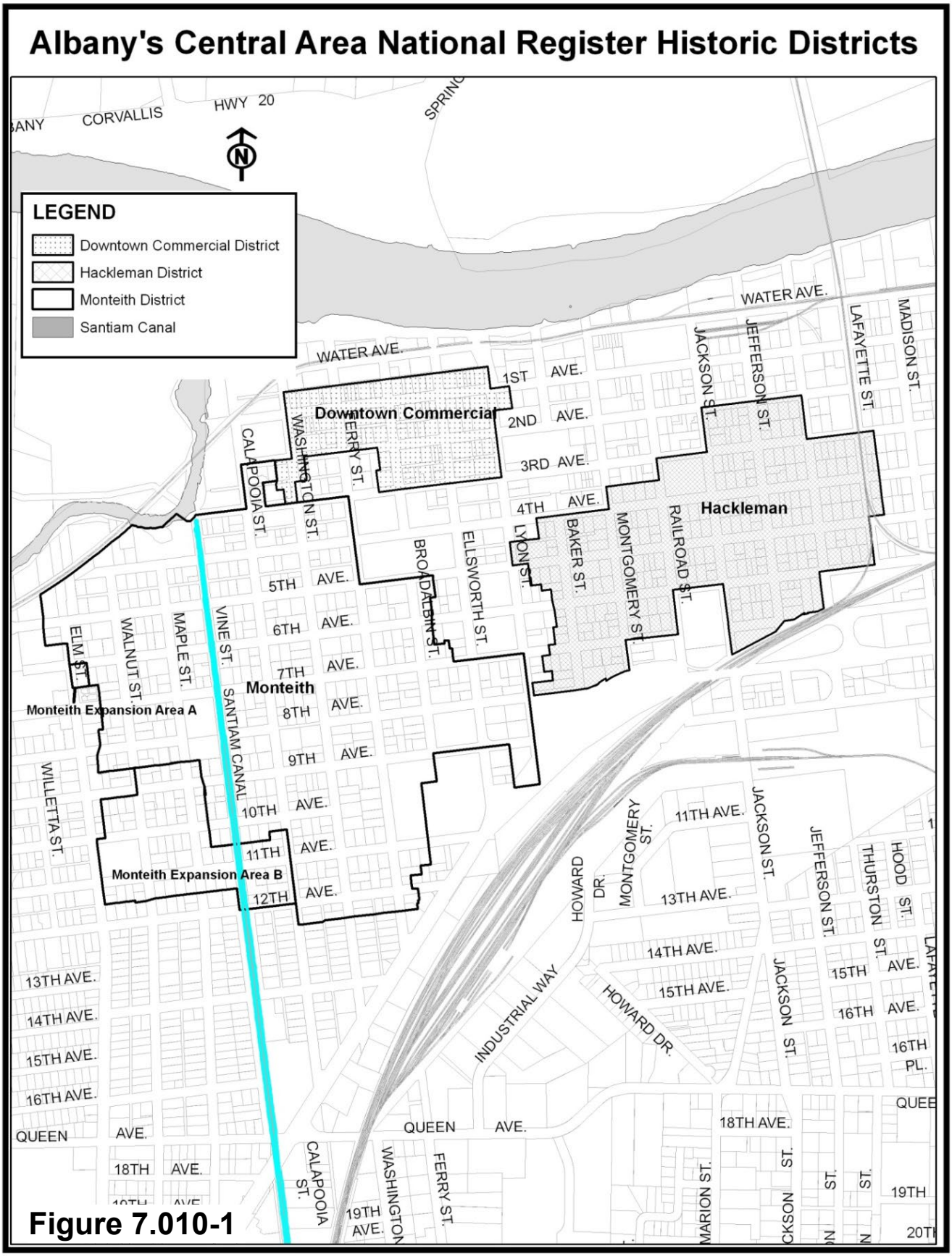
Non-contributing: A building or structure that was originally constructed after 1945, outside the period of significance. [Ord. 5488, 7/11/01]

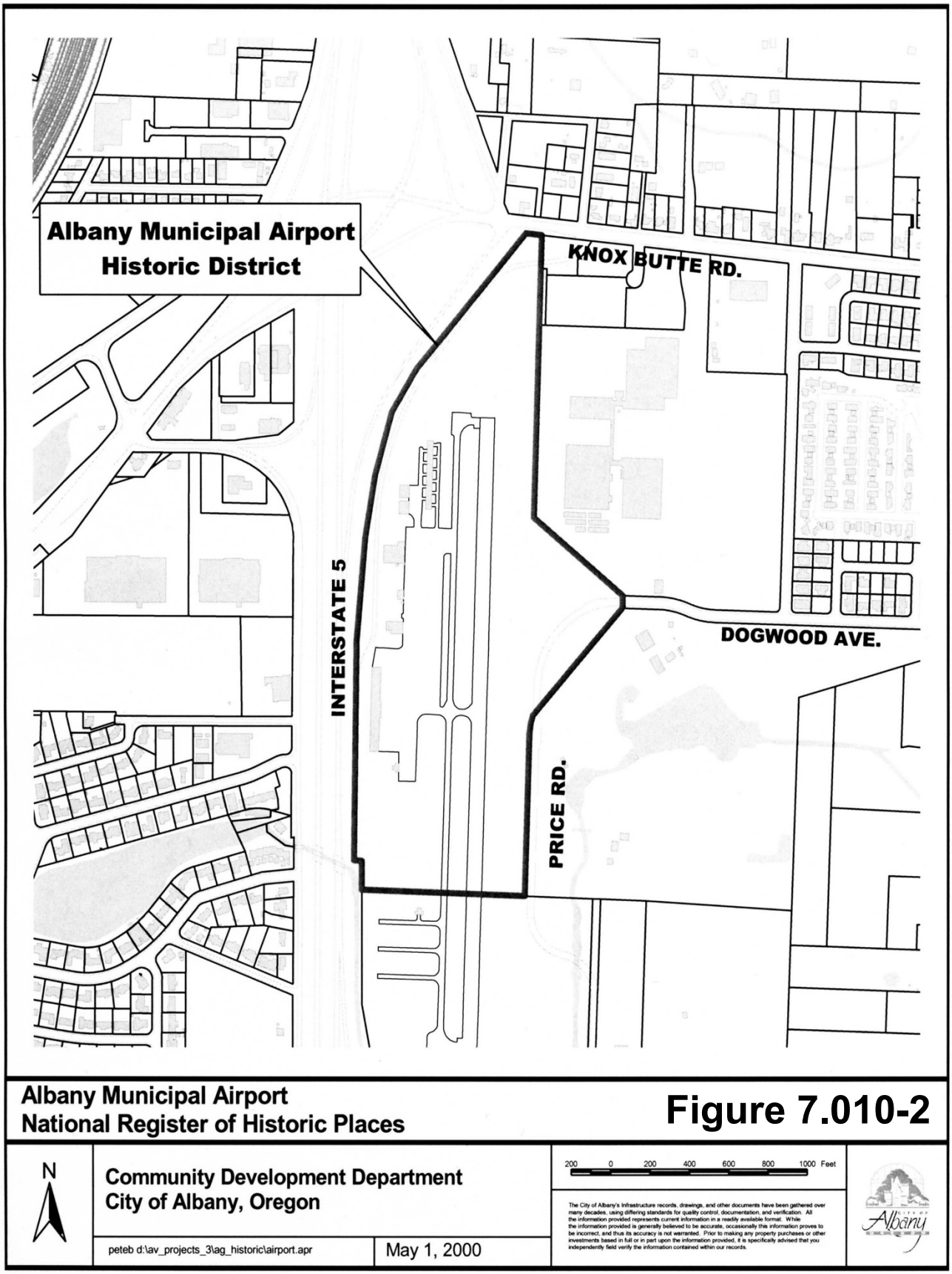
Period of Significance: The span of time when a property or district attained its significance that meets the National Register criteria.

State Historic Preservation Office: Each State has a designated State Historic Preservation Office (SHPO) to help the Federal government administer provisions of the National Historic Preservation Act. The SHPO is aided by a professional staff and review board.

Substitute Materials: Materials made from different sources than the original materials. For example: If wood were the original material for siding, window or trim, material other than wood would be a substitute material. (Examples of substitute materials are plastic; vinyl; aluminum, and concrete.) [Ord. 5463, 9/13/00]

DRAFT


Albany's Central Area National Register Historic Districts
LEGEND
Downtown Commercial District
Hackleman District
Monteith District
Santiam Canal
CORVALLIS
HWY 20
WATER AVE.
Downtown Commercial
Hackleman
Monteith
Monteith Expansion Area A
Monteith Expansion Area B
1ST AVE.
2ND AVE.
3RD AVE.
4TH AVE.
5TH AVE.
6TH AVE.
7TH AVE.
8TH AVE.
9TH AVE.
10TH AVE.
11TH AVE.
12TH AVE.
13TH AVE.
14TH AVE.
15TH AVE.
16TH AVE.
18TH AVE.
19TH AVE.
QUEEN AVE.
CALAPOOIA ST.
WASHINGTON ST.
FERRY ST.
BROADALBIN ST.
ELLSWORTH ST.
LYON ST.
BAKER ST.
MONTGOMERY ST.
RAILROAD ST.
JACKSON ST.
JEFFERSON ST.
LAFAYETTE ST.
MADISON ST.
ELM ST.
WALNUT ST.
MAPLE ST.
VINE ST.
SANTIAM CANAL
WILLETTA ST.
HOWARD DR.
INDUSTRIAL WAY
THURSTON ST.
HOOD ST.
16TH PL.
MARION ST.
Figure 7.010-1


Albany Municipal Airport
Historic District
KNOX BUTTE RD.
INTERSTATE 5
DOGWOOD AVE.
PRICE RD.
Albany Municipal Airport
National Register of Historic Places
Figure 7.010-2
N
Community Development Department
City of Albany, Oregon
peteb d:\av_projects_3\ag_historic\airport.apr
May 1, 2000
200 0 200 400 600 800 1000 Feet
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 the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.
Albany

DESIGNATION, RE-RATING OR REMOVAL OF HISTORIC LANDMARKS AND DISTRICTS

7.030 Purpose. The designation of historic landmarks allows the City to formally recognize, rate and protect its historic and architectural resources. Properties listed on the National Register of Historic Places are eligible for automatic listing on the Local Historic Inventory. The Local Historic Inventory identifies buildings, sites, structures, objects and districts of historical importance or architectural significance that are considered exemplary of their time and style. The regulation of designated and rated historic landmarks provides a means to review proposed changes and encourage the preservation of historical or architectural values. Periodically it may be necessary to re-rate or remove the designation of a historic landmark to reflect changing conditions, community values or needs. [Ord. 5463, 9/13/00]

7.035 Initiation. The process for designating or removing a landmark or historic district may be initiated by the City Council, the Landmarks ~~Advisory~~ Commission, or by any other interested person. Initiations by the Landmarks ~~Advisory~~ Commission are made without prejudice towards the outcome. At the time of initiation, the Community Development Director shall provide the property owner and applicant with information regarding the benefits and obligations of designation. No historic resource shall be designated as a landmark without the written consent of the owner, or in the case of multiple ownership, a majority of the owners. Removal of properties from the National Register of Historic Places requires review and approval by the State Historic Preservation Office and State Advisory Committee. [Ord. 5463, 9/13/00]

7.040 Procedure.

(1) ***Designation***. Requests for designations of historic landmarks and districts are reviewed through the Type IV legislative or quasi-judicial procedure. The process is legislative when it affects a large number of persons or properties. The Landmarks ~~Advisory~~ Commission replaces the Planning Commission as the initial review body. The City Council makes the final determination of historic designation.

(2) ***Amendment to Existing Historic Districts***. Changes or additions to the period of significance statement, property rating structure, or boundaries of an existing historic district shall be reviewed under the Type IV legislative process. The Landmarks ~~Advisory~~ Commission replaces the Planning Commission as the initial review body. The City Council reviews and adopts any amendments to the historic districts.

(3) ***Local Historic Inventory Removal***. Only landmarks outside the National Register Historic Districts that are not listed on the National Register of Historic Places individually are eligible for removal from the Local Historic Inventory. The Director may delete any demolished or removed historic structure outside the historic districts from the Local Historic Inventory through the Type I procedure. In the event a National Register building or structure is demolished or moved, an application shall be made to the State Historic Preservation Office to remove and/or redesignate the property from the National Register.

(4) ***Individual Property Re-Rating***. The Landmarks ~~Advisory~~ Commission shall review requests for re-rating of individual properties. [Ord. 5463, 9/13/00]

7.050 Application Contents. An application for designation of a landmark must include the following information:

(1) A written description of the boundaries of the proposed district or the location of the proposed

landmark or property to be evaluated.

(2) A map illustrating the boundaries of the proposed district or the location of the proposed landmark or the property to be evaluated.

(3) A statement explaining the following:

(a) The reason(s) why the proposed district, landmark or property should be designated.
(b) The reason(s) why the proposed boundaries of the proposed district are appropriate for designation.
(c) The potential impact, if any, that designation of the proposed district or landmark would have on the owners, surrounding residents or other property owners in the area.

7.060 Submission of Application. Applications must be submitted at least 35 days in advance of the next regularly scheduled public meeting of the Landmarks ~~Advisory~~ Commission unless waived by the Director when legal notice can otherwise be achieved. All documents or evidence relied upon by the applicant shall be submitted to the Planning Division and made available to the public at least 20 days prior to the public hearing (10 days before the first evidentiary hearing if two or more evidentiary hearings are required). If additional documents, evidence or written materials are provided in support of a quasi-judicial application less than 20 days (10 days before the first evidentiary hearing if two or more evidentiary hearings are required) prior to the public hearing, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178.

7.070 Designation Review Criteria. In addition to being at least fifty years of age, the review bodies must find that one of the following criteria has been met in order to approve a proposed landmark or district:

(1) The proposed landmark or district has historic significance because:

(a) There is an association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation;
(b) There is an association with an event that has made a significant contribution to the city, county, state, or nation;
(c) There is an association with broad patterns of political, economic, or industrial history in the city, county, state, or nation;
(d) Existing land use surrounding the resource contributes to the integrity of the historic period represented; or
(e) The resource contributes to the continuity or historic character of the street, neighborhood, and/or community.

(2) The proposed landmark or district has architectural significance because:

(a) It is an example of a particular architectural style, building type and/or convention;
(b) It has a high quality of composition, detailing and/or craftsmanship;
(c) It is an example of a particular material and/or method of construction;
(d) The resource retains its original design features, materials and/or character;
(e) It is the only remaining, or one of a few remaining resources of a particular style, building type, design, material, or method of construction; or
(f) It is a visual landmark.

(3) The proposed landmark or district is listed on the National Register of Historic Places.

[Ord. 5463, 9/13/00]

DRAFT

7.080 Re-Rating or Removal Review Criteria. The review body must find that one of the following criteria is met in order to approve a re-rating or remove a landmark from the Local Historic Inventory:

(1) The inventory was in error.

(2) Additional research has uncovered an association with a person, group, organization, institution or events that have made a significant contribution to the city, county, state or nation or additional research has been compiled regarding the architectural significance of a structure or style.

(3) Alterations to the structure have caused it to more closely approximate the historical character, appearance, or material composition of the original structure.

(4) Alterations to the structure have removed distinguishing features or otherwise altered the exterior such that the existing rating is no longer justified.

(5) The reasons for designating the historic landmark no longer apply. [Ord. 5463, 9/13/00]

7.090 Decision. All decisions, whether to approve or deny the request, must specify the basis for the decision. [Ord. 5463, 9/13/00]

HISTORIC REVIEW OF EXTERIOR ALTERATIONS GENERALLY

7.100 Purpose. The purpose of reviewing alterations to historic landmarks is to encourage the preservation of characteristics that led to their designation as historic landmarks. Review is required for exterior alterations or additions to buildings or structures classified as historic contributing and historic non-contributing within the historic districts, and to landmarks outside the districts. [Ord. 5463, 9/13/00]

7.110 Exemptions from Review. Historic review is not required for buildings or structures originally constructed after 1945 or for changes to paint color to any home or structure. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

7.120 Procedure. A request for an exterior alteration is reviewed and processed by either the Community Development Director or the Landmarks ~~Advisory~~ Commission. The Landmarks ~~Advisory~~ Commission replaces the Hearings Board or Planning Commission as the review body.

Any exterior or interior alteration to buildings participating in Oregon's Special Assessment of Historic Property Program will also require review and approval by the State Historic Preservation Office.

(1) The Director will approve residential alteration requests if one of the following criteria is met:

(a) There is no change in historic character, appearance or material composition from the existing structure.
(b) The proposed alteration materially duplicates the affected exterior building features as determined from an early photograph, original building plans, or other evidence of original building features.
(c) The proposed alteration is not visible from the street.

(2) For all other requests, the Landmarks ~~Advisory~~ Commission will review and process the alteration proposal. The applicant and adjoining property owners within 100 feet will receive notification of

the Landmarks ~~Advisory~~ Commission public hearing on the proposal. The Commission will accept written and verbal testimony on the proposal. For buildings on the Special Assessment of Historic Property Program, the Landmarks ~~Advisory~~ Commission decision will be forwarded to the State Historic Preservation Office. [Ord. 5463, 9/13/00]

7.130 Relationship to Other Land Use Reviews. Projects that require historic review may also require other land use reviews. If other reviews are required, the review procedures may be handled concurrently. [Ord. 5463, 9/13/00]

7.140 Application Contents. Every application for an exterior alteration approval shall include information (e.g. drawings, photographs) which clearly shows the intended alteration and resulting appearance change of the structure. [Ord. 5463, 9/13/00]

7.150 Exterior Alteration Review Criteria. For applications other than for 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: [Ord. 5488, 7/11/01]

(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.

The review criteria for the use of substitute siding, windows and trim shall be as found in ADC 7.170-7.225. [Ord. 5488, 7/11/01]

The review body will use the Secretary of the Interior's Standards of Rehabilitation (listed below) as guidelines in determining whether the proposed alteration meets the review criteria. [Ord. 5463, 9/13/00]

7.160 The Secretary of the Interior's Standards for Rehabilitation. 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.

DRAFT

(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. [Ord. 5463, 9/13/00]

7.165 Decisions/Appeals. All decisions must specify the basis for the decision. Landmarks ~~Advisory~~ Commission decisions may be appealed to the Albany City Council. Decisions of the Community Development Director may be appealed to the Landmarks ~~Advisory~~ Commission.
[Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

HISTORIC REVIEW OF SUBSTITUTE MATERIALS USED FOR SIDING, WINDOWS & TRIM

7.170 Purpose. The purpose of reviewing the use of substitute materials is to encourage the preservation of characteristics and materials of the historic architectural style. Review is required for the application of substitute materials for siding, windows and trim on buildings or structures originally constructed before 1946 and on the Local Historic Inventory. If these sections (7.170-7.225) conflict with other provisions of the Code relative to substitute materials to be used for siding, windows and trim, this section will control. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

7.180 Procedure. Review of a request for the use of substitute materials is reviewed and processed by the Landmarks ~~Advisory~~ Commission. The Landmarks ~~Advisory~~ Commission replaces the Hearings Board or Planning Commission as the review body.

The applicant and adjoining property owners within 100 feet will receive notification of the Landmarks ~~Advisory~~ Commission meeting on the proposal. The Commission shall accept written and verbal testimony on the proposal.

The use of substitute materials on buildings participating in Oregon's Special Assessment of Historic Property Program will also require review and approval by the State Historic Preservation Office. The Landmarks ~~Advisory~~ Commission decision will be forwarded to the State Historic Preservation Office.
[Ord. 5463, 9/13/00]

7.185 Relationship to Other Land Use Reviews. Projects that require an historic review may also require other land use reviews. If other reviews are required, the review procedures may be handled concurrently.

[Ord. 5463, 9/13/00]

7.190 Application Contents. Applications for the use of substitute materials for historic contributing and historic non-contributing structures and for Landmarks must include information (e.g. photographs) that clearly shows the current condition of the area intended to be altered. The types of substitute materials and proposed dimensions must be described. The application must also include the proposed methods of application of substitute materials and preservation of the original materials and architectural elements. The City may require a pest and dry rot inspection if necessary, and a report made and prepared by an entity whose primary business is pest and dry rot inspection or repair. The report must assess the condition of the structure. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

7.200 Eligibility for the Use of Substitute Materials. The City of Albany interprets the Secretary of Interior's Standards for Rehabilitation on compatibility to allow substitute siding and windows only under the following conditions:

(1) The building or structure is rated historic non-contributing OR, in the case of historic contributing buildings or structures, the existing siding, windows or trim is so deteriorated or damaged that it cannot be repaired and finding materials that would match the original siding, windows or trim is cost prohibitive. [Ord. 5488, 7/11/01]

Any application for the use of substitute siding, windows and/or trim will be decided on a case-by-case basis. The prior existence of substitute siding and/or trim on the historic buildings on the Local Historic Inventory will not be considered a factor in determining any application for further use of said materials. [Ord. 5463, 9/13/00]

7.210 Design and Application Criteria for Substitute Materials. For buildings or structures rated historic contributing or historic non-contributing, the application for the use of substitute materials on siding, windows or trim must follow these guidelines:

(1) The proposed substitute materials must approximate in placement, profile, size, proportion, and general appearance the existing siding, windows or trim.

(2) Substitute siding, windows and trim must be installed in a manner that maximizes the ability of a future property owner to remove the substitute materials and restore the structure to its original condition using traditional materials.

(3) The proposed material must be finished in a color appropriate to the age and style of the house, and the character of both the streetscape and the overall district. The proposed siding or trim must not be grained to resemble wood.

(4) The proposed siding, siding, windows or trim must not damage, destroy, or otherwise affect decorative or character-defining features of the building. Unusual examples of historic siding, windows and/or trim may not be covered or replaced with substitute materials.

(5) The covering of existing historic wood window or door trim with substitute trim will not be allowed if the historic trim can be reasonably repaired. Repairs may be made with fiberglass or epoxy materials to bring the surface to the original profile, which can then be finished, like the original material.

(6) Substitute siding or trim may not be applied over historic brick, stone, stucco, or other masonry surfaces;

DRAFT

For the application of substitute siding and trim only:

(7) The supporting framing that may be rotted or otherwise found unfit for continued support shall be replaced in kind with new material.

(8) The interior surface of the exterior wall shall receive a vapor barrier to prevent vapor transmission from the interior spaces.

(9) Walls to receive the proposed siding shall be insulated and ventilated from the exterior to eliminate any interior condensation that may occur.

(10) Sheathing of an adequate nature shall be applied to support the proposed siding material with the determination of adequacy to be at the discretion of the planning staff.

(11) The proposed siding shall be placed in the same direction as the historic siding.

(12) The new trim shall be applied so as to discourage moisture infiltration and deterioration.

(13) The distance between the new trim and the new siding shall match the distance between the historic trim and the historic siding.

(14) A good faith effort shall be made to sell or donate any remaining historic material for architectural salvage to an appropriate business or non-profit organization that has an interest in historic building materials. [Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

7.220 Conditions of Approval. In approving an alteration request, the Landmarks ~~Advisory~~ Commission may attach conditions that are appropriate for the promotion and/or preservation of the historic or architectural integrity of the district, building or site. All conditions must relate to a review criterion.
[Ord. 5463, 9/13/00]

7.225 Decisions/Appeals. All decisions shall specify the basis for the decision. Landmarks ~~Advisory~~ Commission decisions may be appealed to the Albany City Council. Decisions of the Community Development Director may be appealed to the Landmarks ~~Advisory~~ Commission.
[Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

HISTORIC REVIEW OF NEW CONSTRUCTION

7.230 Purpose. The purpose of reviewing the exterior design of new construction within an historic district is to ensure that new structures over 100 square feet are compatible with the character of that district.

7.240 Procedure. The Community Development Director will review and decide on applications for new construction. At the Director's discretion, an application may be referred to the Landmarks ~~Advisory~~ Commission for a decision.

New construction (additions) to buildings participating in Oregon's Special Assessment of Historic Property Program will also require review and approval by the State Historic Preservation Office.

(1) For all requests, the applicant and adjoining property owners within 100 feet will receive notification during the 14-day comment period before the City decision.
[Ord. 5463, 9/13/00, Ord. 5488, 7/11/01]

DRAFT

7.250 Relationship to Other Planning Reviews. Projects which require a historic review may also require other land use reviews. If other reviews are required, the review procedures may be handled concurrently.

7.260 Application Contents. Any application for new construction design approval must include the following information:

(1) A site plan showing the location of the structure on the site, setbacks, building dimensions, the location of driveways and landscape areas, and the general location of structures on adjacent lots.

(2) Elevations sufficient in detail to show the general scale, bulk building materials, and architectural elements of the structure. [Ord. 5463, 9/13/00]

7.270 New Construction Review Criteria. The Community Development Director or the Landmarks ~~Advisory~~ Commission must find that the request meets the following applicable criteria in order to approve the new construction request:

(1) Within the Monteith and Hackleman Districts:

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

(2) Within the Downtown District:

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

[Ord. 5463, 9/13/00]

7.280 Decisions/Appeals. All decisions shall specify the basis for the decision. Landmarks ~~Advisory~~ Commission decisions may be appealed to the Albany City Council. Decisions of the Community Development Director may be appealed to the Landmarks ~~Advisory~~ Commission. [Ord. 5488, 7/11/01]

HISTORIC REVIEW OF DEMOLITIONS OR RELOCATIONS

7.300 Purpose. The purpose of reviewing demolition/relocation requests involving a historic landmark is to explore all possible alternatives for preservation. Demolition of historic landmarks is an extreme and final measure. [Ord. 5463, 9/13/00]

7.310 Procedure. Demolition/Moving permits will be processed in accordance with the following:

(1) The Building Official shall issue a permit for relocation or demolition if any of the following

DRAFT

conditions exist:

(a) The building or structure is designated non-contributing within an historic district.
(b) The building or structure has been damaged in excess of 70 percent of its previous value in a fire, flood, wind, or other Act of God, or vandalism.

(2) Those requests not meeting Building Official approval conditions shall be reviewed by the Landmarks ~~Advisory~~ Commission. The application shall be submitted at least 35 days in advance of the next regularly scheduled public hearing/meeting of the Landmarks ~~Advisory~~ **Commission**, unless waived by the Director when adequate notice can otherwise be achieved. [Ord. 5463, 9/13/00]

7.320 Application Contents. An application for the demolition or relocation of a rated structure must contain the following information:

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

(2) A drawing showing the location of the building on the property and any other buildings on the property.

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

(4) A written statement addressing the review criteria and providing findings of fact in support of the request. [Ord. 5463, 9/13/00]

7.330 Review Criteria. The Landmarks ~~Advisory~~ Commission must find that the demolition or relocation request meets the following applicable criteria:

(1) No prudent or feasible alternative exists, or

(2) The building or structure is deteriorated beyond repair and cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area, or

(3) There is a demonstrated public need for the new use that outweighs any public benefit that might be gained by preserving the subject buildings on the site.

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

(5) If the building or structure is proposed to be moved, moving to a site within the same historic district is preferred to moving it outside the district. [Ord. 5463, 9/13/00]

7.340 In approving an application for the demolition of a Landmark on the Local Historic Inventory, the Commission may impose the following conditions:

(1) Photographic, video or drawn recordation of the property to be demolished be submitted to the City, and/or

(2) Salvage and curation of significant elements, and/or

DRAFT

(3) Other reasonable mitigation measures. [Ord. 5463, 9/13/00]

7.350 No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of all or part of a Landmark on the Local Historic Inventory if the Building Official certifies that such action is required for public safety. [Ord. 5463, 9/13/00]

7.360 Decisions/Appeals. Following a public hearing, the Landmarks ~~Advisory~~ Commission may either approve the request or invoke a stay to the demolition. During the stay, the Landmarks ~~Advisory~~ Commission will notify the owner of potential rehabilitation programs and benefits and encourage public or private acquisition and restoration of the landmark. The length of the stay will be no more than 365 days from the date a complete application was received by the City. All decisions to approve, approve with conditions, or stay shall specify the basis for the decision. Decisions of the Landmarks ~~Advisory~~ Commission can be appealed to the City Council. [Ord. 5463, 9/13/00]

DRAFT