

## Other Handouts

June 24, 2020, council meeting.

Written comments provided by the applicant  
received by noon on Wednesday, June 24, 2020.

HI-04-20

Good evening City Council and Mayor. Thanks to all for your time and consideration tonight. This has been a long, expensive, and frustrating affair so far. We hope to turn things around at tonight's meeting. Here we go.

We come to you with a great amount of frustration. The process to get here has seemed very biased, subjective, and essentially a challenge that lacks any common sense or clear direction. To show the bias here is one example.

The City demolished a house at 610 Sherman Street in late January of this calendar year against the homeowners wishes. The house had 133 calls for service to the address in 3 years and methamphetamine contamination was found to be evident.

On the flip side of this, we wonder why we have had to spend \$ 85,335.73 to tear down three structures that amassed 183 calls for service over a two year span. One of the structures was identified as a Linn County drug lab case back in 1997. The structures were condemned by the City and the inhabitants removed. Staff was not supportive of our demolition proposal. Ultimately the City Council made a common sense decision.

As we come before you tonight, we have owned the property going on 3 years, and are still a long way from obtaining a building permit.

The plan before you is not an ill-conceived thrown together work. As a result of the exorbitant cost, time, and frustration with the demolition process we wanted this new project to be spot on for the area. In starting this project and in light of the divisiveness of the previous demolition we wanted to have the best people involved with the new design. Bill Ryals is that person. He is creative, innovative, intelligent, a long time local architect, as well as someone intimately familiar with Albany and the downtown area. He is also sensitive to development within the Historic District. He was, and is, the perfect man for the job. Many hours have been spent in meetings, discussions, and drafting to achieve this amazing plan. City codes, zoning and design have been strictly adhered to. We have gone above and beyond to make this something the City, and Historic District would be proud of. Size, scale, parking and building materials were all factored into the design. This project checks every box that our pre application meetings addressed, the review criteria dictates, and the DMU zoning allows. It is a great fit for this area and the downtown.

Article 7.270 in the ADC give three criteria for approval. They are as follows and include our findings of fact.

**Criterion: 1a.**

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

**Facts:**

The proposed new development will not alter the existing sidewalk location. Street tree location will conform with City of Albany development code as no street trees exist at this time. The

setbacks of this proposed development are consistent with the DMU zoning. The structures will have a 5 foot setback from interior property lines and be 0 – 5 feet from street facing property lines. The DMU zoning has a maximum front setback of 5/15 feet and a minimum 5 foot interior setback which this development meets. Building coverage of the proposed development will be 4520 square feet. The lot being developed is 10,665 square feet. The DMU zone has no applicable restrictions for minimum lot size or maximum building size. Building coverage for the proposed development will be 42% of the building lot. This is consistent and within the framework of the DMU zone. Orientation to the street of the proposed development will be street facing. One structure will be sited on the corner of Fourth and Calapooia and its' facade will incorporate windows, awnings, and architectural details on both Fourth Avenue and Calapooia Street. The second building is facing Fourth Avenue solely, with all of the same features. Both structures are consistent with the goals of the DMU zone.

**Conclusion:**

This development meets the criteria of unifying development patterns, sidewalk and street tree location, setbacks, building coverage, and orientation. The development fits within the DMU zone and the Monteith District.

**Criterion: 2a.**

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

**Facts:**

The proposed development consists of two three story structures. The lower floor is commercial space with first floor to second floor being fourteen feet. The top two floors consist of residential space being nine feet from floor to floor. The structures will be approximately 32 feet to the eaves. The footprint of each structure is 45' 10" x 57' 10", or 2651.39 square feet. Both the footprint and height of the proposed development is consistent and conforming to development code within the zone and district. The surrounding area has a mix of commercial, business, and residential use. Attached please find 7 photos of neighboring properties. The development is adjacent or within two blocks of these properties. These properties are representative of the district and zone. As you can see from the photos, they vary in size and scale. There is a five story structure located at Third and Calapooia. The proposed development shares the alley with a business and home that are similarly three stories. There are homes and rentals across the street that are either two or three stories as well. There are also some single story houses and businesses within the block. The mix of development that has occurred prior adds to the character and offers uniqueness to the zone and district. Not every structure looks like its neighbor and this charm is part of the beauty of the district.

The proposed development also will incorporate elements and exterior architectural details that are consistent and conforming to the zone and district. These features will enhance the development as well as the district. Wide belly bands, trim of windows, gable banding, bay windows, and awnings are some of the additional details that not only make this development more attractive, but also the neighborhood as well. Porches are also part of this development, which is a very prominent feature of the district.

**Conclusion:**

The proposed development maintains similar size and scale of the many different structures of the district. This proposed development is three stories which is a very common size of the existing nearby homes and businesses, therefore being consistent with prior development in the zone and district. The detailing of the proposed development is meant to exceed what is required within the ADC and district standards. This will ensure that proposed development adds to the neighborhood and enhances the district as a whole. The craftsmanship of this development will promote and improve the area, zone, and district.

**Criterion C: 3a.**

Building materials are reflective of and complimentary to existing buildings within the district.

**Facts:**

Attached please find 7 photos of neighboring properties. The development is adjacent or within two blocks of these properties. These properties are representative of the district and zone. As you can see from the photos, the neighboring properties have different window types, siding types, and architectural details. All adding in some way to enhance the diversity of the district and zone. Some windows are vinyl, some are wood, some have grids and some do not, some siding is wood, some is hardiplank, some is vinyl, shingles as well as stucco are also both represented. The proposed development will be a wood framed structure with a mixture of siding types. Lap siding is a common siding type within the district and this development will incorporate lap siding as well. Hardiplank is the preferred type of lap siding for its durability. Shingle accents are also a nice detail on many structures within the district. Shingles will also be a part of the exterior detailing on this development. Masonry (i.e. brick, stone) have been used for centuries on homes and businesses not only in Albany, but worldwide. Masonry accents will be added for curb appeal and will help the project enhance the neighborhood. Windows will be of composite materials with trim to match other homes in the district. As mentioned earlier, exterior trim detailing will be used to ensure this project compliments the district. Metal awnings are also seen on many businesses nearby. These provide a unique look as well as function. Covered porches that invite people in, have always been a nice feature on homes and businesses and will be a part of this project. The overall goal of this project in its entirety is to be a great addition to Albany and its' downtown area. This will be accomplished by using some timeless exterior detailing as well as meshing in some more modern styling. These details certainly add to the cost, but will add to the district and neighborhood and provide a sense of pride once completed.

**Conclusion:**

This project is not a historic structure, but it will have ample exterior detailing that is prevalent in the district. The building materials used in this development are similar to other homes and businesses nearby and are reflective and complementary to existing buildings within the district. There are many different products from vinyl to wood to brick to composite materials. Our world is evolving and products change and improve. Windows have also made improvements to function and insulation values. Products range from vinyl to wood to metal to composite. The district has all of these window types represented. This project will try to incorporate the best value while maintaining the look that is important to the integrity of the district. Trim detailing throughout this project will be used around windows, belly and gable banding, wide corner trim,

gable accents, and porch features to make this project an asset to the district. The use of the available building materials will be such that they complement the district. These details and craftsmanship will add to the cost but will give the neighborhood something they can be proud of which has been a long time coming.

We have designed this structure to meet the City of Albany building codes. This cannot be a moving target. There are clear cut design criteria including minimum heights to achieve, minimum and maximum setbacks to meet and so on. Referring to ADC 5.030 directly it states: The DMU zone is intended for a mix of retail, services, institutions, offices, and housing that supports businesses in and around the Historic Downtown District. Mixed uses are encouraged both horizontally and vertically. High density residential infill and office employment are both encouraged. With that in mind, I would reiterate that this project is spot on for this zone. The height allowance in this zone is 85 feet. Our buildings are less than half of that height in an effort to be sensitive to all. We meet all setback requirements not pushing the limits as some big city developers might. We incorporated as many parking spaces as possible in a zone where no parking requirements even exist. We have strived with the design of this plan to go above and beyond in an effort to make this project compatible with the DMU zoning, a great fit for this area, while also being sensitive to the historic overlay.

With that I will segway into the issue of compatibility. People want this project to be compatible. Compatibility does not mean the same. Diversity within the Historic District is a beautiful thing. It is perfectly harmonious to have a bungalow style home next to a Victorian, next to a salt box, next to a church. A one story apartment can be seen next to a three and a half story single family home in our district. On your screen you will see some pictures taken within two blocks of this project. The diversity you will see is what makes the district unique. This proposed project not only adds to the uniqueness and diversity of the district but also meets the three review criteria of this zone and district.

This project meets Criteria 1 of unifying development patterns such as sidewalk and street tree location, setbacks, building coverage and orientation to the street. This project meets Criteria 2 of being similar in size and scale of surrounding buildings and as much as possible reflects the craftsmanship of those buildings. You have seen in our presentation that there is great diversity within the district. This Criteria is met wholeheartedly and is compatible. This project meets the 3<sup>rd</sup> Criteria as well. Building materials are reflective of and complementary to existing buildings within the District. New advances have and continue to be made with building materials. We have gone above and beyond with our architect Bill Ryals to create a design that complements and has unique detailing to fit into this area.

In response and summary of the testimony in opposition, we have shown that this project has met all criteria and is overly sensitive to the concerns of those in opposition. Opposing testimony made claims of the project being too big. This project has an element of commercial space which pushes the development into a bit larger building. This zone is intended to be a transition from strictly commercial to a more residential area. The zone encourages a mix of retail, offices, services, etcetera that will add to the livability of our city and the district. The development also provides sorely needed housing. Housing in close proximity to the downtown also enables

residents to walk to shops and services and reduces the need for cars and trips across town to the malls and box stores. This project checks all the boxes of what this zone is designed for.

The Landmarks Advisory Commission denied our application due to the size and the height of the project. The fact is this project is well under the height restrictions in a zone that “encourages mixed use both horizontally and vertically.” If the zone encourages this type of development, then approval should reasonably follow. The structures that were previously on this site were 2 ½ stories. This project is three stories. People feel that the privacy in their backyards will be ruined. The prior structures provided visibility into neighboring backyards as well. Throughout the zone and district all backyards are visible to neighboring homes if you have a two story home. This is inevitable in the entire district as the density dictates this. The proposed development is no different. If the proposed development is under the height of the DMU Zone and the more restrictive Historic Overlay how can it be too tall? This is a concrete number. There is no room for discussion. The project is well within the height restriction.

In regards to the proposed development being too big, the DMU zone has no applicable restrictions for minimum lot size or maximum building size. Building coverage for the proposed development will be 42% of the building lot. This is consistent and within the framework of the DMU zone.

In summary, our denial based on criterion 1 and 2 of ADC 7.270 are both ridiculous. As we have shown there is great diversity of size and scale within the surrounding neighborhood.

The City has also given eight conditions of approval. We feel these conditions are subjective based on preference and not zoning guidelines. We have retained Bill Ryals to design this project. We want the integrity of the project to retain the design Bill had in mind. Condition 1 wants a separate review for the designed storage for the residences. The storage is part of this submittal and will have the same detailing as the overall project. To ask for a separate Historic Review of New Construction application for said proposed accessory structures is redundant. The storage for the residences is part of the site plan.

Condition 2 deals with setbacks. This project complies with the setback requirements of the DMU zone. The buildings are well beyond the minimum setbacks in all instances. There should not be a Condition 2.

Condition 3 wants larger offsets than what the project already has. I have never seen any requirement for offsets. Bill Ryals has designed an extremely well thought out plan that is attractive and compatible with the DMU zone and sensitive to the historic overlay. He is an architect with 40 years of experience. He is an expert. To make a condition for larger offsets is subjective. The planners that are asking for the conditions are not licensed architects, nor do they have the technical expertise that Bill Ryals has acquired through his licensure and many years of experience.

Condition 4 deals with height. The DMU zone encourages development **horizontally** and **vertically**. The DMU zone allows a height of 85 feet, while the historic overlay allows a height

of 45 feet. The proposed project's peak, the highest point, stands at 40 feet. This is well within the more conservative height restriction. There should be no Condition 4.

Conditions 5 through 8 deal with design details. We have been in construction for over 30 years and want this project to be an attractive addition to the area. Whether siding is smooth or textured is based on personal preference. Who gets to decide what looks good? We like the look of smooth siding as well, but shingles whether wood or hardiplank have texture. Is this wrong? We like paned windows in some instances but are non paned windows wrong? Is trim that is made of composite materials impervious to rot and the elements wrong? Some "solid wood", that is spruce, doesn't last as long as douglas fir or cedar, which don't last as long as concrete or polyurethane. The detailing does matter, but advances in this day and age should allow for flexibility in what product is used. Is brick better than stone, or better than pre cast concrete? All three provide great appearance and function and all three are great options. In order to create something beautiful, some leeway must be given to the architect and builder. While we can agree to some conditions such as smooth siding, paned windows, and five inch window trim, we feel the red tape of having each item approved is very subjective and unnecessary. It was brought to light in the last Landmarks Advisory Commission meeting that there are other projects that have been afforded this leeway. We would expect the same courtesy. Although our findings of fact and architectural renderings were omitted by staff initially, hopefully you have had the opportunity to review them. As such we feel conditions 5 through 8 should not be a part of this approval.

In closing the proposed development meets all ADC building code requirements. The code is concrete. We feel the Landmarks Advisory Commission erred in denying our proposal and we hope you will reverse that decision with no conditions. Thank you for your time and consideration. It is appreciated. If you have any questions we will try to answer them.

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June 23, 2020

Albany City Council  
City Hall  
333 S.W. Broadalbin St.  
Albany, OR 97321

Re: Siegner Hearing Letter; File III-04-20

Dear Mayor and City Council:

Please accept this letter in support of the applicant's appeal.

The applicant requests that the Council approve the development proposal as submitted, without additional conditions that will require redesigning the proposed structures, as recommended in the Staff Report.

### **The Big Picture is:**

1. The applicant spent more about \$85,335.73 on fees, city processes, professionals, contractors, attorneys and litigation attempting to get the site cleared of buildings previously condemned by the City.
2. THUSFAR the applicant has spent more than \$14,634.03 to get the development plans this far along in the city review process. This includes \$8572.96 in city application fees and most of the balance in design professional fees.
3. Staff recommends approval, but with enough changes that will send the owners back to the drawing board for expensive work to redesign in an effort to guess again at what might please the staff. The Applicant estimates those costs of redesign would be about \$9,000.
4. Opponents don't want anything approved; they have a track record of appeals. So, whatever the Council approves, the applicant fully expects to spend another \$20,000 to defend the Council approval at LUBA.
5. As the Staff Report correctly notes, the Council has discretion to approve, approve with conditions, or deny. The Applicant requests approval. A simple approval of the proposal would be the best thing the Council could do to support owners coming forward with development plans in historic districts rather than just sitting on empty lots.

**Discussion:**

There are three standards in ADC 7.270(1).

“(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.” [Emphasis added]

The Commission said that the proposal does not comply with (a) and (b) but did not explain why that is so. Hence, we are all left guessing.

The Staff Report recommends approval on these two points, but staff would like to require a lot of expensive design changes by imposing conditions.

The Applicant explained why the proposal, in the opinion of the Applicant and its Architect, meets the standards. The details of the Applicant’s plans are in today’s Staff Report at page 42-62. The staff’s analysis is at pages 12-24 of today’s Staff Report. Attached to this letter is the Applicant’s May 19 statement to the Commission.

Let’s look at the standards one at a time.

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

The object is to maintain “unifying development patterns”. The Staff Report identifies the following “unifying development patterns:”

1. **Orientation to the Street:** “Most historic buildings in the district squarely face the street, with their principal façade and entrance in full view.” Staff Report 13 finding 1.5. The Staff Report agrees that this proposal is consistent with that pattern. Staff Report 13 finding 1.6.
2. **Front Line Setback:** The Staff Report agrees that the proposed buildings are consistent with the setbacks of the other existing buildings on 4<sup>th</sup> Avenue. However, they find that Building 2 is not consistent with setback development pattern on Calapooia Street, because the only existing building is set back 15 feet from the property line. Staff Report 14 Finding 1.9. Therefore, Staff recommended that Building 2 be set back farther from Calapooia. Staff Report 14 Finding 1.11.

Staff misunderstands the standard. A single existing dwelling on a block does not establish a “unifying development pattern” for anything on the block. In order to “maintain” a pattern there must be a pattern in existence. One building does not make a pattern, much less a “unifying pattern.” The Staff recommendation is to set the building back further. This would require a complete redesign – starting from scratch. The two buildings could no longer be constructed from the same plans.

The Council should: (1) find compliance with unifying setback pattern on 4<sup>th</sup> Ave., (2) find there is no unifying pattern of setback on Calapooia, and (3) not require redesign of the Building 2 to increase the setback on Calapooia.

3. **Lot Coverage:** “Based on these analyses, the building coverage of the proposed development is found to be comparable to building coverage of the existing development on the same block.” Staff Report 15 Finding 1.14. Staff and the Applicant agree as to compliance on this issue.
4. **Sidewalks:** No modifications are proposed to the status quo.
5. **Street Trees:** Staff agree that proposed street trees, although not required, fit with the existing trees. Staff Report 16, Finding 1.16.

**Accessory Buildings Issue:** The Staff Report wants a new application for the two tiny accessory structures shown on the plans that will provide storage for residents. Staff Report 12 finding 1.4. Another full review by the Landmarks Commission with a new \$8572 application fee is not necessary. The applicant explained to the Commission on May 19:

“The storage is part of this submittal and will have the same detailing as the overall project. To ask for a separate Historic Review of New Construction application for said proposed accessory structures is redundant. The storage for the residences is part of the site plan review.”

If anything needs to be said about the accessory structure at all, it should be sufficient for the City to condition the approval as follows:

“The two accessory structures shown on the plans for residents’ storage shall be constructed with the same materials and finished with the same detailing at the primary structures.”

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

There are three parts to this standard: size, scale, and craftsmanship.

**Offsets:** Staff want deeper offsets in the design.

“The proposed offsets break up the wall plane but are not deep enough to reduce the perceived mass and scale of the building. Offsets between main facade and porches of adjacent residential development in the district are found to be on average five feet deep. Therefore, condition of approval will require a minimum five-foot offset to closely approximate that of adjacent development and to ensure the proper impact of breaking up the massing of the structures.” Staff Report 7-18 Finding 2.8.

There are three shortcomings in the staff’s conclusion about the offsets and their recommendation to redesign the buildings to increase the offsets:

1. First, this standard is about “size and scale” and “craftsmanship,” not about offsets. Staff believe that greater offsets are needed in the design to “reduce the perceived mass and scale.” That can only be potentially needed if the “size and scale” are not similar to the surrounding buildings. However, the Staff have not asserted that the buildings are dissimilar to the size and scale of the surrounding buildings. Having failed to assert dissimilarity, there is no basis at all to second guess the design and require starting over by building in bigger offsets.
2. Second, if the Council were to get into the issue of size and scale, it is important to compare apples with apples, which the staff did not do. The Applicant’s narrative and accompanying photographic evidence show that these mixed use buildings are similar in size and scale to commercial and residential uses within a two block area. The narrative says:

“The surrounding area has a mix of commercial, business, and residential use. Attached please find 7 photos of neighboring properties. The development is adjacent or within two blocks of these properties. These properties are representative of the district and zone. As you can see from the photos, they vary in size and scale. There is a five story structure located at Third and Calapooia. The proposed development shares the alley with a business and home that are similarly three stories. There are homes and rentals across the street that are either two or three stories as well. There are also some single story houses and businesses within the block. The mix of development that has occurred prior adds to the character and offers uniqueness to the zone and district. Not every structure looks like its neighbor and this charm is part of the beauty of the district.”

Staff do not take issue with this characterization. Instead, they take a more narrow look – at only the adjacent buildings and only residential buildings. This is too narrow a view. The standard directs us to the “surrounding buildings,” not just the “adjacent residential buildings”

3. Third, a condition boosting setbacks to five feet would require a wholesale redesign of both buildings. It is similar to staff's other request to increase the setback on Calapooia Street, except that both building would need to be redesigned. It is not warranted.

**Size of Building 1:** Staff want to reduce the height of Building 1 to respect the height of the abutting residential building to the east. Staff Report 19 Finding 2.15.

“A reduction to the overall and first-floor wall height of Building One and Two is required to maintain and respect the height of abutting residential dwellings, particularly to the east of the subject site. A minimum four-foot reduction to the overall height including a minimum two-foot reduction to the first-floor wall height is required to reduce the disparity in height and horizontal floor alignment between the proposed and existing abutting development.”

There are several shortcomings in the staff analysis supporting this condition.

4. First, the “similar size” standard relates to “surrounding buildings,” not just to “abutting residential buildings.” The staff has not read the standard consistent with its plain language. Staff is demanding a smaller building size to “respect the height of abutting residential dwellings.” To apply this standard correctly, staff should be focusing on the all types of buildings in the larger surrounding area.
5. Second, the Applicant showed, with narrative and photographic evidence, that when the “surrounding area” within two blocks is considered, and when all building types are considered, the buildings proposed here are of similar size and scale. The narrative says:

“As you can see from the photos, they vary in size and scale. There is a five story structure located at Third and Calapooia. The proposed development shares the alley with a business and home that are similarly three stories. There are homes and rentals across the street that are either two or three stories as well. There are also some single story houses and businesses within the block.”

6. Third, as discussed above, lowering of the building recommended by the staff would trigger a start over, with all the attendant costs and delays. This is not appropriate, particularly because it is based on a misreading of the code standard.

**(c) Building materials are reflective of and complimentary to existing buildings within the district.”**

The Commission did not specifically find that the development proposal was inconsistent with this standard. However, we address this standard as a precaution because the Staff Report recommends a handful of conditions to reflect staff's notions about what materials would be “reflective of and complimentary to the existing buildings.”

**The record is adequate to find this standard is met without conditions.** The narrative and supporting the photos of existing buildings shows that the target for being reflective and complimentary is very eclectic.

“These properties are representative of the district and zone. As you can see from the photos, the neighboring properties have different window types, siding types, and architectural details. All adding in some way to enhance the diversity of the district and zone. Some windows are vinyl, some are wood, some have grids and some do not, some siding is wood, some is hardiplank, some is vinyl, shingles as well as stucco are also both represented. “(c) Building materials are reflective of and complementary to existing buildings within the district.”

Attached to this letter is the May 19 written statement from the Applicant to the Commission. It explains in further detail that all of the design features in this proposal are represented at other locations in the district.

The Staff Report does not explain why the development proposal as submitted is not complimentary with what is already in the district. Perhaps the Staff believe that the recommended conditions would make the buildings “more” complimentary with the existing structures. But “more complimentary” is not the standard.

No two design professionals would design the same building for the same site. They would be different. That is why they are the design professionals. Staff should respect the design of the Applicant’s professional as meeting the standard. Staff should not be trying to improve the design of the Applicant’s professional. All recommended conditions should be dropped.

**If the Council wants to impose the conditions recommended by staff then the conditions need to be amended to avoid a successful appeal by opponents.** The Applicant would prefer the conditions to a denial. However, the proposed conditions as drafted have a fatal flaw that will trigger a successful appeal. That is because the conditions state a requirement that amended plans be reviewed by staff. That review would be administrative, not subject to a public hearing. A discretionary review by staff of amended plans without an opportunity for a public hearing is a sure recipe for an appeal and remand by LUBA. Let’s put it this way, if a person wanted to set up an opportunity for a successful appeal, then they would draft the conditions as recommended by staff.

The gist of the recommended staff’s four conditions could be preserved in a condition that does not invite an appeal. The conditions would look like this:

“Plans submitted for a building permit shall reflect the following: 1) all first-floor storefront windows as fixed with aluminum frames and clear/untextured obscuring; 2) all transoms to be rectangular and multi-paned; 3) all windows other than storefront and transoms must be uniformly sized and spaced, single- or double-hung, with either between the glass, or simulated divided grids, and clear/untextured obscuring; 4) all doors to be the same style (i.e. four raised

paneled or half lite) and constructed of fiberglass, wood, or steel. Prior to the issuance of an occupancy permit, all doors and windows must be installed as proposed and/ or approved.”

“Plans submitted for a building permit shall reflect the following: all composite window frames trimmed with solid wood and include a true projecting sill and top wood molding that is at least five inches wide. Prior to the issuance of a certificate of occupancy, all composite window frames must be installed as proposed and/ or approved.”

“Plans submitted for a building permit shall reflect the following: the profile of the siding as well as the finish of the masonry accents. All siding is to be smooth without faux grain. Prior to the issuance of an occupancy permit, all siding and masonry accents are to be installed as proposed and/ or approved.”

“Plans submitted for a building permit shall reflect the following: architectural beams, brackets, and columns as solid wood. Prior to the issuance of a certificate of occupancy, all solid wood beams, brackets, and columns must be installed as proposed and/ or approved.”

The redrafted conditions above retain the substance of the staff recommendations. However, they eliminate the suggestion that the Director will conduct any kind of discretionary review. This may not mitigate the likelihood of appeal by committed opponents, but it will eliminate a certainty of a remand being built into the conditions.

The applicant looks forward to the hearing on this matter.

Sincerely,

*Bill Kloos*

Bill Kloos

Cc: Client

Encl. Applicant’s May 19 Statement to Commission

## Applicant May 19 Statement to Commission

Good evening to the Landmarks Advisory Commission and all attending. We would like to thank all for the amazing support we have received. The virtual testimony was so appreciated and now the written support is a breath of fresh air.

In response and summary of the testimony in opposition, we feel that this project has met all criteria and is overly sensitive to the concerns of those in opposition. Opposing testimony made claims of the project being too big. This project has an element of commercial space which pushes the development into a bit larger building. This zone is intended to be a transition from strictly commercial to a more residential area. The zone encourages a mix of retail, offices, services, etcetera that will add to the livability of our city and the district. The development also provides sorely needed housing. Housing in close proximity to the downtown also enables residents to walk to shops and services and reduces the need for cars and trips across town to the malls and box stores. This project checks all the boxes of what this zone is designed for.

We have also heard complaints in regards to the height of the project. The fact is this project is well under the height restrictions in a zone that “encourages mixed use both horizontally and vertically.” If the zone encourages this type of development then approval should reasonably follow. The structures that were previously on this site were 2 ½ stories. This project is three stories. People feel that the privacy in their backyards will be ruined. The prior structures provided visibility into neighboring backyards as well. Throughout the zone and district all backyards are visible to neighboring homes if you have a two story home. This is inevitable in the entire district as the density dictates this. The proposed development is no different.

Opposition has also made parking a point of contention. The DMU zone has no parking requirements. In an attempt to be sensitive to the neighborhood, the proposed development has included off street parking in an effort to mitigate this concern. We have addressed and been sensitive to parking.

The City has also given eight conditions of approval. We feel these conditions are subjective based on preference and not zoning guidelines. Condition 1 wants a separate review for the designed storage for the residences. The storage is part of this submittal and will have the same detailing as the overall project. To ask for a separate Historic Review of New Construction application for said proposed accessory structures is redundant. The storage for the residences is part of the site plan.

Condition 2 deals with setbacks. This project complies with the setback requirements of the DMU zone. The buildings are well beyond the minimum setbacks in all instances. There should not be a Condition 2.

Condition 3 wants larger offsets than what the project already has. I have never seen any requirement for offsets. Bill Ryals has designed an extremely well thought out plan that is attractive and compatible with the DMU zone and sensitive to the historic overlay. He is an architect with 40 years of experience. He is an expert. Although he has recused himself from this proceeding we must remind you that he is a member of the Landmarks Advisory Commission. To make a condition for larger offsets is subjective. The planners that are asking for the conditions are not licensed architects, nor do they have the technical expertise that Bill Ryals has acquired through his licensure and many years of experience.

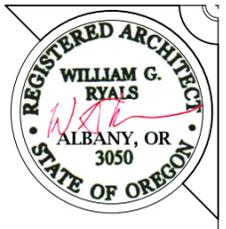
Condition 4 deals with height. The DMU zone encourages development **horizontally** and **vertically**. The DMU zone allows a height of 85 feet, while the historic overlay allows a height of 45 feet. The proposed project's peak, the highest point, stands at 40 feet. This is well within the more conservative height restriction. There should be no Condition 4.

Conditions 5 through 8 deal with design details. We have been in construction for over 30 years and want this project to be an attractive addition to the area. Whether siding is smooth or textured is based on personal preference. Who gets to decide what looks good? We like the look of smooth siding as well, but shingles whether wood or hardiplank have texture. Is this wrong? We like paned windows in some instances but are non paned windows wrong? Is trim that is made of composite materials impervious to rot and the elements wrong? Some "solid wood", that is spruce, doesn't last as long as douglas fir or cedar, which don't last as long as concrete or polyurethane. The detailing does matter, but advances in this day and age should allow for flexibility in what product is used. Is brick better than stone, or better than pre cast concrete? All three provide great appearance and function and all three are great options. In order to create something beautiful, some leeway must be given to the architect and builder. While we can agree to some conditions such as smooth siding, paned windows, and five inch window trim, we feel the red tape of having each item approved is very subjective and unnecessary. It was brought to light in the last meeting that there are other projects that have been afforded this leeway. We would expect the same courtesy. Although our findings of fact and architectural renderings were omitted by staff initially, hopefully you have had the opportunity to review them. As such we feel conditions 5 through 8 should not be a part of this approval.

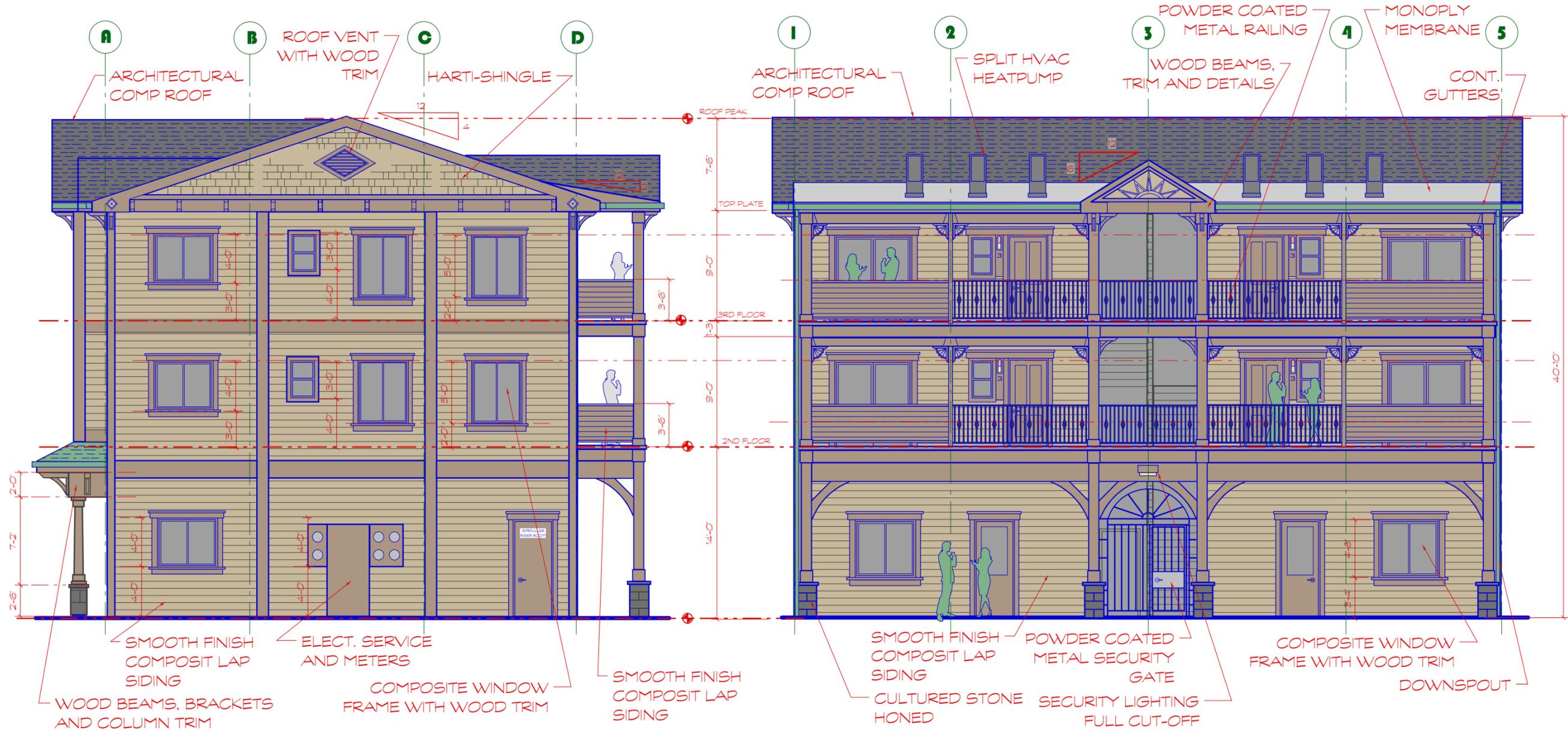
We have worked hard to be sensitive to all concerns of compatibility. There are many instances of large structures within eyesight or one block of this development. Many buildings that are of grander scale and detailing next to buildings that are more modest. All are valuable and contributing and can exist harmoniously in this area. This development is likewise not the same as everything else. It is not designed to be. However, it will provide a unique mix of commercial space with additional housing to complement the downtown area. Parking space has been added in an area where no parking space is required. Building detailing includes window trim, wide belly bands, wood brackets, shingle detailing and masonry accents to name just a few. These details will add unique touches to make the proposed project attractive and complementary to the neighborhood. We know that these buildings will be a great addition to

Albany and the downtown area. Please approve this project with no conditions. Thank you for your time and consideration.

Mark & Tina Siegner

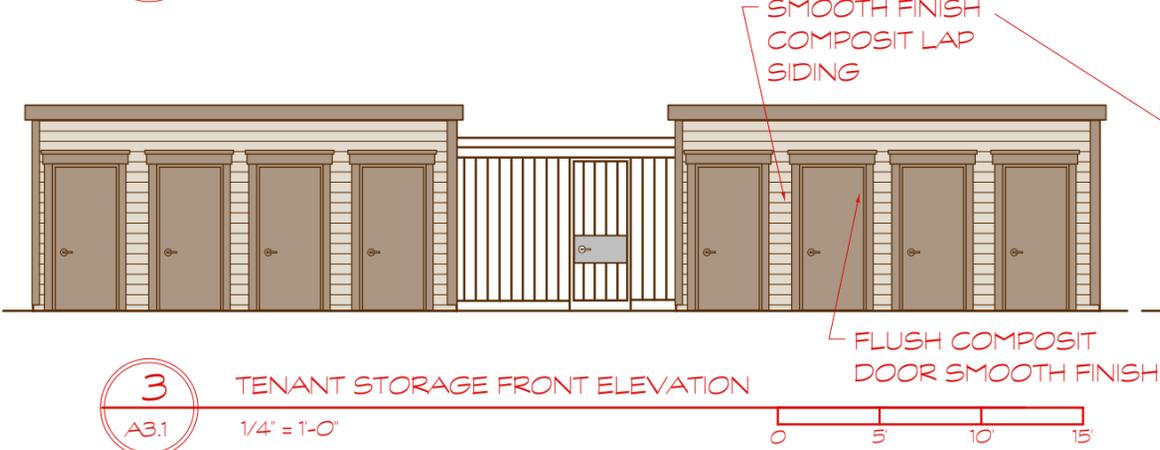


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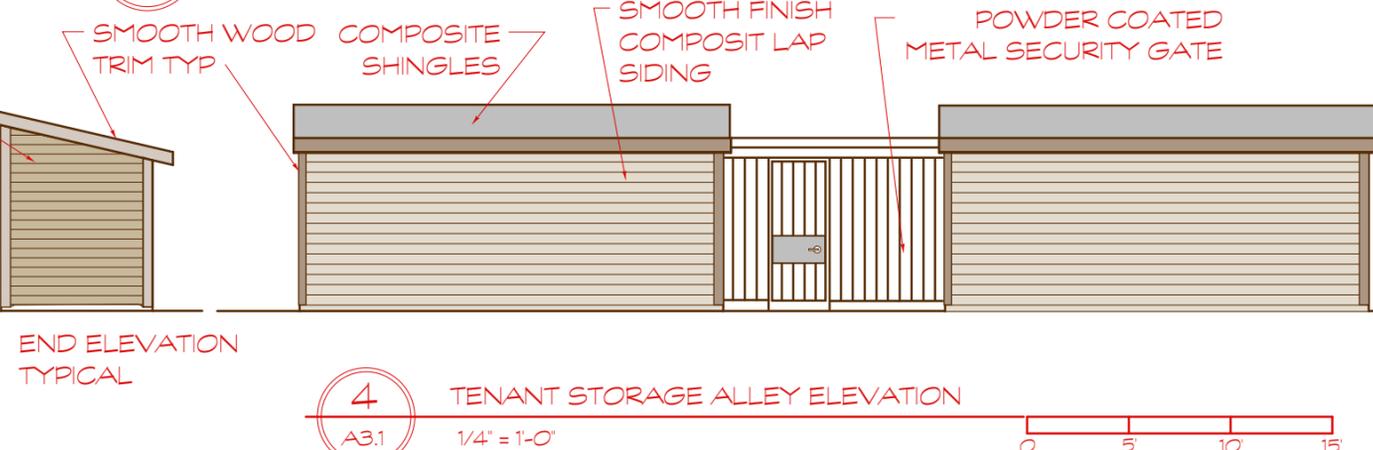


2 EAST BUILDING ELEVATION  
 A3.1 1/4" = 1'-0"

1 NORTH BUILDING ELEVATION  
 A3.1 1/4" = 1'-0"



3 TENANT STORAGE FRONT ELEVATION  
 A3.1 1/4" = 1'-0"



4 TENANT STORAGE ALLEY ELEVATION  
 A3.1 1/4" = 1'-0"

**CALAPOOIA COURT**  
 Downtown LIVE/WORK/PLAY  
 331 NW CALAPOOIA STREET  
 ALBANY, OREGON 97321

**BUILDING ELEVATIONS**

