



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

# Notice of Public Hearing

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

HI-01-24/SP-04-24

April 10, 2024

### HEARING INFORMATION

Review Body:	Landmarks Commission (Type III)
Hearing Date:	Wednesday, May 1, 2024
Hearing Time:	6:00 p.m.
Hearing Location:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW
	<u>Virtual Option:</u> At 6:00 p.m., join the meeting using the link below: <a href="https://council.albanyoregon.gov/groups/lac/zoom">https://council.albanyoregon.gov/groups/lac/zoom</a>
	You can use your microphone or dial in using phone.
	<u>Phone Audio Option:</u> +1 (253) 215-8782 (long distance charges may apply)
	<u>Meeting Id:</u> 891-3470-9381; <u>Passcode:</u> 530561

### Application Information

Type of Application:	Site Plan Review for a 4,004 square foot addition onto an existing structure, the decoupling of an existing addition to a separate structure, and a Historic Review of New Construction and Exterior Alterations.
Review Body:	Landmarks Commission (Type III review)
Property Owner:	Monteith Square LLC, 442 1st Avenue SW, Albany, OR 97321
Applicant:	Lori Stephens, 534 NW 4th Street, Corvallis, OR 97330
Address/Location:	133 5th Avenue SE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-07BA-00800
Zoning:	Lyon Ellsworth (LE)
Overlays:	Hackleman Historic District

The Planning Division has received the application referenced above and has scheduled a public hearing before the Landmarks Commission. We are mailing notice of the application to property owners within 300 feet of the proposed development.

A copy of the application, all documents, and evidence submitted by or on behalf of the applicant, and applicable criteria, are available for inspection at the Albany Community Development Department, Planning Division. Copies can be provided by mail upon request at a reasonable cost or electronically at no charge. The staff report for the hearing is available by 5:00 p.m. on Wednesday, April 24, 2024, on the City's website at:

[www.albanyoregon.gov/cd/projectreview](http://www.albanyoregon.gov/cd/projectreview)

[albanyoregon.gov/cd](http://albanyoregon.gov/cd)



Should you wish to discuss this case please contact Alyssa Schrems, project planner, at [alyssa.schrems@albanyoregon.gov](mailto:alyssa.schrems@albanyoregon.gov), 541-791-0176.

Submit any written comments to the Planning Division; PO Box 490, Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the notice of decision.

## YOUR COMMENTS

Your comments will be considered when the Landmarks Commission makes a decision on this application. All testimony and evidence must be directed toward the approval standards for the applications listed in this notice. Failure to raise an issue by letter or verbally before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Landmarks Commission an adequate opportunity to respond to each issue raised precludes an appeal based on that issue.

## PUBLIC HEARING PROCEDURE

Persons wanting to provide testimony during public hearings at meetings may:

1. Email written comments to [alyssa.schrems@albanyoregon.gov](mailto:alyssa.schrems@albanyoregon.gov) **before noon the day of the meeting**, including your name and subject of the public hearing, or mail comments to Albany Planning Division; PO Box 490, Albany, OR 97321. **Written comments to be addressed in the staff report must be received by City staff on or before April 22, 2024.**
2. To testify virtually during the public hearing, register by emailing [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov) **before noon on the day of the meeting**, with your name, address, phone number, and if you are speaking for, against, or neutral on the project/subject. The chair will call upon those who have registered to speak.
3. Appear in person at the meeting and register to speak using the signup sheet on the table.

The public hearing will begin with a declaration of any bias, *ex parte* contacts (contacts that occurred outside of the public hearing), or any conflict of interest by the decision-makers. This will be followed by the staff report from the planning staff. Then the applicant will testify. This will be followed by calling upon those who registered to speak in support of the application. After those in favor of the application are finished, testimony from those who registered to speak in opposition will begin. This will be followed by testimony from people who neither favor nor oppose the application. Following, a calling upon anyone else who wishes to testify either in support, in opposition, or neutral will be made. The applicant will then be able to respond to the public comments. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing. Once all comments are recorded as part of the meeting, and the applicant responds, the Landmarks Commission will close the public hearing and deliberate on the application.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of Oregon Revised Statute (ORS) 227.178.

If the hearing is continued or the record is left open, the chair will announce the date, time, and place for the resumption of the hearing and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify City staff at least 48 hours in advance of the meeting at 541-917-7550, or email [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov).

## APPEALS

Within five days of the Landmarks Commission's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice.

A decision of the Landmarks Commission may be appealed to the City Council if a person with standing files a notice of appeal and pays the associated filing fee with the City within ten days of the date the City mails the notice of decision.

## Approval Standards for This Request

### *Historic Review of Exterior Alteration (ADC 7.150)*

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:

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.

### *Secretary of Interior's Standards for Rehabilitation – (ADC 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.
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.

### *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:

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.

### *Site Plan Review Criteria (ADC 2.450)*

Section 2.450 of the Albany Development Code (ADC or Code) includes the following review criteria that must be met for this site plan application to be approved.

- (1) The application is complete in accordance with the applicable requirements.
- (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.
- (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.
- (4) The application complies with all applicable Design Standards of Article 8.
- (5) The application complies with all applicable Design Standards of Article 10.
- (6) The application complies with all applicable On-Site Development and Environmental Standards of Article 9.
- (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.
- (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.
- (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.
- (10) The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
- (11) Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.330.

### **Additional Criteria for Non-Residential Applications - ADC 2.455**

Site Plan Review approval will be granted if the review body finds that, in addition to meeting the review criteria in 2.450, the application meets all of the following criteria that are applicable to the proposed development.

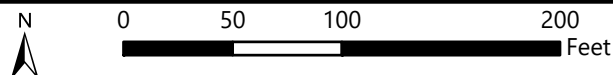
- (1) The transportation system can safely and adequately accommodate the proposed development.
- (2) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- (3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

Additional review standards for this application are found in ADC Articles 1, 2, 5, 6, 7, 8, 9, 12, and 22.

**Attachments:** Location Map & Site Plan



\\con.cityofalbany.net\homes\analysis\desktop\Notice Map Template.mxd



Date: 2/28/2024 Map Source: City of Albany

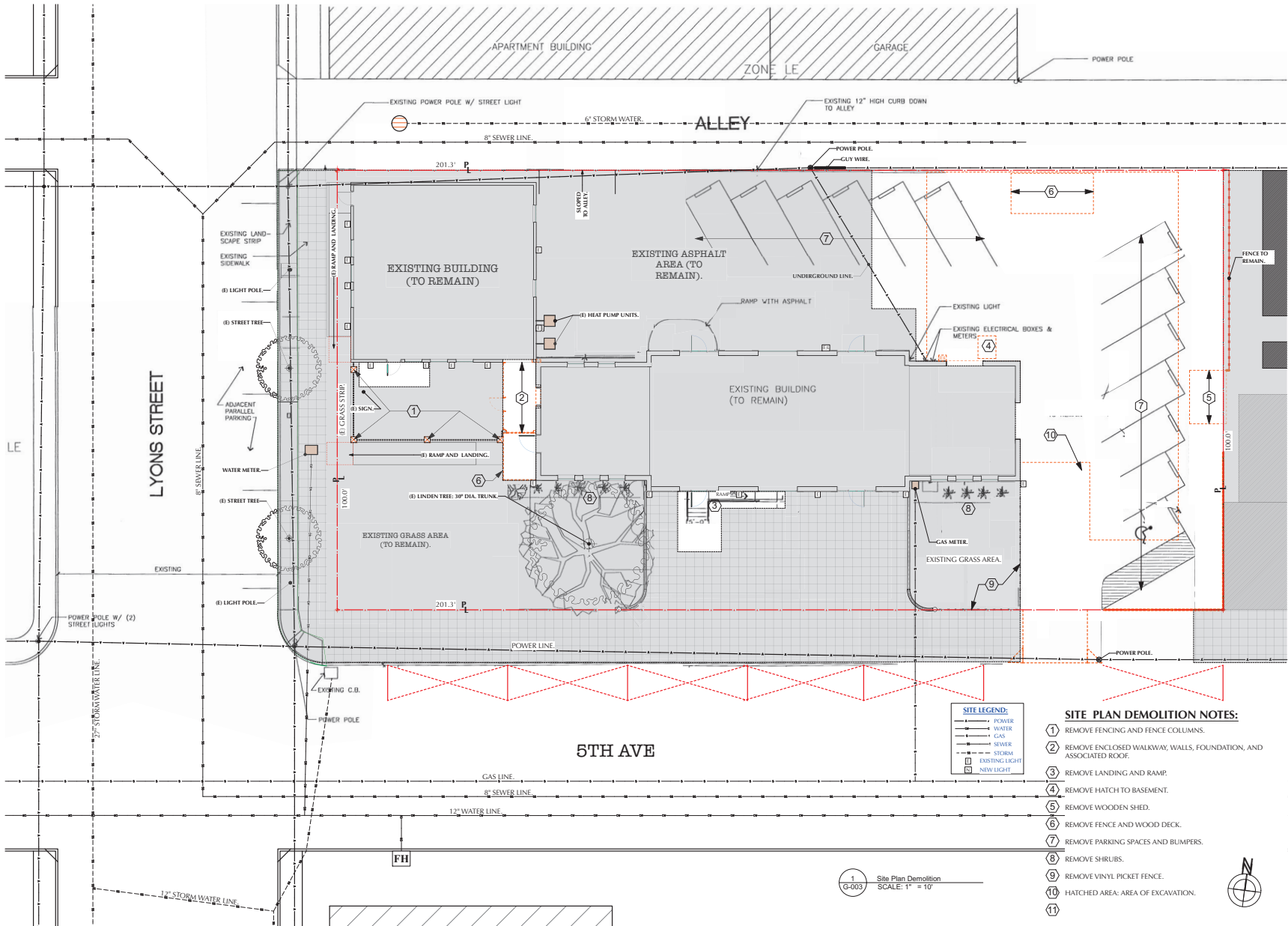
**133 5th Ave SE**

Location Map

REVISIONS	DATE	DESC.
Δ		
Δ		
Δ		
Δ		
Δ		

DATE OF ISSUE:  
Tuesday, April 2, 2024  
CAD FILE NAME: sybaris March 2024b.rvt  
REVISION BY: Lori Stephens  
DRAWN BY: BCAD Technician Full Name  
CHECKED BY: Lori Stephens  
COPYRIGHT: BLAUP

SHEET TITLE  
Site Plan Demolition



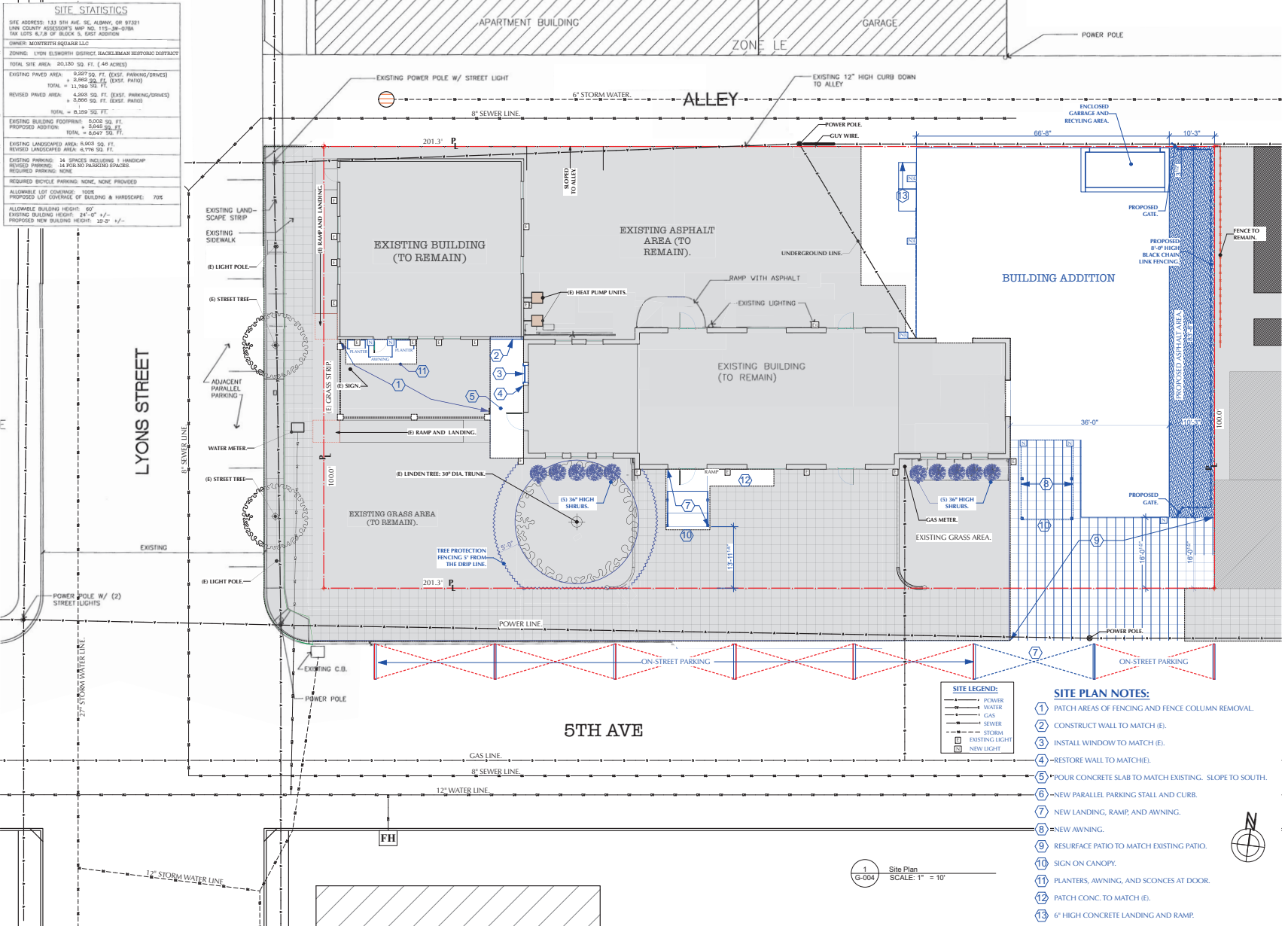
**SITE LEGEND:**

- POWER
- WATER
- GAS
- SEWER
- STORM
- EXISTING LIGHT
- NEW LIGHT

- SITE PLAN DEMOLITION NOTES:**
- ① REMOVE FENCING AND FENCE COLUMNS.
  - ② REMOVE ENCLOSED WALKWAY, WALLS, FOUNDATION, AND ASSOCIATED ROOF.
  - ③ REMOVE LANDING AND RAMP.
  - ④ REMOVE HATCH TO BASEMENT.
  - ⑤ REMOVE WOODEN SHED.
  - ⑥ REMOVE FENCE AND WOOD DECK.
  - ⑦ REMOVE PARKING SPACES AND BUMPERS.
  - ⑧ REMOVE SHRUBS.
  - ⑨ REMOVE VINYL PICKET FENCE.
  - ⑩ HATCHED AREA: AREA OF EXCAVATION.
  - ⑪

1 G-003 Site Plan Demolition  
SCALE: 1" = 10'

SITE STATISTICS	
SITE ADDRESS: 133 5TH AVE. SE, ALBANY, OR 97321	
LINK COUNTY ASSESSOR'S MAP NO. 115-38-018A	
TAX LOTS 6,7,8 OF BLOCK 5, EAST ADDITION	
OWNER: MONTRETTA HOGAN LLC	
ZONING: LYON ELSWORTH DISTRICT, BACKLICKMAN HISTORIC DISTRICT	
TOTAL SITE AREA: 80,130 SQ. FT. (1.83 ACRES)	
EXISTING PAVED AREA:	9,227 SQ. FT. (EXIST. PARKING/DRIVES)
	+ 2,800 SQ. FT. (EXIST. PATIO)
TOTAL:	12,027 SQ. FT.
REVISED PAVED AREA:	4,202 SQ. FT. (EXIST. PARKING/DRIVES)
	+ 3,088 SQ. FT. (EXIST. PATIO)
TOTAL:	7,290 SQ. FT.
EXISTING BUILDING FOOTPRINT:	5,025 SQ. FT.
PROPOSED ADDITION:	2,545 SQ. FT.
TOTAL:	7,570 SQ. FT.
EXISTING LANDSCAPED AREA:	5,305 SQ. FT.
REVISED LANDSCAPED AREA:	6,779 SQ. FT.
EXISTING PARKING:	14 SPACES INCLUDING 8 HANDICAP
REVISED PARKING:	14 POS. 300 PARKING SPACES
REQUIRED PARKING:	NONE
REQUIRED BICYCLE PARKING:	NONE, NONE PROVIDED
ALLOWABLE LOT COVERAGE:	100%
PROPOSED LOT COVERAGE OF BUILDING & HARDSCAPE:	70%
ALLOWABLE BUILDING HEIGHT:	40'
EXISTING BUILDING HEIGHT:	24'-0" +/-
PROPOSED NEW BUILDING HEIGHT:	12'-3" +/-



**SITE LEGEND:**

—	POWER
—	WATER
—	GAS
—	SEWER
—	STORM
□	EXISTING LIGHT
□	NEW LIGHT

- SITE PLAN NOTES:**
- 1 PATCH AREAS OF FENCING AND FENCE COLUMN REMOVAL.
  - 2 CONSTRUCT WALL TO MATCH (E).
  - 3 INSTALL WINDOW TO MATCH (E).
  - 4 RESTORE WALL TO MATCH (E).
  - 5 POUR CONCRETE SLAB TO MATCH EXISTING. SLOPE TO SOUTH.
  - 6 NEW PARALLEL PARKING STALL AND CURB.
  - 7 NEW LANDING, RAMP, AND AWNING.
  - 8 NEW AWNING.
  - 9 RESURFACE PATIO TO MATCH EXISTING. SLOPE TO SOUTH.
  - 10 SIGN ON CANOPY.
  - 11 PLANTERS, AWNING, AND SCONCES AT DOOR.
  - 12 PATCH CONC. TO MATCH (E).
  - 13 6" HIGH CONCRETE LANDING AND RAMP.



LORI STEPHENS ARCHITECT

**PRELIMINARY - NOT TO BE USED FOR CONSTRUCTION**

**Sybaris Renovation**  
 133 Fifth Ave. SE  
 Albany, OR 97321  
 CONTACT: mpanandj@msm.com

REVISIONS:

NO.	DATE	DESC.

DATE OF ISSUE:  
 Tuesday, April 2, 2024  
 CAD FILE NAME: sybaris March 2024b.dwg  
 DESIGNED BY: Lori Stephens  
 DRAWN BY: BCAD Technician Tofu Name  
 CHECKED BY: Lori Stephens  
 COPYRIGHT: BLAFC

SHEET TITLE  
**Site Plan**

**G-004**