

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE HISTORIC PRESERVATION OFFICER

CLASS 2 HISTORIC DESIGN REVIEW CASE NO.: HIS24-02

APPLICATION NO.: 24-102208-PLN

NOTICE OF DECISION DATE: April 11, 2024

SUMMARY: A proposal to modify a non-historic storefront on the south facade of the Durbin Building (aka Semler Building),(ca.1860/1920/1960s).

REQUEST: Class 2 Minor Historic Design Review of a proposal to modify a non-historic storefront on the south facade of the Durbin Building (aka Semler Building),(ca.1860/1920/1960s), a historic contributing building in the Salem Downtown Historic District, zoned CB (Central Business District), and located at 315 State Street (aka 315-333 State Street) 97301 ; Marion County Assessors Map and Tax Lot number 073W27AB07900.

APPLICANT: Javier Martinez

LOCATION: 315 State St, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 230.040(d) – Standards for historic contributing buildings in commercial historic districts

FINDINGS: The findings are in the attached Decision dated April 11, 2024.

DECISION: The **Historic Preservation Officer (a Planning Administrator designee) APPROVED** Class 2 Minor Historic Design Review Case No. HIS24-02 subject to the following conditions of approval:

Condition 1: The applicant must obtain required building permit.

The rights granted by the attached decision must be exercised, or an extension granted, by April 27, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>March 15, 2024</u>
Notice of Decision Mailing Date:	<u>April 11, 2024</u>
Decision Effective Date:	<u>April 27, 2024</u>
State Mandate Date:	<u>July 13, 2024</u>

Case Manager: Jacob Morris, jjmorris@cityofsalem.net, 503-540-2317

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Friday, April 26, 2024. The notice of appeal must contain the

information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 230. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) MINOR HISTORIC DESIGN REVIEW
HISTORIC DESIGN REVIEW)
CASE NO. HIS24-02)
315 STATE STREET) April 11, 2024

In the matter of the application for a Minor Historic Design Review submitted by Javier Martinez, the Historic Preservation Officer (a Planning Administrator Designee), having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A proposal to modify a non-historic storefront on the south facade of the Durbin Building (aka Semler Building),(ca.1860/1920/1960s).

Request: Class 2 Minor Historic Design Review of a proposal to modify a non-historic storefront on the south facade of the Durbin Building (aka Semler Building), (ca.1860/1920/1960s), a historic contributing building in the Salem Downtown Historic District, zoned CB (Central Business District), and located at 315 State Street (aka 315-333 State Street) 97301 ; Marion County Assessors Map and Tax Lot number 073W27AB07900.

A vicinity map illustrating the location of the property is attached hereto, and made a part of this decision **(Attachment A)**.

FINDINGS

1. Minor Historic Design Review Applicability

SRC230.020(f) requires Historic Design Review approval for any alterations to historic resources as those terms and procedures are defined in SRC 230. The Planning Administrator shall render a decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

BACKGROUND & PROPOSAL

The applicant is proposing to replace deteriorated portions of a wooden non-historic storefront assembly. General proportions remain the same. Trim proportions for repairs are slightly different, and the lower panel has an embossed brick texture finish. All wooden portions have a painted finish.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City’s online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 102208.

APPLICANT'S STATEMENT

A request for historic design review must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicants submitted a written statement, which is included as **Attachment B** in this staff report.

Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report. Salem Revised Code (SRC) (SRC) 230.040(d) *Storefronts Standards for Historic Contributing Buildings in Commercial Historic Districts* are the applicable criteria for evaluation of this proposal.

FACTS & FINDINGS

1. Historic Designation

Under Salem Revised Code (SRC) Chapter 230, no exterior portion of a local historic resource, contributing, non-contributing building or new construction in a historic district shall be erected, altered, restored, moved or demolished until historic design review approval has been granted on the basis of the project's conformity with the applicable criteria in SRC 230. Conditions of approval, if any, shall be limited to project modifications required to meet the applicable criteria.

According to SRC 230.020(f), historic design review approval shall be granted if the application satisfies the applicable standards set forth in Chapter 230. For Class 1 and Class 2 Minor Historic Design Review decisions HLC staff, the Historic Preservation Officer (a designee of the Planning Administrator), shall render their decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

2. Historic Significance

The Durbin/Semler Building is a contributing resource to the Salem Downtown Historic District. Constructed c.1870, the current appearance dates to c. 1920, when the then owners of the southerly Durbin Building, Joseph and Lillie Adolph and George E. and Margaret Waters, altered the building. At that time, the existing exterior walls were covered with a light-colored brick and the rounded window heads were squared. It is likely that a rear addition was also made to the Durbin Building at that time, which joined an existing (1870s) two-story building on the east. This building is associated with some of Salem's noteworthy agriculturists and merchants: Solomon and Isaac Durbin, William Watkins, Richard H. Dearborn, H. Hirschberg, and George Waters. Brothers Solomon and Isaac Durbin immigrated to Oregon in 1845. From 1853 to 1874, he and his brother, Isaac Durbin, owned and operated a livery stable, known as Durbin & Company, at the corner of Commercial and State streets. A January 1862 photograph of the northeast corner of Commercial and State streets shows the two-story wood frame "S. Durbin" livery with a team of sixteen horses hitched up in the snow. In the early and mid-1880s, T.B. Wait sold hardware and farm machinery from the Durbin Building. William Watkins and Richard H. Dearborn owned the adjoining property on the north. In the 1860s, they constructed a brick building fronting on Commercial Street. A harness-making shop occupied the northern-most Watkins-Dearborn Building into the 1890s. By then the Durbin Building had become a saloon with offices on the second floor. J.T. Fryer bought the southern-most Durbin Building in 1887. Between 1894 and 1911, H. Hirschberg owned the property. H.

Hirschberg, Independence, Oregon, banker and large real estate holder throughout Oregon, bought this corner property in 1894 and owned it until 1911.

Joseph Adolph and George E. Waters both purchased an interest in the corner Durbin Building in 1911. Adolph and Waters presumably remodeled the Durbin Building around 1920, at which time major alterations were made to the window headers, exterior wall surface, and the rear (east end) of the building. By the mid-1930s, the two Adolph brothers had joined Edward Rostein in a venture that eventually became Salem Drug Company. Waters passed away in 1940; Adolph died two years later. Harry Semler, a dentist, acquired this property in 1958 from Margaret Waters (George Waters's wife) and Rex and Alden Adolph, sons of Joseph and Lillie Adolph. The Semler Dental Offices occupied the building for several years

3. Neighborhood and Citizen Comments

The subject property is located within the Central Area Neighborhood Development Organization (CANDO). A Request for Comments was sent to the neighborhood association, and surrounding property owners within 250 feet of the property pursuant to Salem Revised Code (SRC) requirements on March 15, 2024. The CANDO Neighborhood Association submitted an email on March 15, 2024, stating that CANDO has no objections to the proposal (Attachment C). No additional comments were received from the neighborhood association or from adjoining property owners.

4. City Department and Public Agency Comments

The Building and Safety Division indicates that **the applicant must obtain required building permits**. The Planning Division has reviewed the proposal and states that there are no concerns with the proposal. The Fire Department and Public Works Department had no concerns regarding the proposal.

5. Historic Design Review

(SRC) 230.040(d) *Storefronts Standards for Historic Contributing Buildings in Commercial Historic Districts* are the applicable criteria for this case. Table 230-1 defines this activity as a Class 2 Minor Historic Design Review. Historic Preservation staff reviewed the project proposal and has the following findings for the applicable criterion.

FINDINGS:

230.040(d) Storefronts. *Replacement of storefronts or components of storefronts in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was determined to be unfeasible due to poor condition of the materials. If the storefront is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.*

(1) Materials. (A) *Original material shall, if possible, be retained or repaired.*

Finding: The original material was previously replaced, so this criteria is not applicable.

(b) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and configuration of the original materials in the

storefront.

Finding: The storefront is not original. The replacement elements are constructed in wood products, which is a compatible material, thereby meeting this standard.

(2) Design. *(A) To the extent practicable, original storefront components such as windows, door configuration, transoms, signage, and decorative features shall be preserved.*

Finding: The storefront, although not original, does retain historically appropriate proportion and configuration. The proposed repairs retain the historic tripartite storefront pattern, transom and door configuration, thus meeting this standard.

(B) Where the original storefront is too deteriorated to save, the commercial character of the building shall be retained through:

(i) A restoration of the storefront based on historical research and physical evidence; OR

(ii) Contemporary design that is compatible with the scale, design, materials, color and texture of historic compatible buildings in the district.

Finding: The commercial character is retained through retention of appropriate materials and similar design. No physical or pictorial evidence of the original storefront has been uncovered. The minor changes, such as introduction of the brick-textured panel and slight trim alterations are compatible with the scale, design, materials, color and texture of historic compatible buildings in the district.

DECISION

Based upon the application materials deemed complete on February 27, 2024 and the findings as presented in this report, the application for HIS24-02 is **APPROVED** with the following **Condition of Approval**.

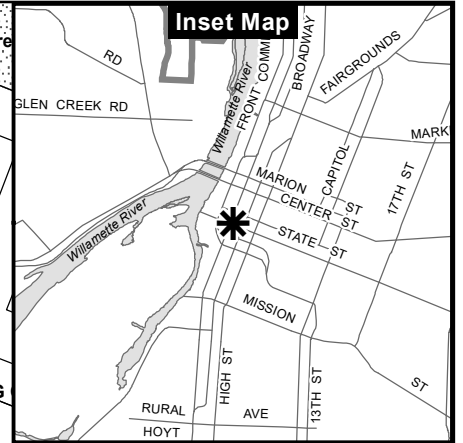
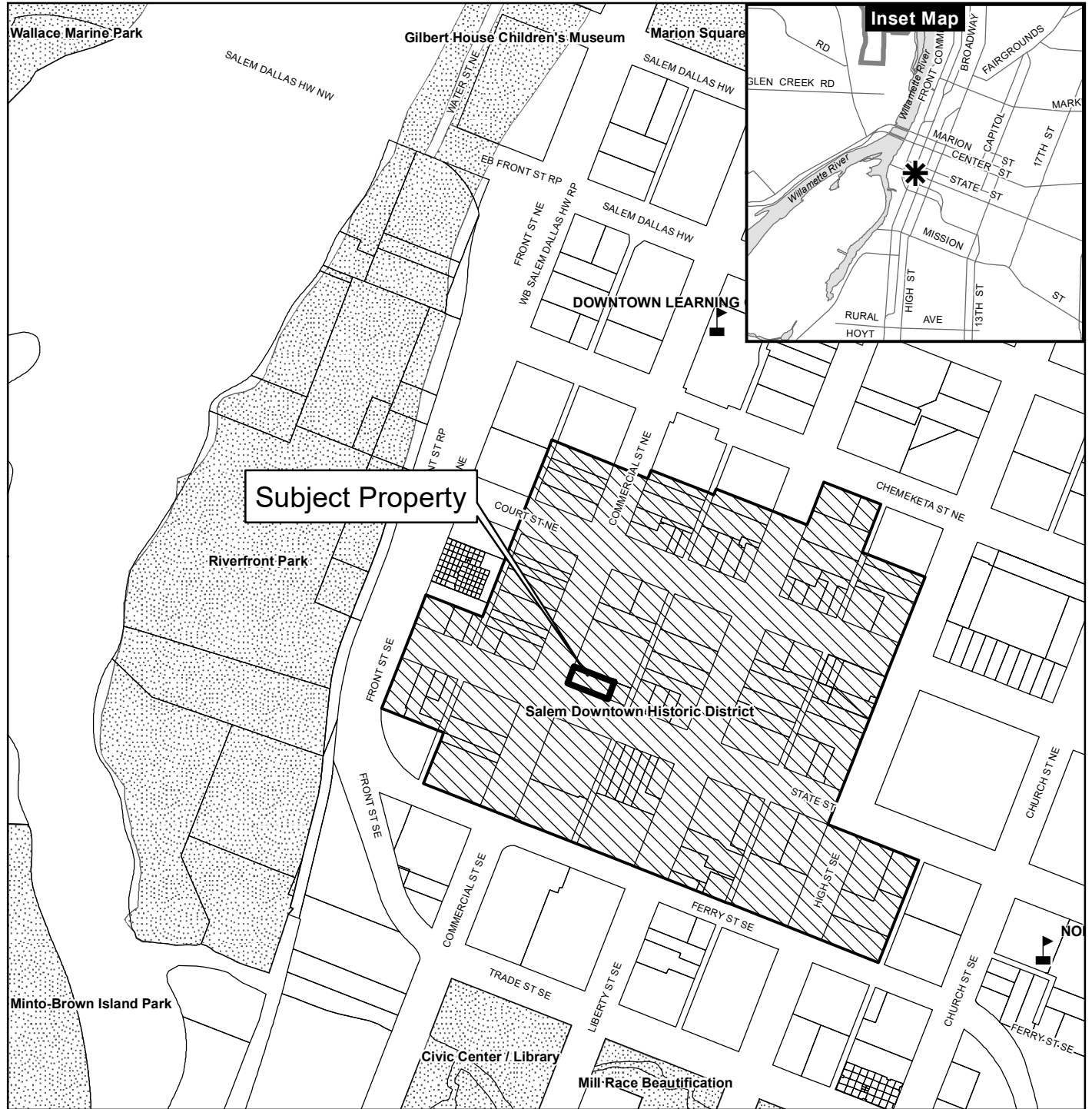
Condition 1: The applicant must obtain required building permit.










Jacob Morris, PhD
Historic Preservation Planner
Planning Administrator Designee

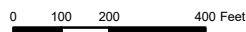
Attachments: A. Vicinity Map
B. Applicant's Submittal Materials
C. Comments

Vicinity Map 315 STATE



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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Legend

- Centerline (Labels)
- Historic Buildings
- Annexations (delayed)
- Taxlots
- Creeks
 - 50 - 200
 - 200 - 640
 - 640 - 6400
 - GT 6400
- Hydrology
- Street Class
 - Future Minor Arterial
 - Future Collector
 - Major Arterial
 - Minor Arterial
 - Parkway
 - Collector
 - Highway/Freeway
- Urban Growth Boundary
- City Limit

1:399



0.01 0 0.01 0.01 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Salem, Oregon

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter notes here...

Historic Alteration Review Worksheet

Site Address: 315 State St

Resource Status: Contributing Non- Contributing Individual Landmark

Type of Work Activity Proposed: Major Minor

Chose One: Commercial District Individual Resource Public District
 Residential District Sign

Replacement, Alteration, Restoration or Addition of:

Architectural Feature:

- Awning
- Door
- Exterior Trim, Lintel
- Other architectural feature
- Roof/Cornice
- Masonry/Siding
- Storefront
- Window(s) Number of windows: _____

Landscape Feature:

- Fence
- Streetscape
- Other Site feature (describe) _____

New:

- Addition
- Accessory Structure
- Sign
- Mural
- Accessibility Ramp
- Energy Improvements
- Mechanical Equipment
- Primary Structure

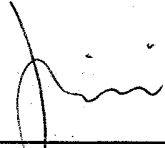
Will the proposed alteration be visible from any public right-of-way? Yes No

Project's Existing Material: glass/wood Project's New Material: glass/wood

Project Description

Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help staff and the HLC clearly understand the proposed work:

The storefront had a wooden door with a glass window and a wooden storefront with large window. It was not original, but looked generally historic. After being damaged, repairs revealed dry rot in door frame and storefront assembly. Deteriorated pieces were replaced. General proportions are the same, but the trim is slightly different and the storefront panel is has a texture resembling brick. The assembly is painted finish.



 Signature of Applicant

2/23/24

 Date Submitted/Signed

REVIEW WORKSHEET

STANDARDS FOR HISTORIC CONTRIBUTING BUILDINGS COMMERCIAL HISTORIC DISTRICTS

230.040(d) Storefronts. *Replacement of storefronts or components of storefronts in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was determined to be unfeasible due to poor condition of the materials. If the storefront is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.*

(1) Materials.

(A) *Original material shall, if possible, be retained or repaired.*

RESPONSE: The existing materials were older, but not original. When repair was attempted, dry rot was found. Only damages areas were replaced.

(B) *Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and configuration of the original materials in the storefront.*

RESPONSE: The storefront wasn't original, but the glass sizes were kept. The only changes were to some of the trim and the bulkhead panel was changed to a brick texture from flat to match other parts of the building.

(2) Design.

(A) *To the extent practicable, original storefront components such as windows, door configuration, transoms, signage, and decorative features shall be preserved.*

RESPONSE: The overall design is the same, the brick finish panel is a change, but the previous panel was not original.

(B) *Where the original storefront is too deteriorated to save, the commercial character of the building shall be retained through:*

(i) *A restoration of the storefront based on historical research and physical evidence; OR*

(ii) Contemporary design that is compatible with the scale, design, materials, color and texture of historic compatible buildings in the district.

RESPONSE: Meets ii-The new storefront after repairs has historically appropriate proportions and the brick texture that was introduced is found in the district. No historic photos were found to provide an example.

(C) For buildings that provide a separate upper-story entrance on the exterior facade, the street-level entrance should be the primary focus of the building facade.

RESPONSE: N/A

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

REGARDING: Class 2 Minor Historic Design Review Case No. HIS24-02

PROJECT ADDRESS: 315 State St, Salem OR 97301

AMANDA Application No.: 24-102208-PLN

COMMENT PERIOD ENDS: March 29, 2024 at 5:00 p.m.

SUMMARY: A proposal to modify a non-historic storefront on the south facade of the Durbin Building (aka Semler Building),(ca.1860/1920/1960s).

REQUEST: Class 2 Minor Historic Design Review of a proposal to modify a non-historic storefront on the south facade of the Durbin Building (aka Semler Building),(ca.1860/1920/1960s), a historic contributing building in the Salem Downtown Historic District, zoned CB (Central Business District), and located at 315 State Street (aka 315-333 State Street) 97301 ; Marion County Assessors Map and Tax Lot number 073W27AB07900.

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m. Friday, March 29, 2024, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

CASE MANAGER: Jacob Morris, Historic Preservation Planner, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2417; E-Mail: jjmorris@cityofsalem.net.

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING THAT APPLY:

- 1. I have reviewed the proposal and have no objections to it.
- 2. I have reviewed the proposal and have the following comments: _____
Building permits shall be required.

Name/Agency: AL-DR

Address: City of Salem

Phone: Building and Safety

Email: _____

Date: _____

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Jake Morris

From: MICHAEL LIVINGSTON <michaellivingston1@comcast.net>
Sent: Friday, March 15, 2024 3:25 PM
To: Zachery Cardoso
Cc: Jake Morris; Kimberli Fitzgerald; Owens, Sarah; Irma Coleman; Bryant Baird
Subject: Re: Notice of Filing / Request for Comments - Case No. HIS24-02 for 315 State St

CANDO, I am submitting this comment in response to your revised request below in Case No. HIS24-02 for 3

no objection to the proposal to A proposal to modify a non-historic storefront on the south facade of g (aka Semler Building),(ca.1860/1920/1960s).

on

On 03/15/2024 9:42 AM PDT Zachery Cardoso <zcardoso@cityofsalem.net> wrote:

Hello,

The Notice of Filing / Request for Comments for Historic Design Review Case No. HIS24-02 for 315 State St is attached for your information. Comments are due **March 29, 2024 by 5:00 p.m.** Hard copies go out in the mail today for those of you who are to receive one.

Application Summary: A proposal to modify a non-historic storefront on the south facade of the Durbin Building (aka Semler Building),(ca.1860/1920/1960s).

Please direct questions or comments to the **CASE MANAGER:**

Jake Morris

jjmorris@cityofsalem.net

503-540-2417

Thank you,