

# NOTICE OF DECISION

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



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503-588-6173*

## DECISION OF THE HISTORIC PRESERVATION OFFICER

**MINOR HISTORIC DESIGN REVIEW CASE NO.:** HIS20-32

**APPLICATION NO.:** 20-118228-DR

**NOTICE OF DECISION DATE:** January 27, 2021

**SUMMARY:** A proposal to install a new canopy over an outdoor seating area on the exterior of the Durbin Brosft Livery (1867).

**REQUEST:** Minor Historic Design Review of a proposal to install a new canopy over an outdoor seating area on the exterior of the Durbin Brosft Livery (1867), a non-contributing resource within the Salem Downtown Historic District, zoned CB(Central Business District), and located at 120 Commercial Street NE / 97301; Marion County Assessors Map and Tax Lot Number 073W27AB08000.

**APPLICANT:** Donald Bauhofer

**LOCATION:** 120 Commercial St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 230.045(k) Commercial Historic Districts Non-Contributing Resources

**FINDINGS:** The findings are in the attached Decision dated January 27, 2021

**DECISION:** The **Historic Preservation Officer** (a **Planning Administrator** designee) **APPROVED** Historic Design Review HIS20-32 based upon the application materials deemed complete on December 23, 2020 and the findings as presented in this report.

This Decision becomes effective on February 12, 2021. No work associated with this Decision shall start prior to this date unless expressly authorized by a separate permit, land use decision, or provision of the Salem Revised Code (SRC).

The rights granted by the attached decision must be exercised, or an extension granted, by February 12, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>December 23, 2020</u>
Notice of Decision Mailing Date:	<u>January 27, 2021</u>
Decision Effective Date:	<u>February 12, 2021</u>
State Mandate Date:	<u>April 22, 2021</u>

**Case Manager:** Kimberli Fitzgerald, [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net), 503-540-2397

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](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, February 11, 2021. 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>

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**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**HISTORIC DESIGN REVIEW CASE NO. HIS20-32  
DECISION**

**IN THE MATTER OF APPROVAL OF ) MINOR HISTORIC DESIGN REVIEW  
HISTORIC DESIGN REVIEW )  
CASE NO. HIS20-32 )  
)  
120 COMMERCIAL STREET NE ) January 27, 2021**

In the matter of the application for a Minor Historic Design Review submitted by Jim Toporek, Studio Three, 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 install a new canopy over an exterior eating area located at the rear of the Durbin Livery Building (c1867).

**REQUEST:** Major Historic Design Review of a proposal to install a new canopy over an exterior eating area located at the rear of the Durbin Livery Building (1867), a non-contributing resource within the Salem Downtown Historic District, zoned CB(Central Business District), and located at 120 Commercial Street NE / 97301; Marion County Assessors Map and Tax Lot Number 073W27AB08000.

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

**DECISION**

**APPROVED** based upon the application materials deemed complete on December 23, 2020 and the findings as presented in this report.

**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.

## **PROPOSAL**

The applicant is proposing to install a new outdoor canopy approximately 15' 9" by 14' 58" in size. The canopy will be supported by 6" x 6" pressure treated wood columns and be 8' 3 ¼" in height on the northern end and 9' in height on the southern end, with a sloping standing seam metal roof to match the Masonry Grill canopy roofing. On January 25, 2021, the applicant submitted revisions to address the Planning Division's concerns related to setbacks and bicycle parking, which included removal of the cedar slats comprising the western wall under the canopy. The canopy will cover an outdoor eating area and the northern wall will be clad with 2" x 6" cedar slats (**Attachment B**).

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **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 part of **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) **230.045 Standards for Historic Non- Contributing Buildings in Commercial Historic Districts (k) Awnings and Canopies** 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**

According to nomination documents the Alessandro's Restaurant Building was constructed in 1870(circa) and is a two-story commercial building. Due to significant alterations this resource is historic non-contributing to Salem's Downtown Commercial Historic District. Additional historic research completed by staff indicates that the original structure may have been built as early as 1867 to house the Durbin Bros.' Livery, however, there is no evidence that there are any extant features from this early period.

## **3. Neighborhood and Citizen Comments**

The subject property is located within the Central Area Downtown Neighborhood Association (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 December 23, 2020. No 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 Fire Department has no concerns. The Public Works Department has indicated that the canopy shall not encroach into the right of way. The Planning Division initially had comments as follows: 1)The proposed patio cover does not meet the minimum setback of 5' between the structure and the adjacent vehicle use area (required under SRC 806.035(c)(4)); 2)The proposed location of the bicycle parking does not meet the dimension standards of SRC 806.060; 3) The proposal does not appear to provide the minimum number of bicycle parking spaces required under SRC 806.055; however the applicant's revised submittal addressed all outstanding Planning Division concerns related to the setbacks and bicycle parking.

## **5. Historic Design Review**

SRC Chapter 230.045(k) *Awning and canopies* specifies the standards applicable to this project. The applicant is proposing to install a new freestanding canopy over an outdoor eating area. Historic Landmarks Commission staff reviewed the project proposal and has the following findings for the applicable criterion.

### **FINDINGS:**

230.045 (k) *Awnings and canopies*. Replacement or installation of awnings and canopies on non-contributing buildings is allowed.

(1) **Materials.**

(A) *Materials that are compatible with the character of the district shall be used.*

**Finding:** The applicant is proposing a new freestanding canopy constructed with wood framing and cedar slat walls on the northern side to partially enclose the outdoor eating area. The canopy will be comprised of a standing seam metal roof, matching the existing canopy covering the outdoor eating area to the east. Staff finds that this standard has been met.

(B) *Canvas is an approved material for awnings and canopies.*

**Finding:** The applicant is not proposing to utilize canvas as a material for the new canopy. Staff finds that this standard is not applicable to the evaluation of this proposal.

(2) **Design.**

(A) *Awnings shall be located within window openings, and below transoms.*

**Finding:** The applicant is not proposing to attach the new canopy to the existing structure. Instead it will be freestanding, and therefore it will not impact any existing window openings on the historic resource. Staff finds that this standard is not applicable to the evaluation of this proposal.

(B) *Umbrella-type awnings and non-historic forms are not permitted.*

**Finding:** The applicant is not proposing to construct an umbrella type awning. Staff finds that this standard has been met.

(C) *Awnings shall be attached in such a manner that historic materials or features are not damaged.*

**Finding:** The applicant is proposing to construct a freestanding canopy to cover an outdoor eating area. The canopy will not be attached to the historic resource and therefore no historic materials or features will be impacted. Staff finds that this standard has been met.

(D) *Marquees may be used where compatible with the building and neighboring buildings.*

**Finding:** The applicant is not proposing to install a new marquee as part of this proposal. Staff finds that this standard is not applicable to the evaluation of this proposal.

(E) *Awnings, canopies, or marquees shall not obscure significant architectural features on the building.*

**Finding:** The proposed new canopy is freestanding, not attached to the historic resource and therefore will not obscure any significant architectural features on the building. Staff finds that this standard has been met.

*(F) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.*

**Finding:** The applicant is proposing a new freestanding canopy, which is approximately one story in height and matches the size, scale and design of the existing outdoor eating canopy to the west of the proposed new canopy within the existing site, just north of the Durbin Livery Building. The canopy materials are wood and metal which are common materials found throughout the historic district. The overall canopy design is compatible with the Durbin Livery Building and the resources within the surrounding Salem Downtown Historic District and staff finds that this standard has been met.

## DECISION

Based upon the application materials deemed complete on December 23, 2020 and the findings as presented in this report, the application for HIS20-32 is **APPROVED**.

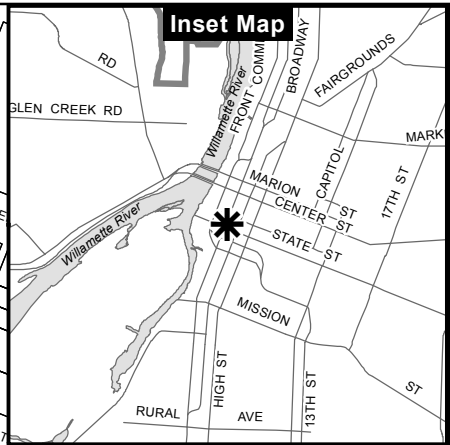
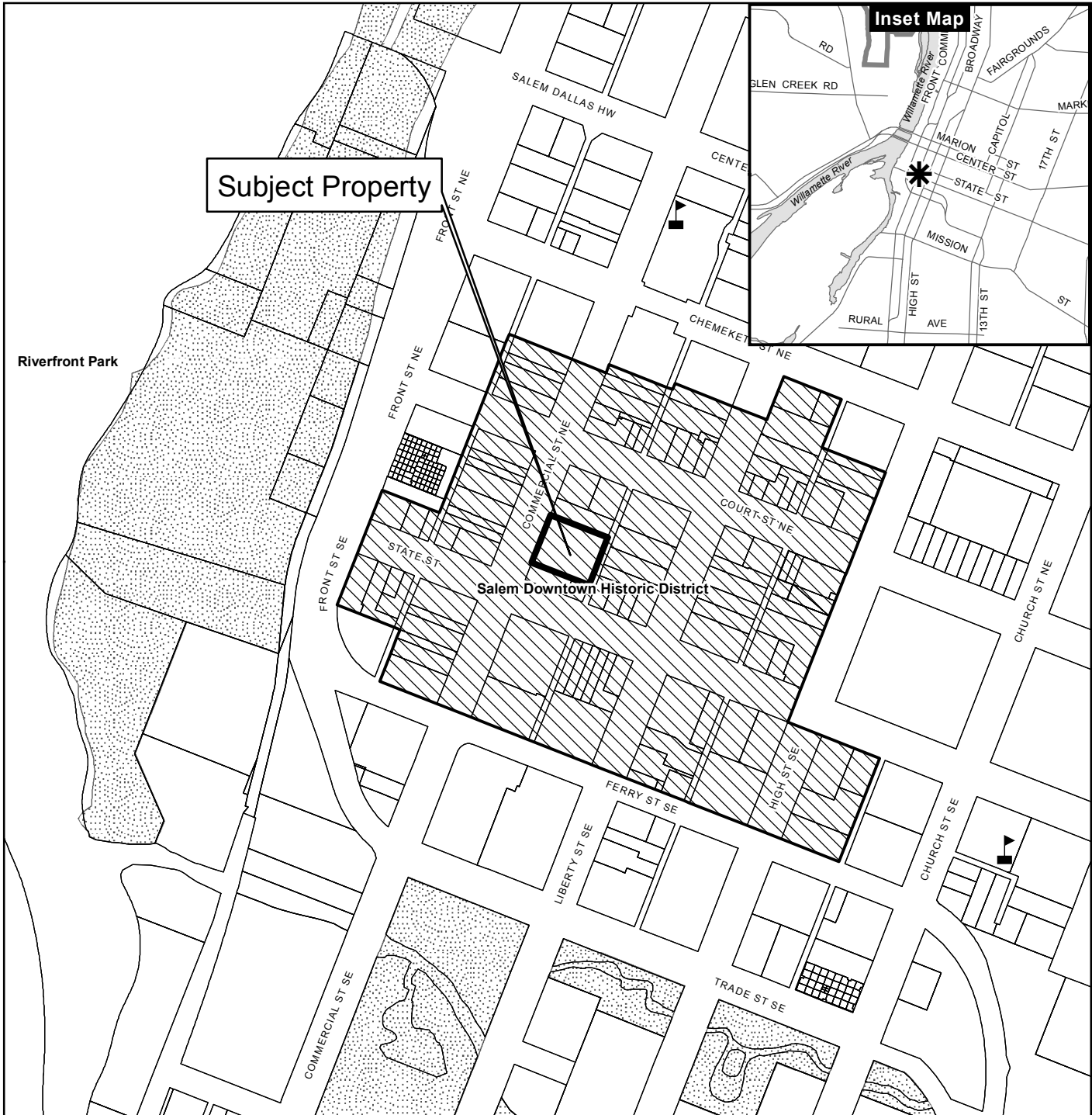


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Kimberli Fitzgerald, AICP  
Historic Preservation Officer  
Planning Administrator Designee

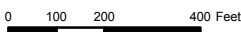
Attachments: A. Vicinity Map  
B. Applicant's Submittal Materials

# Vicinity Map 120 Commercial St NE



### Legend

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



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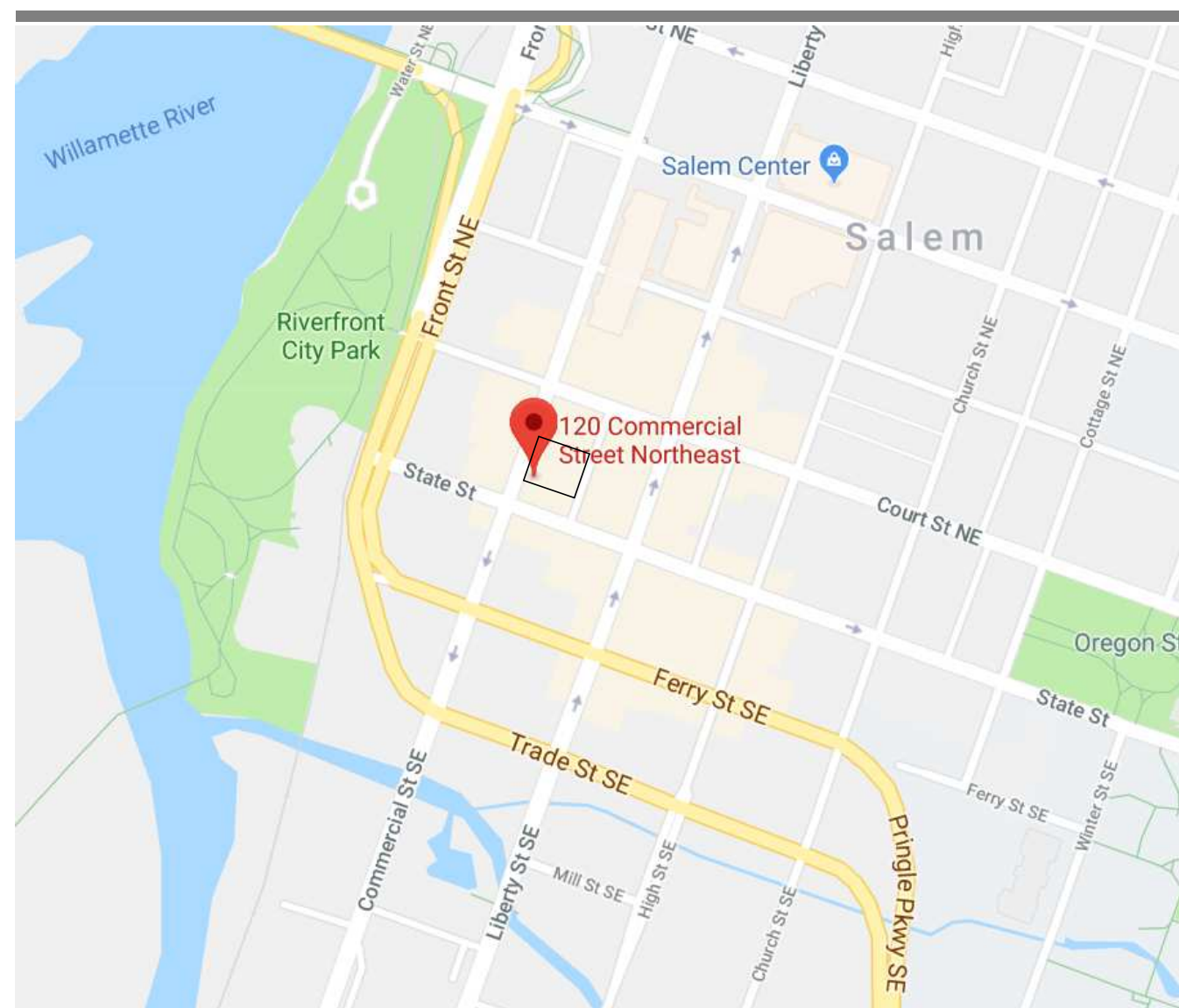
# ALLEY CAT CANOPY

## 120 COMMERCIAL STREET NE

### SUITE 150

## SALEM, OREGON 97301

### VICINITY MAP:



### AERIAL PHOTO:



### DRAWINGS LIST:

GENERAL DRAWINGS		
G1	COVER SHEET	1/25/2021
G2	GENERAL NOTES	
ARCHITECTURAL DRAWINGS		
A1.1	SITE PLAN	1/25/2021
A1.2	CANOPY-FLOOR AND SECTIONS	1/25/2021
A1.3	CANOPY-ROOF PLAN AND 3D	1/25/2021
A3.1	CANOPY SECTIONS AND DETAILS	1/25/2021
RESOURCE DRAWINGS		
R1.1	SITE PLAN - EXISTING	

### SYMBOL LEGEND:

<b>ELEVATION DATUM:</b>	<b>WINDOW TYPE:</b>
100.00 F.F.E.	REFER TO WINDOW ELEVATIONS SHOWN ON DRAWINGS AS.1X
<b>SECTION REFERENCE:</b>	<b>DOOR NUMBER:</b>
FILLED ARROW DENOTES BUILDING SECTION	DOOR SIZE OR NUMBER
OPEN ARROW DENOTES WALL SECTION/DETAIL	100 A
1 A3.1X SIM A3.1X	<b>PLAN NOTE DESIGNATION:</b>
1 A3.1X	PLAN OR SIDE NOTE NUMBER
1 A3.1X	MARK OR DIAGONAL NOTE NUMBER
<b>ELEVATION REFERENCE:</b>	REVISION NUMBER
ELEVATION NUMBER OR DESIGNATION AS OCCURS	<b>ROOM TITLE + NUMBER:</b>
SHEET NUMBER	ROOM NAME
SIDE NOTE IF REQUIRED	ROOM NUMBER
<b>DETAIL REFERENCE:</b>	<b>WALL TYPE MARK:</b>
X A3.3X SIM	WALL OR PARTITION CONSTRUCTION TYPE. SEE LEGEND.
SHEET NUMBER	
SIDE NOTE IF REQUIRED	
DETAIL CUT LOCATION IF SHOWN	

### PROJECT TEAM:

**OWNER:**  
Alena Stewart  
135 Liberty Street  
Salem, Oregon  
P: 503-362-8830  
E: alena@amadeussalem.com

**ARCHITECT:**  
STUDIO 3 ARCHITECTURE, Inc.  
Gene Bolante, AIA  
Project Architect: Jim Toporek, AIA  
275 Court St. NE  
Salem, OR 97301  
P: 503-390-6500  
E: jim@studio3architecture.com  
W: www.studio3architecture.com

**GENERAL CONTRACTOR:**  
Rich Duncan Construction, Inc.  
2295 Rural Ave SE  
Salem, OR 97302  
P: 503-390-4999  
E: nate@richduncanconstruction.com  
CCB: 158330

PROJECT # 2020-152  
DATE: 11/18/2020

REVISIONS  
DATE: 1/25/2021  
PLANNING COMMENTS

### PROJECT SCOPE

New covered canopy for the Alley Cat Bar.

### SEPARATE PERMITS:

- Electrical

### GENERAL NOTE:

Exterior signage and any other exterior work that may be necessary is subject to approval by the Historic Landmarks Commission. Consult architect for more information.

**BUILDING IMPROVEMENTS FOR:**  
**ALLEY CAT CANOPY**  
120 COMMERCIAL ST - SALEM, OREGON 97301

SHEET:

**G1**



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PROJECT # 2020-152  
DATE: 11/18/2020

REVISIONS  
1 DATE: 1/25/2021  
PLANNING COMMENTS

**BUILDING IMPROVEMENTS FOR:**  
**ALLEY CAT CANOPY**  
120 COMMERCIAL ST - SALEM, OREGON 97301

SHEET:  
**A1.1**

SITE AREA CALCULATIONS:

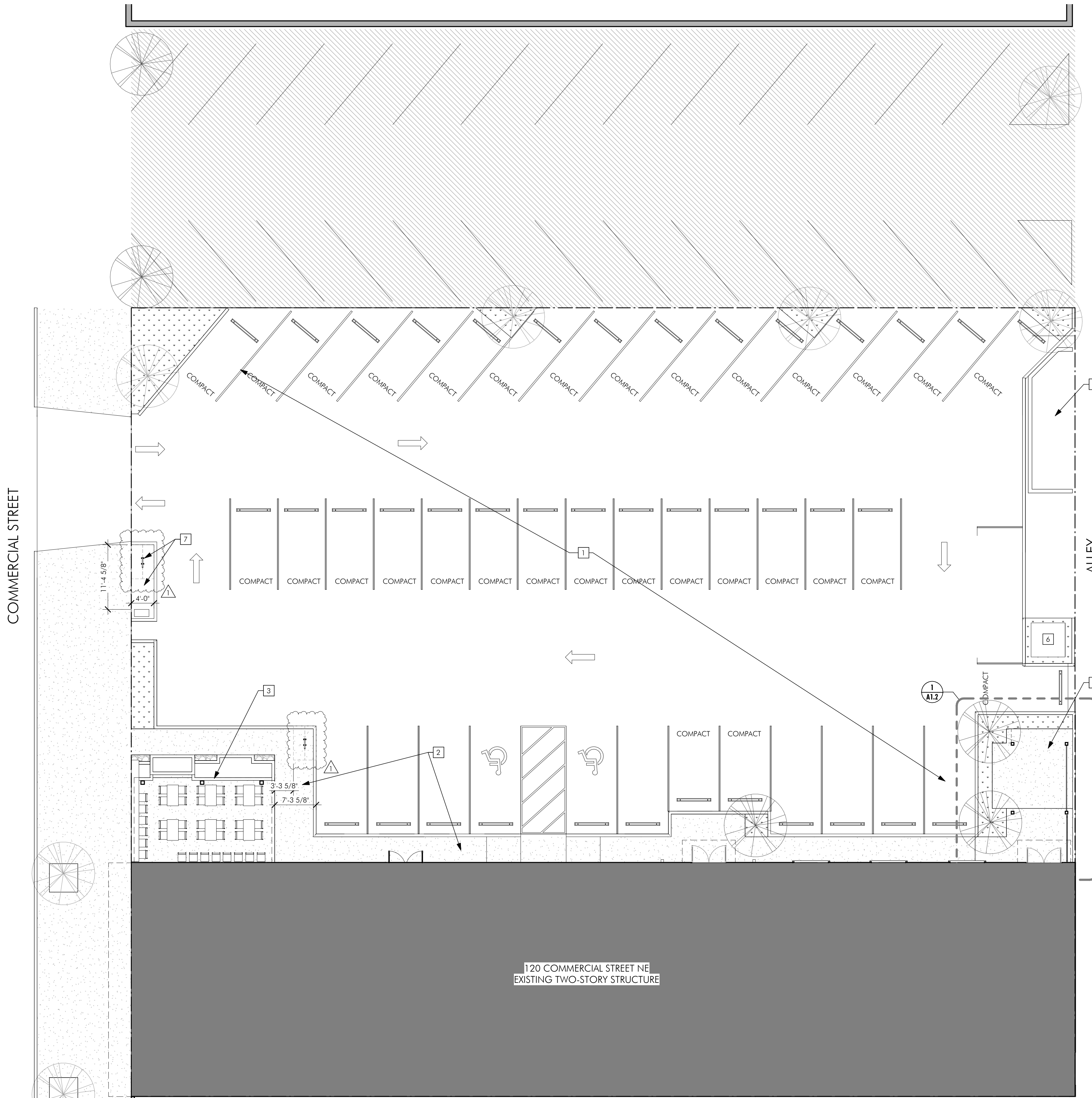
BUILDING FOOTPRINT: 6,828 SF  
TOTAL SITE AREA: 23,054 SF

SITE PLAN NOTES:

- 1 EXISTING PARKING TO REMAIN, NO WORK.
- 2 EXISTING WALKWAYS TO REMAIN, NO WORK.
- 3 EXISTING PATIO TO REMAIN, NO WORK.
- 4 EXISTING TRASH ENCLOSURE TO REMAIN, NO WORK.
- 5 PROPOSED COVERED PATIO AREA.
- 6 EXISTING TRANSFORMER ENCLOSURE TO REMAIN, NO WORK.
- 7 RELOCATE (2) BIKE RACKS.

SITE PLAN LEGEND:

- EXISTING BUILDING AREA
- EXISTING LANDSCAPING AND/OR BARK DUST
- EXISTING CONCRETE SIDEWALK/PAD



1 SITE PLAN - PROPOSED  
0' 5' 10' 20' 30' 1" = 10'-0"

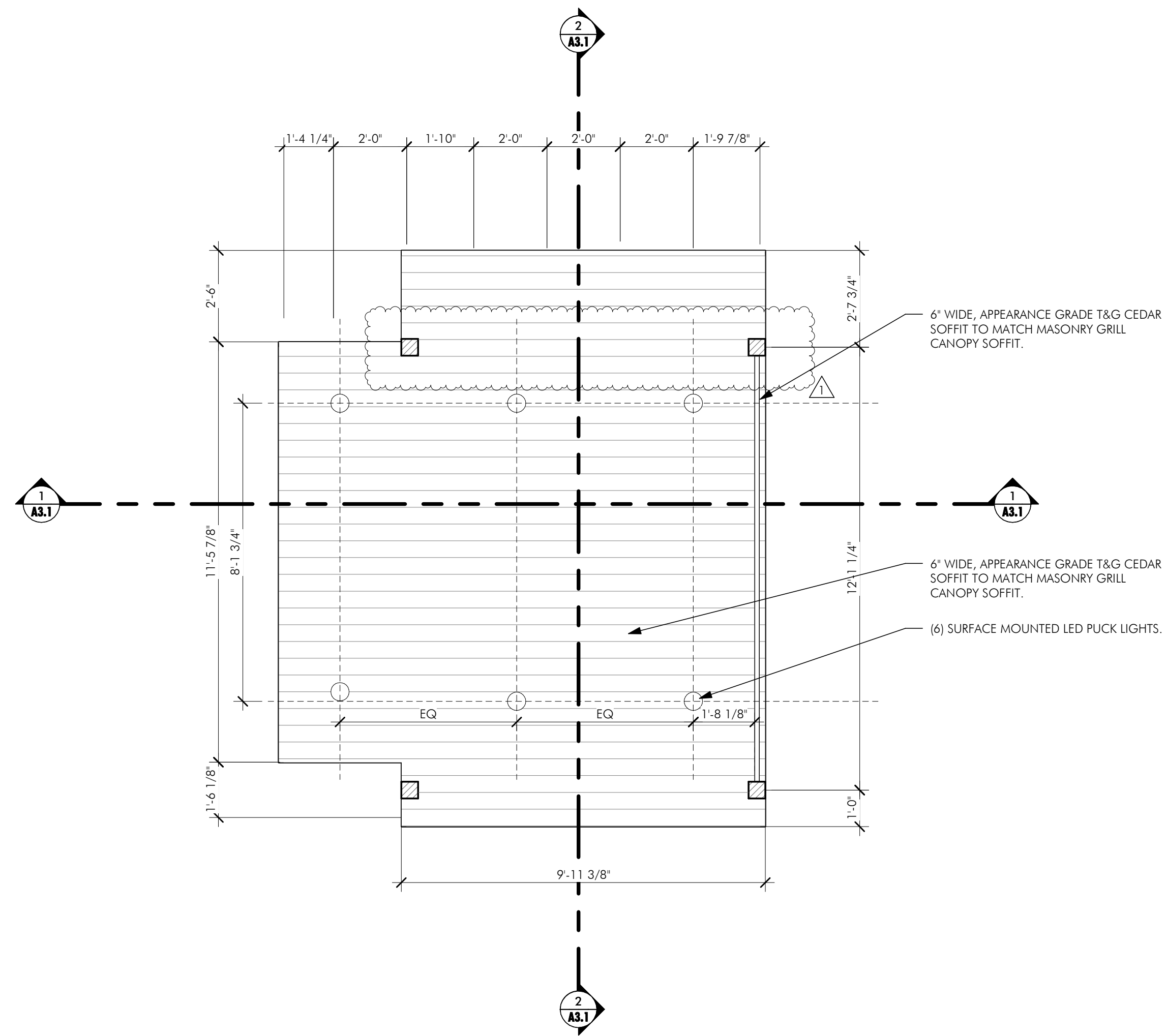




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PROJECT # 2020-152  
DATE: 11/18/2020

REVISIONS  
DATE: 1/25/2021  
1 PLANNING COMMENTS



**BUILDING IMPROVEMENTS FOR:**  
**ALLEY CAT CANOPY**  
120 COMMERCIAL ST - SALEM, OREGON 97301

1 REFLECTED CEILING PLAN - ALLEY CAT

3 3D View 23

SHEET:  
**A1.3**