

# 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.: HIS21-10**

**APPLICATION NO.: 21-109176-DR**

**NOTICE OF DECISION DATE:** June 24, 2021

**SUMMARY:** A proposal to install a waterproof deck and patio cover at the rear of the Dehn Bar (Webers Bar) Building.

**REQUEST:** Class 2 Minor Historic Design Review of a proposal to install a waterproof deck and patio cover at the rear of the Dehn Bar (Webers Bar) Building, a non-contributing resource within the Salem Downtown Historic District, in the CB (Central Business District) zone and located at 157 Commercial Street NE (Marion County Assessors Map and Tax Lot number: 073W27BA00400).

**APPLICANT:** Chip Kitzmiller on behalf of Keller Coker

**LOCATION:** 157 Commercial St SE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 230.045(g) – Alterations and Additions

**FINDINGS:** The findings are in the attached Decision dated June 24, 2021

**DECISION:** The **Historic Preservation Officer (a Planning Administrator designee) APPROVED** Historic Design Review Case No. HIS21-10 based upon the application materials deemed complete on June 1, 2021 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by July 10, 2023 or this approval shall be null and void.

Application Deemed Complete:	<u>June 1, 2021</u>
Notice of Decision Mailing Date:	<u>June 24, 2021</u>
Decision Effective Date:	<u>July 10, 2021</u>
State Mandate Date:	<u>September 29, 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. Friday, July 9, 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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503-588-6173***

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

**HISTORIC DESIGN REVIEW CASE NO. HIS21-10  
DECISION**

**IN THE MATTER OF APPROVAL OF ) MINOR HISTORIC DESIGN REVIEW  
HISTORIC DESIGN REVIEW )  
CASE NO. HIS21-10 )  
157 COMMERCIAL STREET SE ) June 24, 2021**

In the matter of the application for a Minor Historic Design Review submitted by Chip Kitzmiller on behalf of Keller Coker, 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 waterproof deck and patio cover at the rear of the Dehn Bar (Webers Bar) Building.

**REQUEST:** Class 2 Minor Historic Design Review of a proposal to install a waterproof deck and patio cover at the rear of the Dehn Bar (Webers Bar) Building, a non-contributing resource within the Salem Downtown Historic District, in the CB (Central Business District) zone and located at 157 Commercial Street NE (Marion County Assessors Map and Tax Lot number: 073W27BA00400).

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 June 1, 2021 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 wood framed waterproof deck and patio cover approximately ten feet in height and approximately 20' by 24' in size with wooden screens attached to a wooden railing extending approximately 42" in height above the roof deck surrounding the rooftop patio at the rear of the Dehn Bar (Weber's Bar) Building (**Attachment**

**B).** Stairs leading to the upper deck will be installed on the northern edge of the deck with access from the patio below. The applicant is currently using the back patio for outdoor seating and utilizing two temporary canvas and aluminum tent awnings to provide cover for the outdoor patio, all of which are enclosed by a metal security fence. Staff determined that the following standards from SRC 230.045(g) *Standards for Non-Contributing Resources in Commercial Historic Districts, Alterations and Additions* are applicable to this project.

## **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 in its entirety 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) 230.045(g) *Standards for Non-Contributing Resources in Commercial Historic Districts, Alterations and Additions* 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 existing building housing the Dehn Bar was

constructed in 1993 and is a one story, reinforced concrete, commercial building. The 22' wide primary façade is concrete cast stone with an aluminum sash storefront with a metal canopy. At the time of listing in 2001, the building was occupied by the Weber Bar. The building is a non-historic non-contributing resource within Salem's Downtown Historic District.

### **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 and tenants within 250 feet of the property pursuant to Salem Revised Code (SRC) requirements on June 1, 2021. Comments were received from Jerry Jones, property owner's representative from the River View Building just west of the Dehn Bar across the alley. Mr Jones expressed concerns expressed over increased pedestrian and vehicle traffic, congestion in the alley and potential problems with parking (**Attachment C**).

### **4. City Department and Public Agency Comments**

The Building and Safety Division indicates that the applicant must obtain required permits. The Planning Division has reviewed the proposal and has stated that no additional land use approvals are required. The property is located within the Downtown parking District and the proposed use is not for household living, therefore additional parking is not required per SRC806.005(b)). The Fire Department has stated that the rooftop patio will be required to comply with the applicable sections of the Oregon Fire Code. The Public Works Department has stated that the alterations cannot encroach into the public right of way (alley).

### **5. Historic Design Review**

SRC Chapter SRC 230.045(g) *Standards for Non-Contributing Resources in Commercial Historic Districts, Alterations and Additions* are applicable to this project. Table 230-1 defines this activity as a Class 2 Minor Historic Design Review. Historic Landmarks Commission staff reviewed the project proposal and has the following findings for the applicable criterion.

#### **FINDINGS:**

#### ***Criteria: 230.045(g) Alterations and Additions.***

##### **(1) Materials.**

**(A)** *Materials shall be consistent with those present in buildings in the district generally.*

**Finding:** The applicant is proposing to install a new patio cover constructed of wood. Staff finds that this material is a traditional material found throughout the Downtown Historic District and therefore this standard is met.

**(B)** *Roofing materials shall have a non-reflective, matte finish.*

**Finding:** The applicant is not proposing to construct a roof comprised a roofing materials,

since the patio cover itself will be covered with wood decking. Staff finds that this standard is not applicable to the evaluation of this proposal. However, the wood decking itself is non-reflective.

**(2) Design.**

**(A)** *The location for an addition shall be at the rear, or on an inconspicuous side, of the building.*

**Finding:** The applicant is proposing the patio cover/deck at the rear of the resource fronting the alley. Staff finds that this standard has been met.

**(B)** *Changes to features of a historic non-contributing building that date from the period of significance shall be minimized.*

**Finding:** The commercial building was constructed in 1993, and is a non-historic, non-contributing resource within the Downtown Historic District. There are no existing features on this building that date from 1950 or before, within the period of significance for the historic district. Staff finds that this standard is not applicable to the evaluation of this proposal.

**(C)** *The design shall be compatible with the character of historic contributing buildings in the historic district and create a harmonious relationship with historic contributing buildings in the district generally. Factors in evaluating the design under this subsection include, but are not limited to:*

- i. *Similarities in the size and scale to those used in historic contributing buildings in the district generally.*

**Finding:** The proposed patio cover and outdoor deck is small in scale, and no significant features of the abutting resource to the north will be obscured, damaged, or destroyed by the proposal. Staff finds that this standard has been met.

- ii. *Use of architectural features that reflect, or are similar to, the architectural style of historic contributing buildings in the district.*

**Finding:** The proposed patio cover and wooden deck with surrounding wooden screens are simple in design and typical of similar associated features designed to accommodate outdoor eating areas within the Salem Downtown Historic District. Staff finds that this standard has been met.

- iii. *Simple gable or hipped roofs with a pitch similar to surrounding buildings are generally appropriate. Flat roofs may be appropriate when the prevailing styles of architecture provide an appropriate context. Exotic or complex roof forms that detract from the visual continuity of the district are generally inappropriate.*

**Finding:** The applicant is not proposing to construct a roof over the top of the rooftop deck, therefore staff finds that this standard is not applicable to the evaluation of this proposal.

- iv. *Additions should have a similar mass to surrounding buildings.*

**Finding:** The proposed addition of the patio cover and rooftop patio is small in scale and will add a limited amount of mass to the existing one-story commercial building. Once constructed, the mass of the Dehn Bar building will not exceed the mass of the building to the north or any other surrounding buildings within close proximity in the Downtown Historic District. Staff finds that this standard has been met.

- v. *Front elevations should appear similar in scale to those seen traditionally in the surrounding neighborhood.*

**Finding:** The applicant is not proposing to alter the front elevation of the Dehn Bar Building. Staff finds that this standard is not applicable to the evaluation of this proposal.

- vi. *The width and height of the addition should not exceed the typical dimensions seen in the district.*

**Finding:** The proposed patio cover/deck addition will not exceed the width of the existing Dehn Bar Building. The addition of the deck and associated screening and deck railings will increase the height of the Dehn Bar Building slightly at the rear of the resource. However, the height of this addition will not exceed the height of the resource to the north, and once constructed, will not exceed the height of the building to the south. Staff finds that this standard has been met.

- vii. *Simple rectangular building forms are generally preferred.*

**Finding:** The proposed patio cover and rooftop deck is a simple rectangular form. Staff finds that this standard has been met.

- (D)** *The design shall make clear what is original and what is new.*

**Finding:** The proposed new patio cover and deck will be of wood, and clearly a new addition to the single-story concrete commercial building. Staff finds that overall, the proposed deck and patio cover are clearly new in design and compatible in scale with the resource, and the surrounding historic district and that this standard has been met.

- (E)** *Features that have been added over time and have attained significance in their own right shall be preserved, even if the features do not reflect the period of significance.*

**Finding:** The proposed new deck and patio cover and associated railing and screening will be installed at the rear of the existing concrete commercial building. There are no distinctive materials or features that have acquired significance over time that will be adversely affected by the proposal. Staff finds that this standard has been met.

- (G)** *An addition that adds stories shall increase the height of a building to no more than four stories.*

**Finding:** The proposed new addition of the patio cover and roof deck will not increase the height of the existing one-story structure to more than 4 stories. Staff finds that this standard has been met.

### DECISION

Based upon the application materials deemed complete on June 1, 2021 and the findings as presented in this report, the application for HIS21-10 is **APPROVED**.



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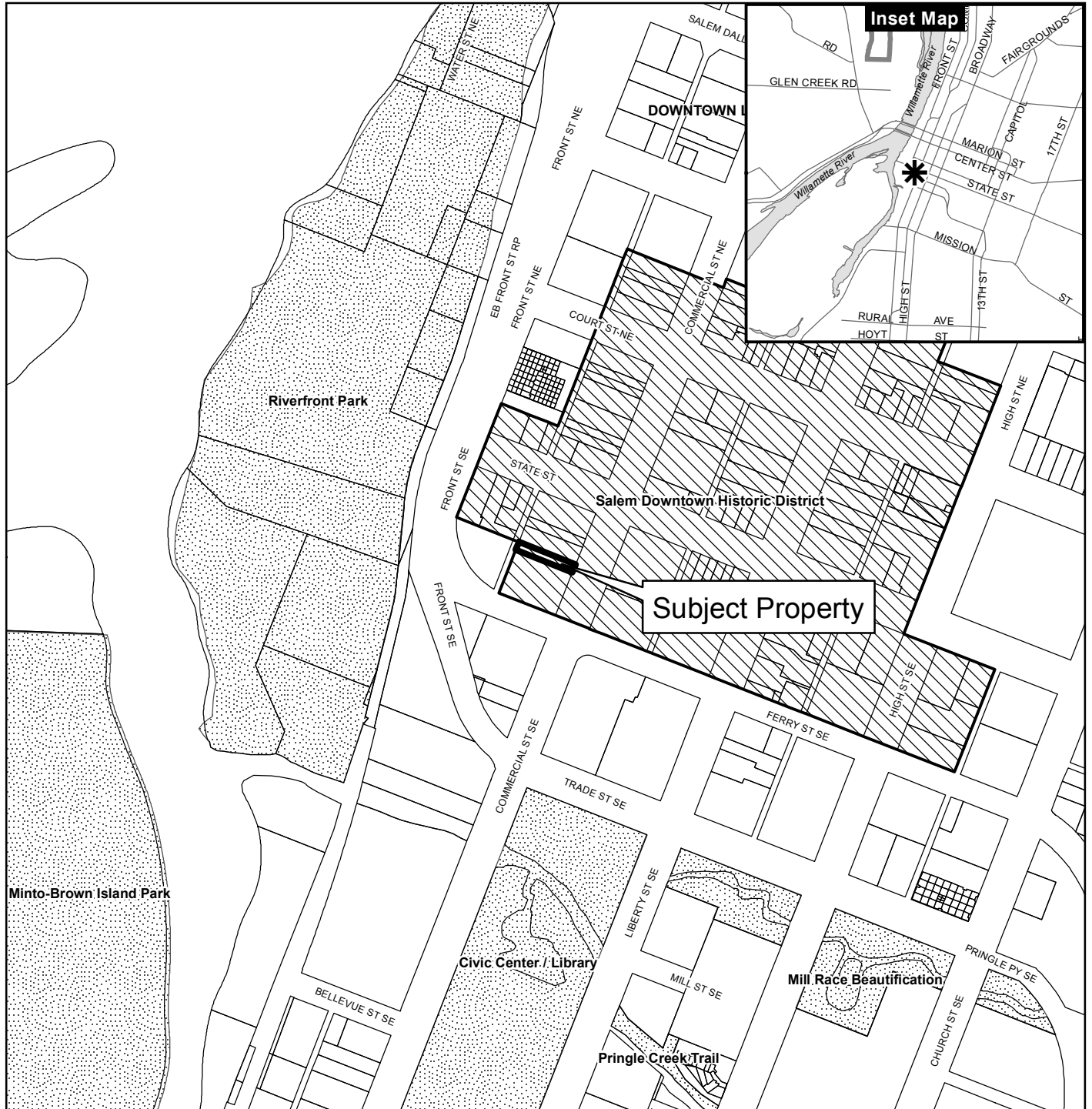
Kimberli Fitzgerald, AICP  
Historic Preservation Officer  
Planning Administrator Designee

Attachments: A. Vicinity Map  
B. Applicant's Submittal Materials  
C. Citizen Comments: Jerry Jones Letter










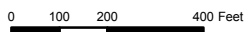
# Vicinity Map

## 157 Commercial Street SE (073W27BA00400)



**Legend**

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



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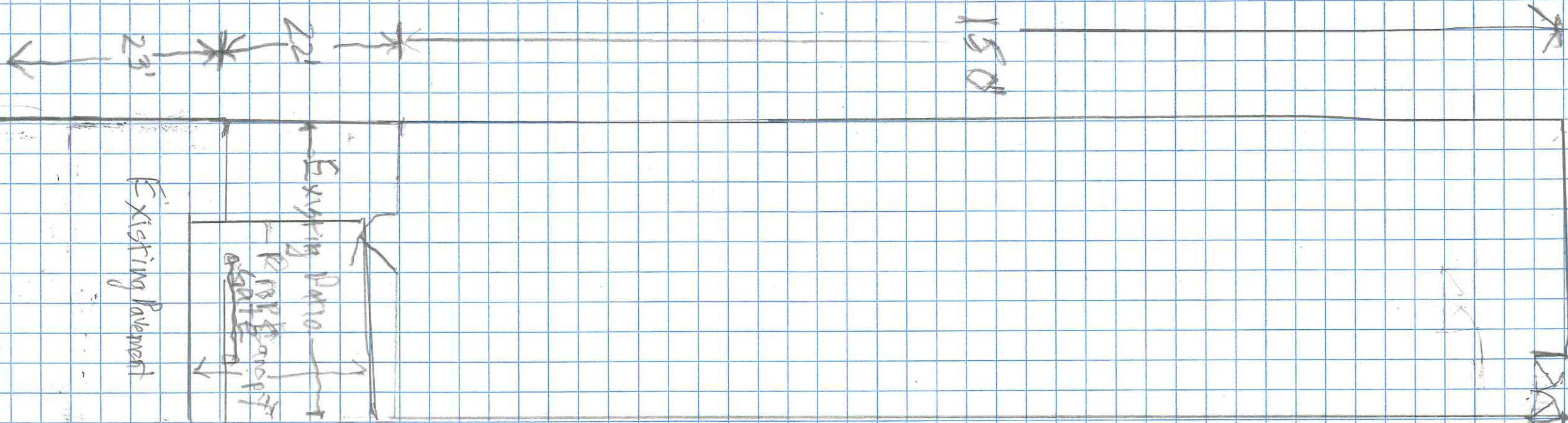
Existing Building

150'

Sidewalk

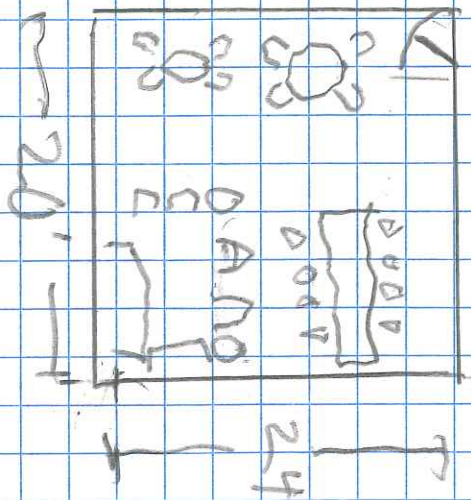
Commercial St. SE

Existing Alley



Vacant Lot

Temp Patio Canopy Detail



## Historic Alteration Review Worksheet

Site Address: \_\_\_\_\_

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

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

Project's Existing Material: \_\_\_\_\_ Project's New Material: \_\_\_\_\_

### 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:

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Signature of Applicant

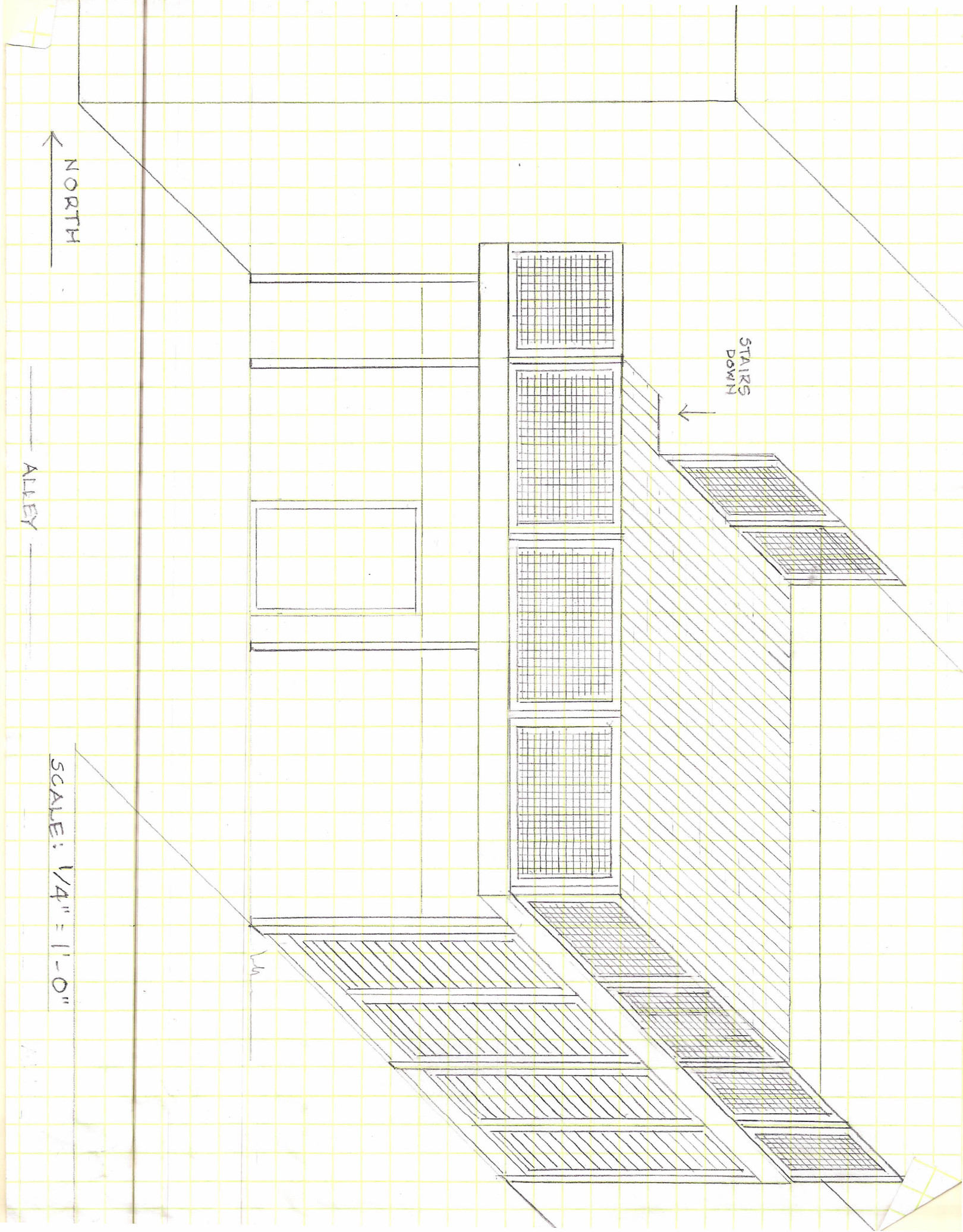
Date Submitted/Signed

NORTH

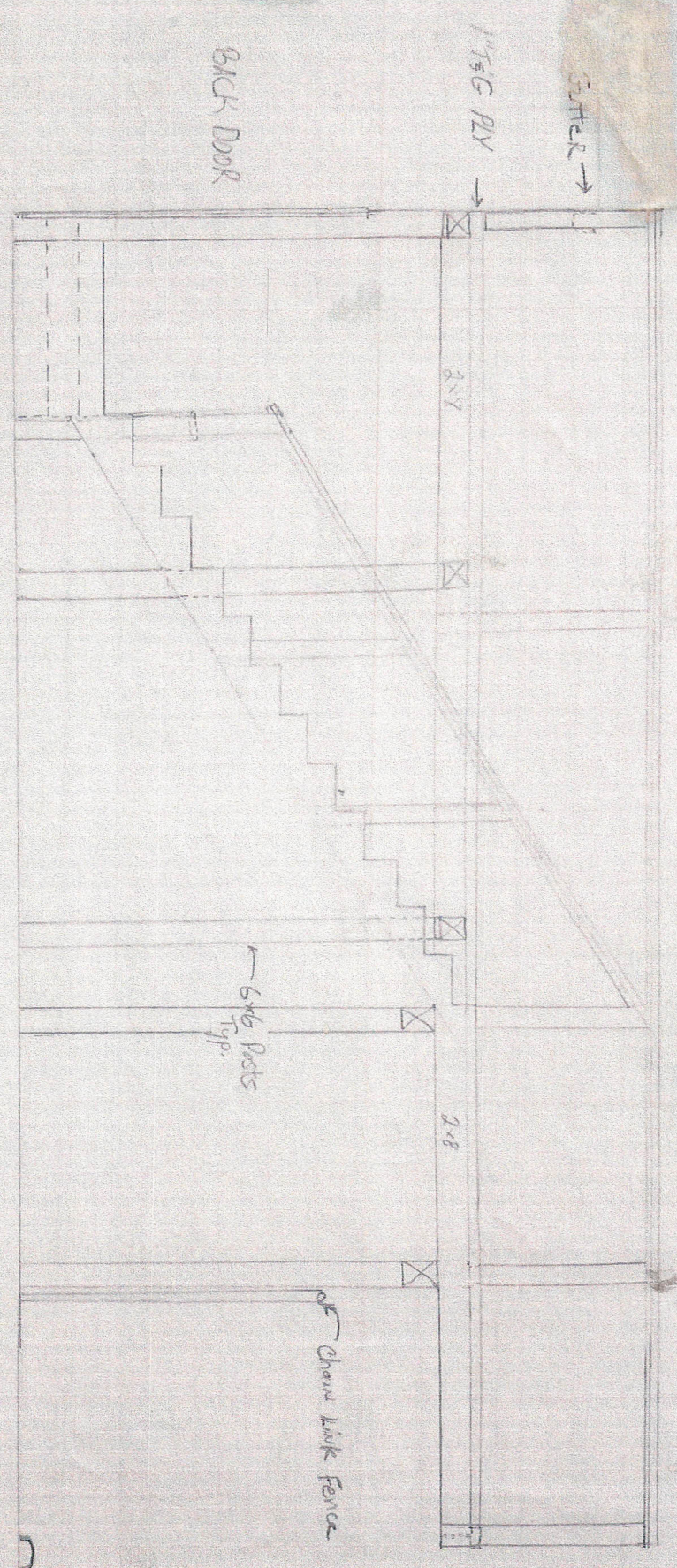
ALLEY

SCALE: 1/4" = 1'-0"

STAIRS  
DOWN



ALLEY VIEW



SIDE VIEW

SC





June 10, 2021

Attn: Kimberli Fitzgerald  
Historic Preservation Officer  
City of Salem  
Planning Division  
RM 305  
555 Liberty St SE  
Salem OR 97301-9907

RE: AMANDA Application No. 21-109176-DR, THE DEHN BAR, 157 Commercial St SE Salem,  
OR 97301

Dear Kimberli:

My firm, Pikes Northwest, LLC, is the property manager for the landlord located at 201 Ferry Street SE, The River View Building, a neighboring property across the alley and due west from the subject property, the Dehn Bar.

As you know, the alley behind the above-referenced property is an already challenged area for parking and traffic congestion.

Soon, a hotel will be constructed adjacent to the Dehn Bar and east of The River View Building. The ownership of The River View Building is concerned that with an increase in seating capacity, under the proposed improvements at the subject property, this will undoubtedly lead to even more vehicle and pedestrian traffic, creating further traffic congestion in the alley connecting Ferry and State Streets, potentially affecting pedestrian safety. This challenge does not appear to be addressed in the proposed development.

While we respect the landowners rights to develop their property, we do wish to express our concern with respect to the increase in traffic, already difficult parking (lack of available public parking) and pedestrian safety to which this addition will likely contribute.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry A. Jones". The signature is stylized and fluid.

Jerry A. Jones, Broker/Owner  
503-588-3586 ext 8  
[jerry@pikesnw.com](mailto:jerry@pikesnw.com)