

# 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 informacion, por favor llame  
503-588-6173*

## DECISION OF THE HISTORIC PRESERVATION OFFICER

**MINOR HISTORIC DESIGN REVIEW CASE NO.:** HIS21-26

**APPLICATION NO.:** 21-119932-DR

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

**SUMMARY:** A proposal to replace the glass within the storefront windows on the exterior of the Odd Fellows Annex Building (c.1900).

**REQUEST:** Class 1 Minor Historic Design Review of a proposal to replace the glass within the storefront windows flanking the front entry on the exterior of the front facade on the Odd Fellows Hall Annex Building, a historic contributing building in Salem's Downtown Historic District, zoned CB (Central Business District), and located at 466 Court Street NE; 97301; Marion County Assessor's Map and Tax Lot number: 073W27AB-90004.

**APPLICANT:** Bernard Malherbe

**LOCATION:** 466 Court St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters SRC 230.040(d) – Storefronts.

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

**DECISION:** The **Historic Preservation Officer (a Planning Administrator designee)** **APPROVED** Minor Historic Design Review Case No. HIS21-26 based upon the application materials deemed complete on November 24, 2021 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by November 25, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>November 24, 2021</u>
Notice of Decision Mailing Date:	<u>November 24, 2021</u>
Decision Effective Date:	<u>November 25, 2021</u>
State Mandate Date:	<u>March 23, 2022</u>

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

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. HIS21-26  
DECISION**

**IN THE MATTER OF APPROVAL OF ) MINOR HISTORIC DESIGN REVIEW  
HISTORIC DESIGN REVIEW )  
CASE NO. HIS21-26 )  
466 COURT STREET ) NOVEMBER 24, 2021**

In the matter of the application for a Minor Historic Design Review submitted by Curt Renfro of Kaufman Homes Inc. on behalf of FUD Properties LLC & Bernard Malherbe, 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 replace the glass within the storefront windows on the exterior of the Odd Fellows Annex Building (c.1900).

**REQUEST:** Class 1 Minor Historic Design Review of a proposal to replace the glass within the storefront windows flanking the front entry on the exterior of the front facade on the Odd Fellows Hall Annex Building, a historic contributing building in Salem's Downtown Historic District, zoned CB (Central Business District), and located at 466 Court Street NE; 97301; Marion County Assessor's Map and Tax Lot number: 073W27AB-90004.

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 November 24, 2021 and the findings as presented in this report.

**FINDINGS**

**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 replace the existing single pane storefront glass with new double paned glass within the existing storefront frame on the front façade of the Odd Fellows Hall Annex Building (**Attachment B**). Staff determined that the following standards from SRC 230.040(d) *Storefronts in Commercial Historic Districts* 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) SRC 230.040(d) *Storefronts 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 Grand Theater in the Odd Fellows Hall opened in the early 1900s in Salem. The theater hosted operas and then silent movies. Stage shows were performed the 20<sup>th</sup> century in Salem. The Odd Fellows Hall Annex Building was constructed in the fall of 1900. It is a one-story brick addition to the original Grand Theater/Odd Fellows Hall located at 363 Court Street NE. This addition was added to in 1922 and in 1936 both additions were rebuilt. Canopies were added in the 1930s and in 1961 three storefront type windows were installed on the front façade of the Annex Building.

### **3. Analysis of Minor Historic Design Review Approval Criteria**

Staff determined that the following standards from SRC 230.040(d) *Storefronts in Commercial Historic Districts* are applicable to this project.

## **FINDINGS:**

**SRC 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 glass within the storefront windows is single pane and in poor condition and needs replacement. Staff finds that SRC 230.040(d)1(A) has been met.

*(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:** While the replacement glass will be double paned instead of single paned, the existing 1961 single paned glass within the storefront is clear, and the proposed replacement glass will be clear matching the overall appearance of this 1961 glass to the greatest degree feasible. The joints where the storefront glass meets will be caulked with mortar matching the existing appearance of this joint. Staff finds that SRC 230.040(1)(B) has been met.

### **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 existing 1961 storefront openings will be retained. While the single paned glass will be removed and replaced with double paned glass, this change is minor and the overall appearance of the primary façade of the Odd Fellows Annex Building will be retained.

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

**Response:** The commercial character of the Odd Fellows Annex Building will be retained. The existing storefront openings will not be altered. The only alteration will be the replacement of the single paned glass with double paned glass. Staff finds that SRC 230.040(2)(B) has been met.

**(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:** This building does not have a separate upper story entrance that will be impacted by the project; therefore SRC 230.040(2)(C ) is not applicable to the evaluation of this proposal.

### **DECISION**

Based upon the application materials deemed complete on November 24, 2021 and the findings as presented in this report, the application for HIS21-26 is **APPROVED**.

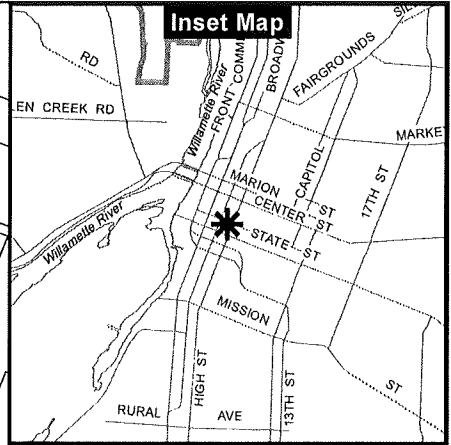
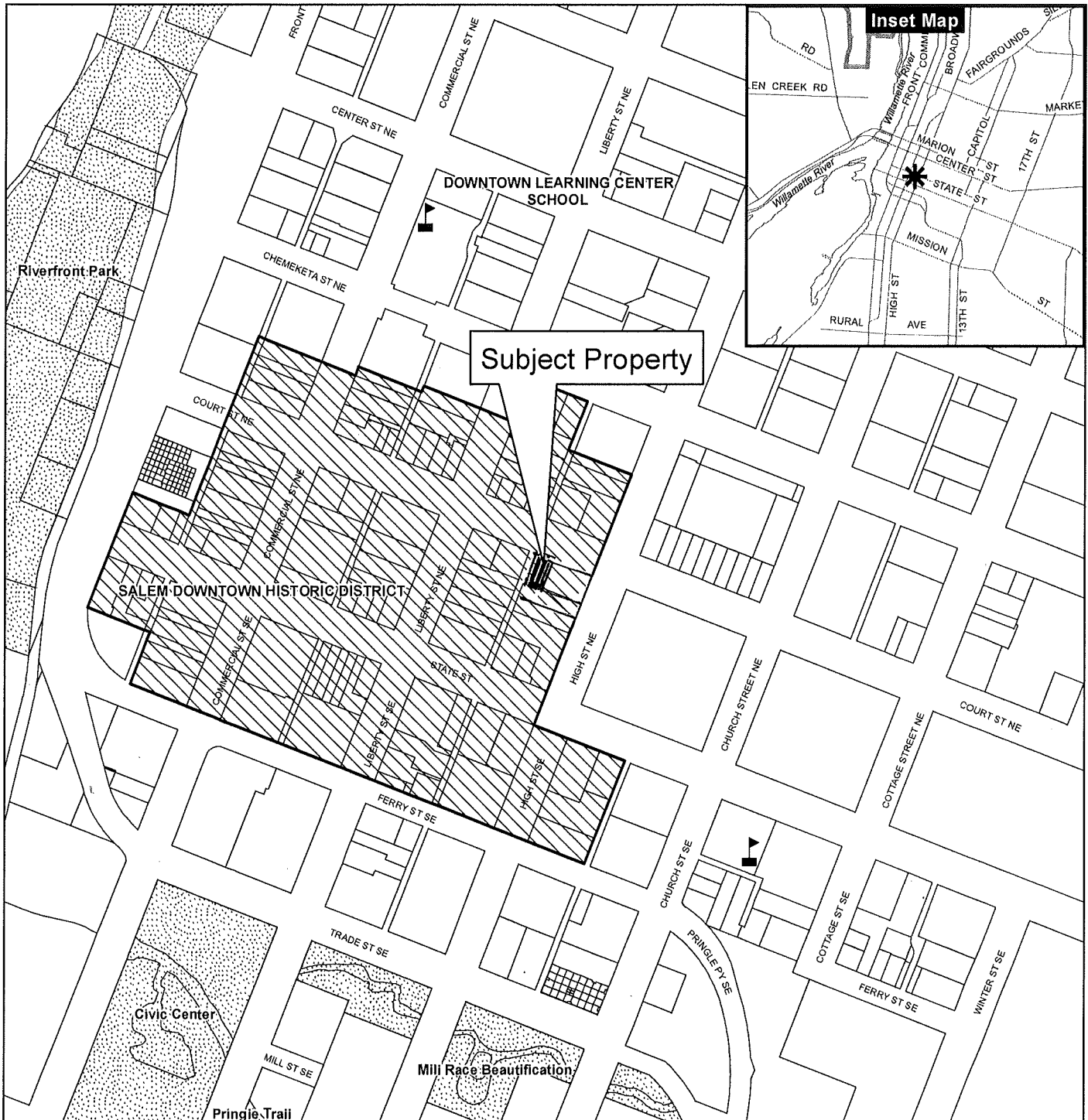


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Kimberli Fitzgerald, AICP  
Historic Preservation Officer  
Planning Administrator Designee

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

# 466 Court St NE



**Legend**

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

CITY OF *Salem*  
 AT YOUR SERVICE  
 Community Development Dept.



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# KITCHEN ON COURT ST - GLASS REPLACEMENT & HISTORICAL REVIEW

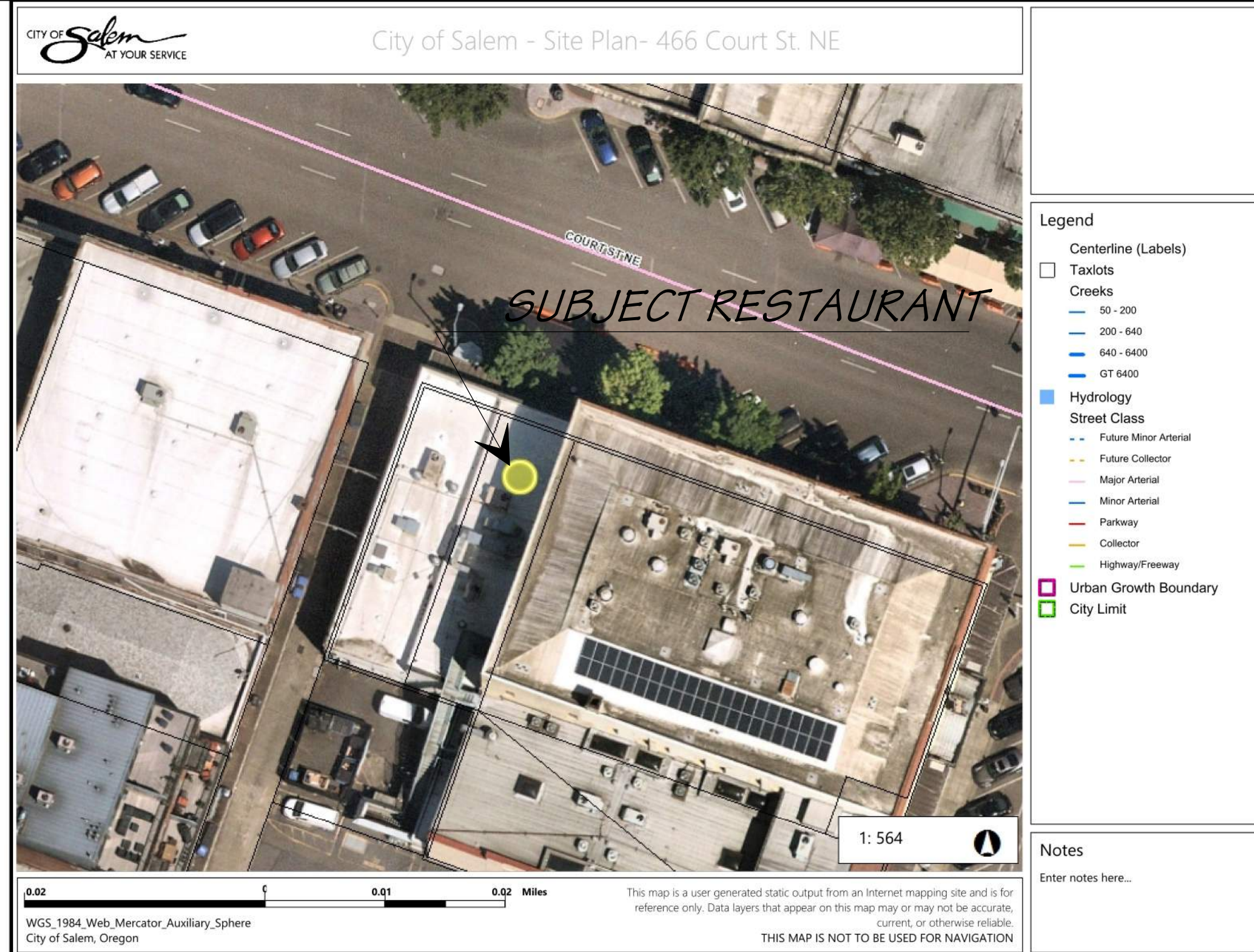
## PROJECT DATA

REFERENT CODE  
2019 OREGON STRUCTURAL SPECIALTY CODE

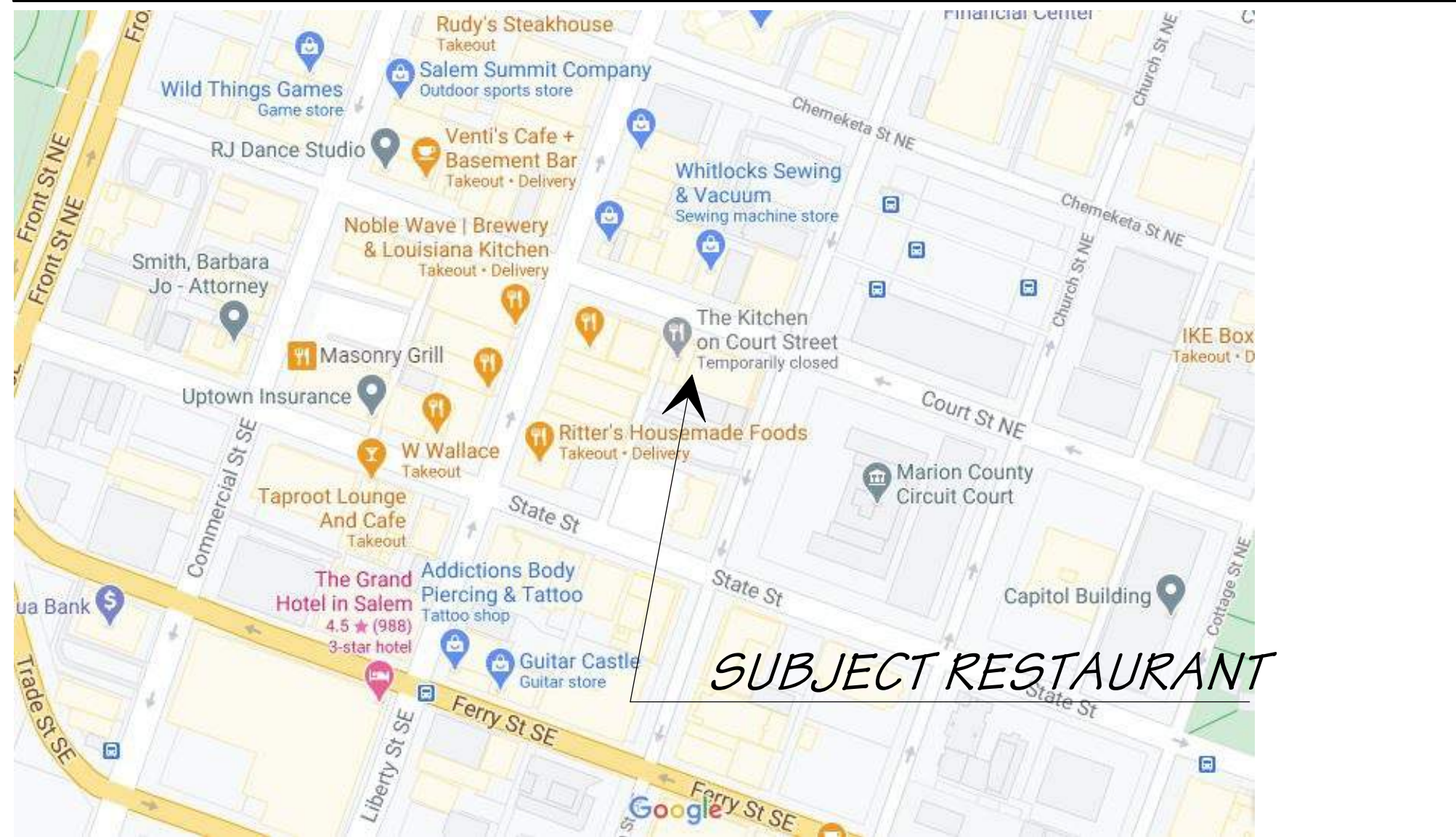
OCCUPANCY CLASSIFICATION (CHAPTER 3)  
GROUP: A-2  
USE: RESTAURANT  
OCCUPANT LOAD: OVER 50  
NUMBER OF STORIES: 1

## PROJECT CONTACTS

<b>OWNER</b> BERNARD MALHERBE KITCHEN ON COURT ST 466 COURT ST NE SALEM, OREGON 97301 503.559.3971	<b>CONTRACTOR</b> KAUFMAN HOMES INC. #55421 CURT RENFRO, DESIGNER 3625 KASHMIR WAY SE SALEM, OREGON 97317 503.370.8390 EMAIL: curt@kaufman.net
<b>GLAZING INSTALLER</b> KASSAUNDR A HUTCHINS BLACK LINE GLAZING 2763 22ND STREET SE SALEM, OREGON 97302 503.878.8585 EMAIL: kassaundra@blacklineglazing.com	<b>SITE SUPERINTENDENT:</b> TROY BATSON 503.586.6319 EMAIL: troy@kaufman.net



## SITE PLAN VICINITY MAP



## DRAWING INDEX

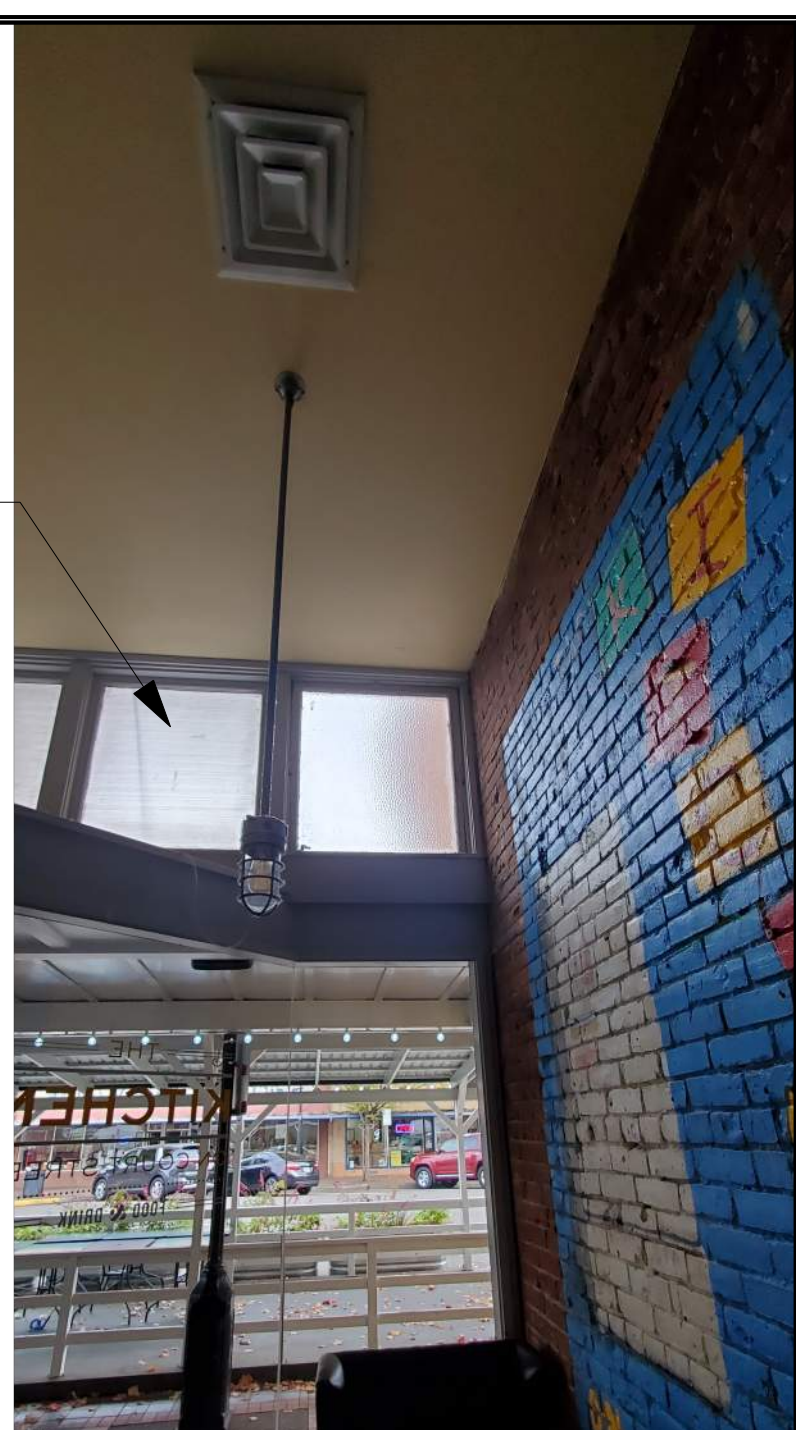
G1	COVER PROJECT DATA PROJECT CONTACTS SITE PLAN VICINITY MAP STOREFRONT PLAN
A1	GLASS ELEVATIONS FRAME DETAILS
A2	FRAME DETAILS PRODUCT INFORMATION

**VERIFY ALL CONDITIONS & DETAILS PRIOR TO CONSTRUCTION**

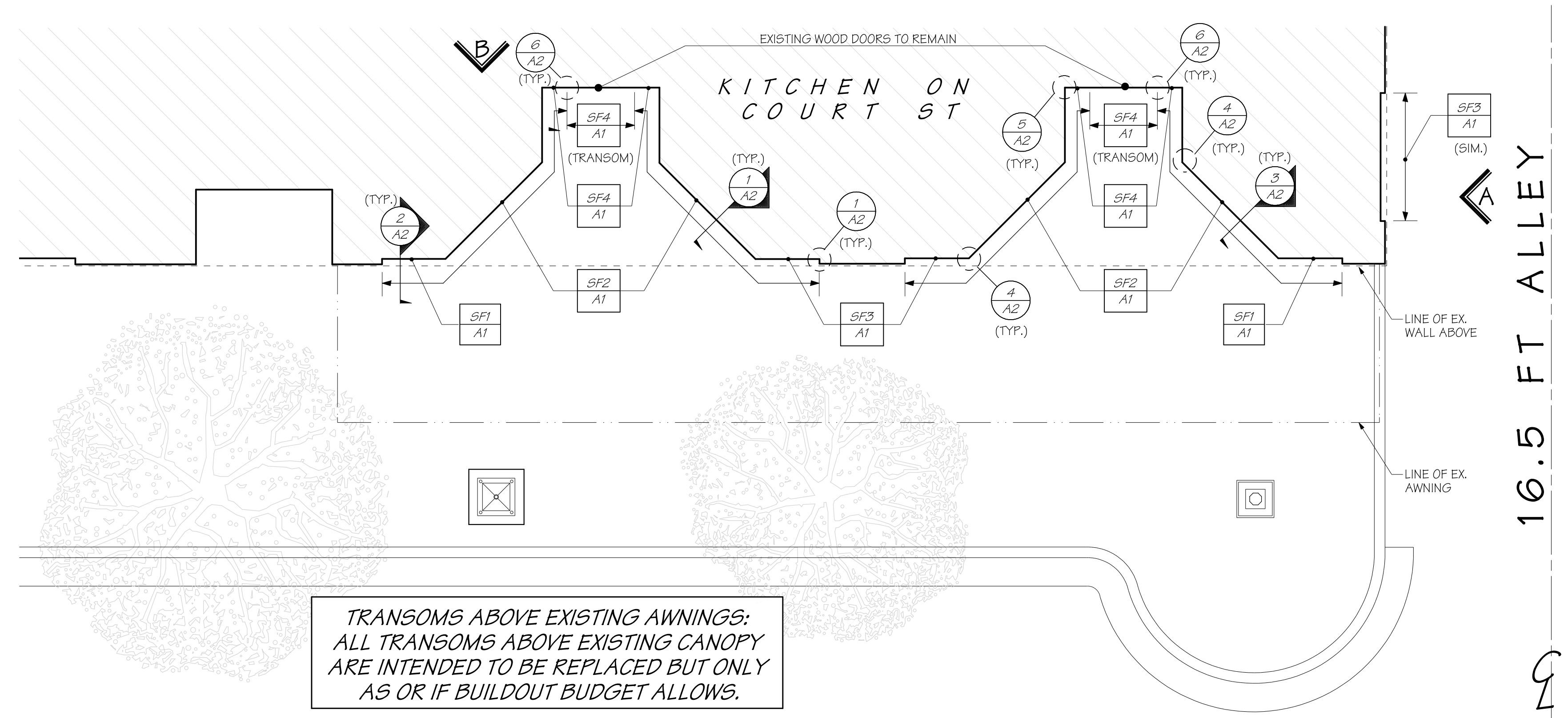


**PHOTO A**  
EXTERIOR AT ALLEY

ALL TRANSOMS - REPLACEMENT AS BUDGET ALLOWS



**PHOTO B**  
INTERIOR OF TRANSOMS FACING COURT ST



TRANSOMS ABOVE EXISTING AWNINGS: ALL TRANSOMS ABOVE EXISTING CANOPY ARE INTENDED TO BE REPLACED BUT ONLY AS OR IF BUILDOUT BUDGET ALLOWS.

## STOREFRONT PLAN

466 COURT STREET NE

1/4" = 1'-0"

**Kaufman HOMES INC.**  
"Building extraordinary homes and remodels with thoughtful and timeless appeal. Creating enduring value and relationships that last a lifetime."  
3625 Kashmir Way SE, Salem, OR 97317 - (503) 370-8390

COMMENTS & REVISIONS

A COMMERCIAL STOREFRONT GLASS REPLACEMENT FOR  
**KITCHEN ON COURT ST**  
466 COURT ST NE • SALEM, OREGON • 97301

<b>DATE</b>	10/20/2021
<b>SCALE</b>	PER PLAN/DETAIL
<b>PLOT DATE</b>	
<b>SHEET</b>	G1

### **Short Project Summary:**

Proposal to replace the storefront window on the north façade of the Odd Fellows Store Annex building (c.1900), a historic contributing resource within the Salem Downtown National Register Historic District located at 466 Court St. NE (Marion County Tax Assessors Number 073W27AB90004). Currently, the single-pane transoms are original glazing stopped-in with wood in & out, similar to the large single panes below. If the owner has budget enough these transoms could possibly be replaced. The current condition of the existing single-panes are starting to show their age, especially at exposed corners. Furthermore it's desired to improve the energy performance of the building envelope with the introduction of these new storefront systems.

**SRC 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 original glass is single pane and in poor condition and needs replacement. SRC 230.040(d)1(A) has been met.

*(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 proposed replacement glass is the same type, quality, design, size finish, proportions. SRC 230.040(1)(B) has been met.

#### **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 existing original storefront openings will be retained.

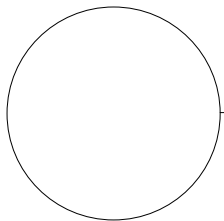
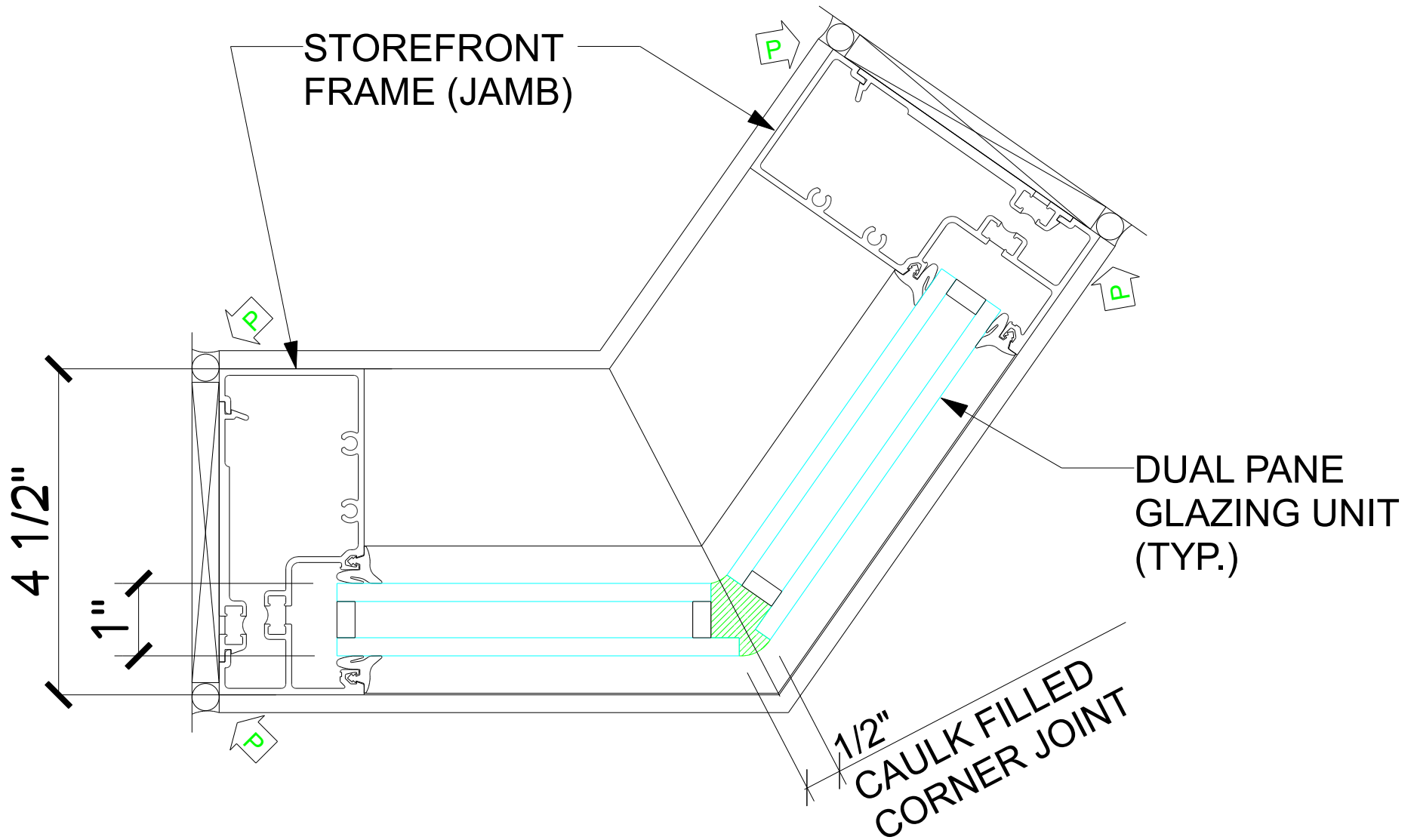
*(B) Where the original storefront is too deteriorated to save, the commercial character of the building shall be retained through:*

- (i)* A restoration of the storefront based on historical research and physical evidence.
- (ii)* Contemporary design that is compatible with the scale, design, materials, color and texture of historic compatible buildings in the district.

**Response:** The New Storefront will have a Black metal trim element placed at the joint where the two large storefront glass panels come together on the interior & exterior. SRC 230.040(2)(B) has been met.



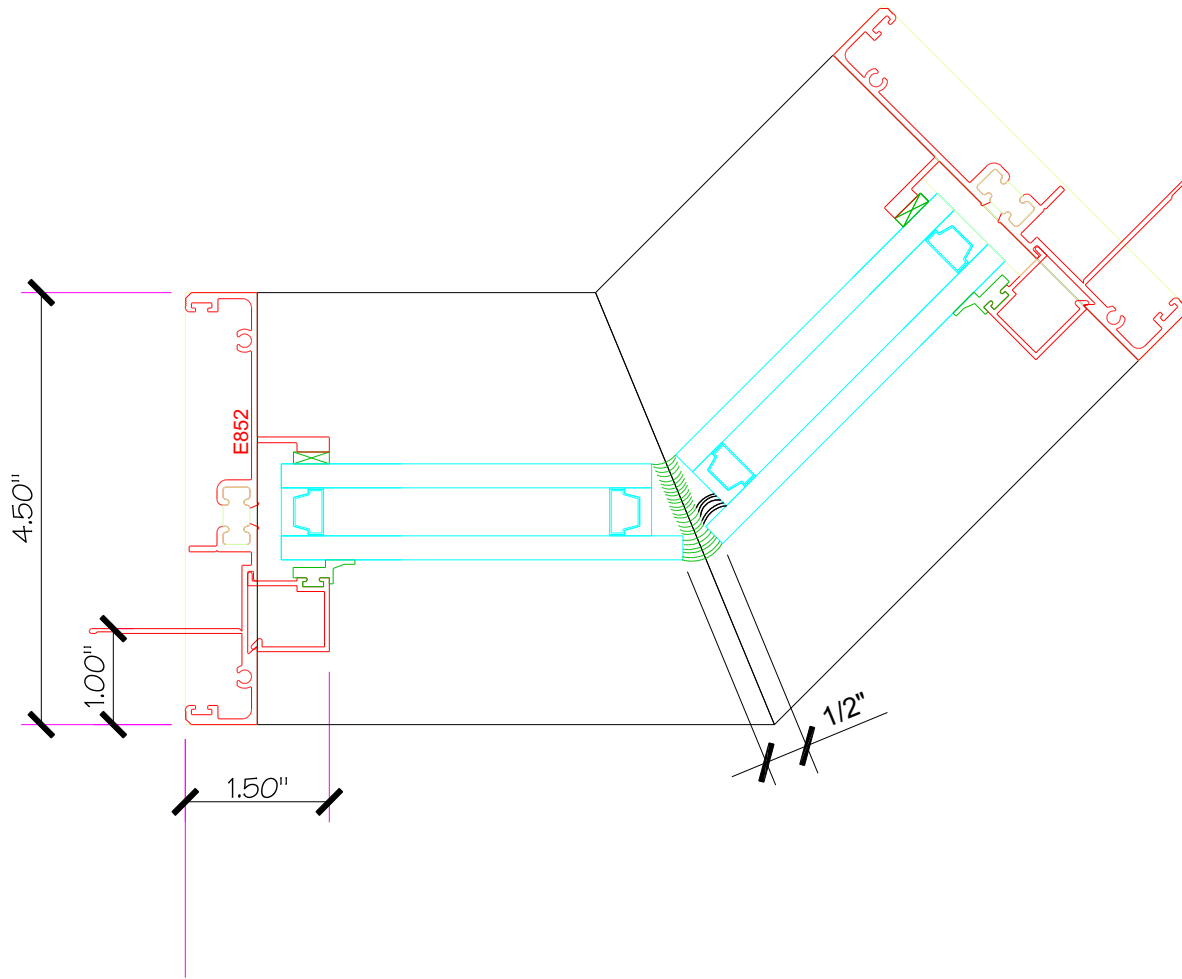




# SECTION @ STOREFRONT JOINT

45 DEGREE CORNER

6 " = 1' - 0 "



Thermally Broken Fixed Window

A

SECTION @ CORNER JNT

6" = 1'-0"





Storefront; East Side of entry



Storefront – West side of entry



Transom windows