

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 PLANNING ADMINISTRATOR

HISTORIC DESIGN REVIEW CASE NO.: HIS19-04MOD1

APPLICATION NO. : 19-111058-DR

NOTICE OF DECISION DATE: JUNE 24, 2019

SUMMARY: A proposal to modify a previous Historic Design Review approval to rehabilitate the Lower Terrace (1950s) at Deepwood (1894).

REQUEST: A proposal to modify a previous Historic Design Review approval to rehabilitate the Lower Terrace (1929) at Deepwood (1894), a historic contributing resource in the Gaiety Hill/Bush's Pasture Park Historic District in the PA (Public Amusement) zone, and located at 1116 Mission Street SE - 97301 (Marion County Assessor Map and Tax Lot Number: 073W27DD00100).

APPLICANT: Russell Schutte for Lord and Schryver Conservancy

LOCATION: 1116 Mission Street SE / 97302

CRITERIA: Salem Revised Code (SRC) Chapter 230.020(f) Historic Design Review

FINDINGS: The findings are in the attached Decision dated June 24, 2019.

DECISION: The **Historic Preservation Officer, a Planning Administrator Designee APPROVED** based upon the application materials deemed complete on June 21, 2019 and the findings as presented in this report.

*This Decision becomes effective on, **July 10, 2019**. 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 **July 10, 2019** or this approval shall be null and void.

Application Deemed Complete:	<u>June 21, 2019</u>
Notice of Decision Mailing Date:	<u>June 24, 2019</u>
Decision Effective Date:	<u>July 10, 2019</u>
State Mandate Date:	<u>October 19, 2019</u>

Case Manager: Kimberli Fitzgerald, kfitzgerald@cityofsalem.net; 503-540-2397

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Tuesday, July 9, 2019**. 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 must be filed in duplicate with the City of Salem Planning Division. 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 Land Marks 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 at the Planning Division office, 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. HIS19-04MOD1
DECISION**

**IN THE MATTER OF APPROVAL OF) MINOR HISTORIC DESIGN REVIEW
HISTORIC DESIGN REVIEW)
CASE NO. HIS19-04MOD1)
1116 MISSION STREET SE)
) June 24, 2019**

In the matter of the application for a Minor Historic Design Review submitted by Russell Schutte for the Lord and Schryver Conservancy, 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 previous Historic Design Review approval to rehabilitate the Lower Terrace (1950s) at Deepwood (1894).

REQUEST: A proposal to modify a previous Historic Design Review approval to rehabilitate the Lower Terrace (1929) at Deepwood (1894), a historic contributing resource in the Gaiety Hill/Bush's Pasture Park Historic District in the PA (Public Amusement) zone, and located at 1116 Mission Street SE - 97301 (Marion County Assessor Map and Tax Lot Number: 073W27DD00100).

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 21, 2019 and the findings as presented in this report.

FINDINGS

1. Minor Historic Design Review Applicability

SRC 230.020(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.

2. Analysis of Minor Historic Design Review Approval Criteria

Finding: The applicant is proposing to modify a previously approved decision (HIS19-04) approving the rehabilitation of the Lower Terrace (1950s) at Deepwood (1894). The current proposal includes requesting approval for additional work within an area adjacent to the previously approved work on the east side of the Scroll Garden. Specifically the applicant is requesting approval to remove deteriorating retaining wall, steps and the pedestrian path and rehabilitate these features with in kind materials and design (**Attachment B**). Staff determined that the following standards from SRC 230.025(l) *Standards for Contributing Resources in Residential Historic Districts, Site Features* are applicable to this project.

FINDINGS:

Criteria: 230.025(l) Site Features. *Replacement or alteration of site features of a historic contributing building that are identified as significant features on the historic resource inventory for the district, including, but not limited to, driveways, sidewalks, gardens, significant trees, or geological features is allowed, unless the replacement or alteration would materially alter or destroy the features.*

(1) Materials.

Materials shall duplicate, to the greatest degree possible, the appearance and physical qualities of the original materials. Example: Rhododendron hedge planted during the period of significance is replanted with heritage varieties available during the period of significance.

Finding: The applicant is proposing to remove and replace the curved brick border and small retaining wall along the path from the Lower Terrace to the covered path at the top of the hill to the west. The project will also include refurbishing the retaining wall and steps along with resurfacing the path with compacted crushed granite. The existing brick is to be salvaged and reused, if additional brick is required, salvaged brick will replicate to the greatest degree possible the appearance of the existing brick. The more modern materials, such as the metal micro drain at the top of the steps, and the flexible plastic train tile that will be installed to address drainage issues will either be buried, or will be not easily visible and therefore not adversely impact the resource(s) within the vicinity. Staff finds that this standard has been met.

(2) Design.

The design shall reproduce, to the greatest extent possible, the appearance of the original site feature. Example: If the site contains a Lord and Schryver garden, the replacements shall be allowed provided the original design and location of plantings of the historical garden are retained.

Finding: The applicant is proposing to restore and reconstruct the retaining wall, path and steps, based upon both physical evidence and evidence from Lord & Schryver plans and photographs. Staff finds that this standard has been met.

DECISION

Based upon the application materials deemed complete on June 21, 2019 and the findings as presented in this report, the application for HIS19-04MOD1 is **APPROVED**.



Kimberli Fitzgerald, AICP
Historic Preservation Officer
Planning Administrator Designee

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

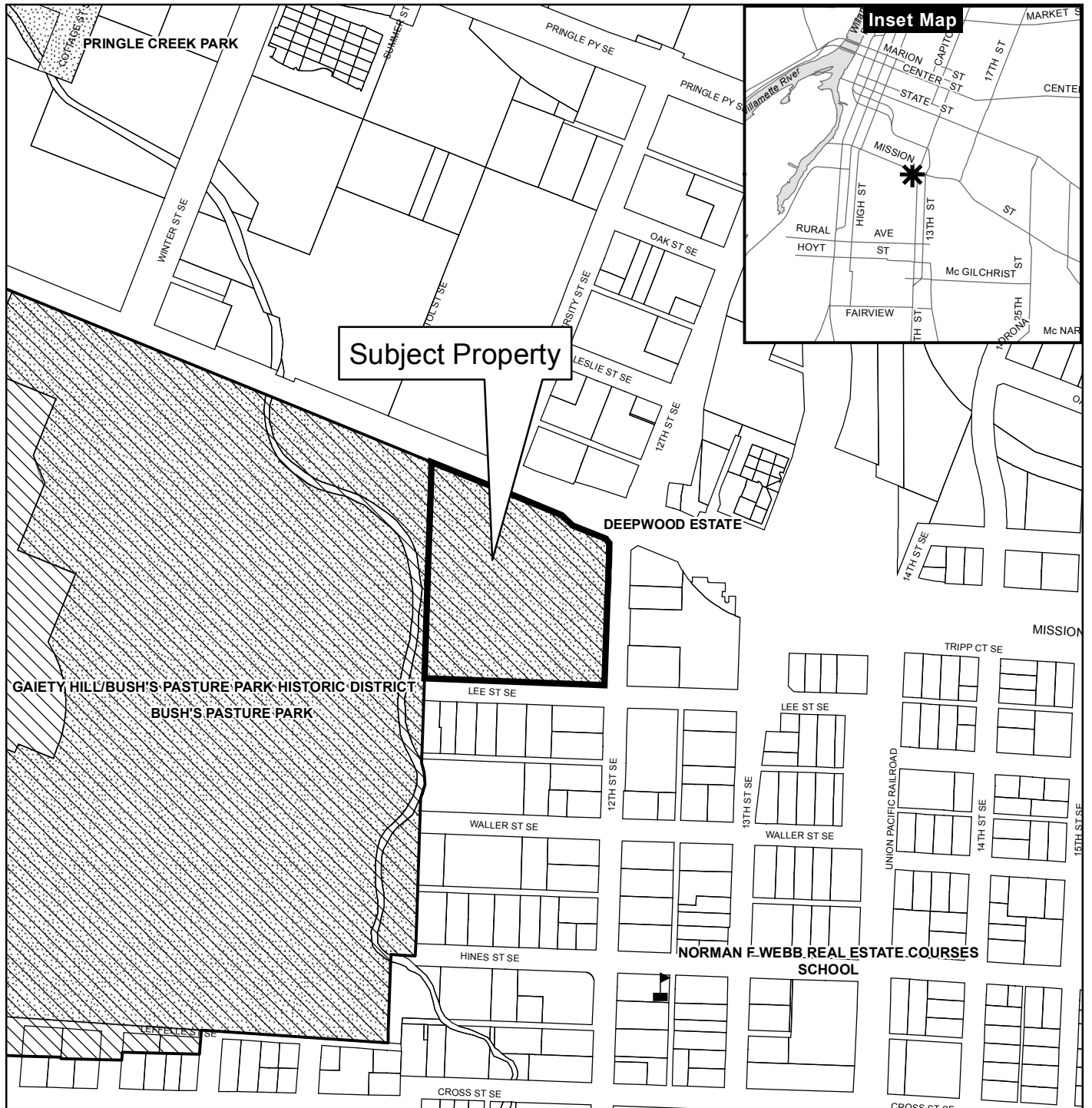
Application Deemed Complete:	<u>June 21, 2019</u>
Notice of Decision Mailing Date:	<u>June 24, 2019</u>
Decision Effective Date:	<u>July 10, 2019</u>
State Mandate Date:	<u>October 19, 2019</u>

*This Decision becomes effective on, **July 10, 2019**. 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 this decision must be exercised by **July 10, 2021** or this approval shall be null and void.

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, OR 97301, no later than **5:00 p.m., Tuesday, July 9, 2019**. The appeal must state where the decision failed to conform to the provisions of the historic preservation ordinance (SRC Chapter 230). The appeal must be filed in duplicate with the City of Salem Planning Division. 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 Salem 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.

Vicinity Map 1116 Mission Street SE

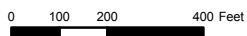


Subject Property

Inset Map

Legend

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



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Case No. _____

His 19-04

Historic Alteration Review Worksheet

Site Address: 1115 Mission Street SE, Salem OR

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)
wall, steps, path

New:

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

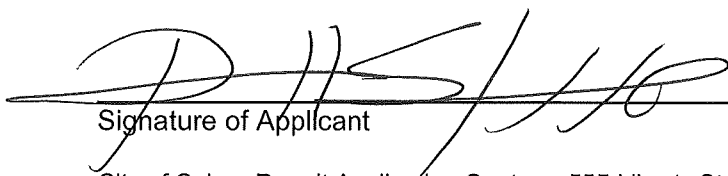
Will the proposed alteration be visible from any public right-of-way? Yes No

Project's Existing Material: Brick Project's New Material: Brick

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:

Remove deteriorating retaining wall, steps and rehabilitate path using historic materials from period of significance. This additional work is to be done in conjunction with the Lower Terrace project near the east side of the Scroll Garden, A Lord & Schryver designed historic Garden. See attached RFP and drawings for additional information.


Signature of Applicant

5/16/19
Date Submitted/Signed

April. 15, 2019

APPLICANT'S STATEMENT

Modification to Historic Design Review (Minor) HIS19-04, Scroll Garden located at Deepwood
1115 Mission Street SE, Salem, Oregon

APPLICANT: Lord & Schryver Conservancy, PO Box 2755, Salem, OR 97302

PROPERTY OWNER: City of Salem

REPRESENTATIVE: Russell Schutte, CBTwo Architects, 500 Liberty Suite 100, Salem, OR 97301

SECTION 230.018 PUBLIC HISTORIC DESIGN REVIEW JURISDICTION.

SECTION 230.020 HISTORIC DESIGN REVIEW.

A. APPLICABILITY

This is a request for a Modification to the Previous Minor Historic Design Review to permit the removal and replace/reinstall the curved brick boarder and small retaining wall along the path from the Lower Terrace to the covered path at the top of the hill. The project aims to improve the areas deteriorating and unsafe state by fixing drainage issues, refurbishing the retaining wall and steps along with resurfacing the path with compacted crushed granite. This intended work will be done in the rear garden of the Historic Contributing property known as "Deepwood Estate" at 1116 Mission Street SE. This review is a requirement under section 230.020.a.1.E See **Exhibit I** for Vicinity map

B. OBJECTIVES

Similar to the previous submission the goal is to rehabilitate this area to preserve the existing wall and fix the drainage issues and unsafe walking surface. The Conservancy would like to remove, repair, reconstruct the low retaining wall on the north side of the path, the brick edging on the south side of the path, and the 3 brick steps at the top (East) end. The existing brick is to be salvaged and reused. Any extra brick needed will be supplemented with previously salvaged historic material. The exact size, material and location can be seen in the Exhibits provided (Ex 1-4).

C. CLASSES

This project requires a "Minor" review under Classes 230.025(l), 230.060 (q) and 230.065.

D. PROCEDURE TYPE

(1) This Type I application is in accordance with Salem Revised Code Chapter 300.

E. ADDITIONAL SUBMITTAL REQUIREMENTS

1. See attached images for construction materials and key details.
2. Existing and Historical images of the garden paths and its location can be seen in the additional materials provided.

(This is a Lord and Schryver garden)

F. APPLICABLE APPROVAL CRITERIA

Please review all materials including application, worksheet, Drawings, images. I believe the minimum requirements are provided set forth in this chapter under (Ord. No. 34-10; Ord. No 25-13) I hope you determine the finding acceptable and approve the request for the stated project above.

SECTION 230.060 STANDARDS FOR HISTORIC CONTRIBUTING BUILDINGS IN PUBLIC DISTRICTS.

(p) RETAINING WALLS

(1) MATERIALS (brick)

(2) DESIGN (Historic match)

(q) SITE FEATURES

(Existing Retaining wall and boarder)

(1) MATERIALS

Reconstructed wall will be of reused historic brick support the construction and help with longevity.

(2) DESIGN

The intent is to reconstruct the wall and boarder in the exact location it currently is, keeping the all historic features (brick coursing and heights) as close as possible. Non-compliant materials would be the addition of flexible plastic train tile buried alongside the wall and metal "Micro" drain at the top of the steps to help improve the drainage issues.



Request For Proposal

Historic Garden
Rehabilitation Project

Deepwood Historical Park

MODIFICATION TO BID (CHANGE ORDER #1)

Subj.: Lower Terrace in the Scroll Garden; a Lord & Schryver Designed
Historic Garden
OWNER: City of Salem
555 Liberty St SE
Salem, Oregon 97301
OWNER's AGENT: David Lichter
503-365-7102
davidlichter47@gmail.com

Site Address: 1116 Mission Street SE, Salem OR 97302
Bid Invitations: Closed
Date: Monday, 15 April 2019
Work completed by: 1st June, 2019, end of business, via email to
davidlichter47@gmail.com

Hardscape, retaining wall Preservation Project in a Historic Garden

Introduction & Landscape Context:

Salem's city park Deepwood is beloved both for the Victorian house itself and for the surrounding gardens. The house was built in 1894 by Luke Port and owned successively by the George Bingham family and then the Clifford Brown family before the estate became a city park in 1971. The important Salem landscape architecture firm of Lord & Schryver began designing the historic gardens for Alice Brown in 1929. In 1936 the Scroll Garden was added in the lower terrace. Elizabeth Lord and Edith Schryver were the first two female landscape architects to practice independently in the Pacific Northwest

The path to the lower terrace was a Bingham era structure, noted and preserved in Lord & Schryver's designs for Alice Brown and provided by them with the existing pavement in the early 1950s. The proposed rehabilitation was recommended in both the 1990 Historic Landscape Report and the Lord & Schryver Conservancy's addendum.

This Change Order to the initial project seeks to repair/restore the steps, drainage issues and retaining wall, of the path leading down to the Lower Terrace project. These additional changes are needed to insure safety (current path is dangerous) and sustain the Historic context for many years to come. This Path to the Lower Terrace and Scroll Garden is a key historic landscape feature and need to be preserved as best as possible. The Conservancy would also like to improve hardscaping and path to insure a safe and useable space for all who visit.

* * *

PROJECT DESCRIPTION:

The Lord & Schryver Conservancy desires to restore the deteriorating low retaining wall, brick boarder and Steps along with resurfacing the path leading to the Lower Terrace at the Southeast end of the historic Scroll Garden. The intent is to carefully remove and salvage as much of the original material as possible from the patio border and retaining wall. The failing retaining wall needs to be reconstructed with a concrete footing and proper drainage. Once the wall and steps are fixed a new compacted crushed granite path will be put down.

Wherever possible, the awarded Contractor shall engage best practices for the treatment of the historic landscaping, as outlined in "Guidelines for the Treatment of Cultural Landscapes" as per the Secretary of the Interior's Standards for the Treatment of Historic Properties at:

<http://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm>, utilizing the utmost care to protect and preserve all extant plant material, carpentry, and landscape elements at Deepwood Park. The most basic tenet of historic preservation is "do nothing that cannot be undone." Wherever possible, careful hand/manual labor is preferred.

NOTICE TO BIDDER:

This work is a change order to the original contract. Work will be approved when change order request is approved for budget reasons and when the City Historic Preservation officer has approved the additional scope.

Work is to be completed by late fall 2019 and will be dependent on weather conditions and Contractor schedule. Contractor shall be fully licensed, bonded, and insured for \$1M liability.

Scope of Work

The Scope of Work is near the Lower Terrace adjacent to the Scroll Garden, near the Southeast edge of the property and only this area (see figure 1, 2 and drawing A)

The Project includes but not limited to the proper removal of remaining hardscaping as needed; install of compacted sand/gravel base, pouring of footings, fixing and replacing items listed below; furnishing costs of materials, equipment rentals, hand labor, and LCP (Licensed Construction Professional in Oregon) supervision.

It is assumed this project will be taken place after the completion of the lower terrace work, carefully disassembling, salvaging and cleaning all brick. Then reconstruct wall and 3 steps on top of new footing, install flex drain behind wall to help with water runoff, and lay down 2+" of compacted crushed granite on path way to repair walking surface.

- Additional Site information, drawings and images provided upon request.

Low Retaining Wall and Brick Boarder:

- Carefully disassemble salvage and clean all salvageable materials.
- NOTE (Volunteers may help remove materials and clean brick from the retaining wall and save for construction.

- Provide and install compacted gravel base for footing.
- Owner will supply all historic material.
- Pour concrete footing over compacted base. The Brick face should replicate the historic design (See Figures 7 and 8).
- Place perforated drain pipe on east face of wall. Backfill with gravel and geotextile. (See drawings)
- Drain pipe should run past wall and daylight out away from wall at a low point
- 2" mico drain should be added at top of the steps to aid in diverting water off steps.
- Provide and install 1 ½" conduit sleeves behind and through wall for future expansion of future electrical. (See drawings)
- Provide and install all reinforcement materials needed for concrete work.
- Reconstruct steps and curved end of retaining wall to match new wall. The steps should be fully grouted in place and layout should replicate existing design.

GENERAL CONDITIONS:

This site is a historic designed landscape. Some of the plants contained in the garden are over 80 years old, rarely available for purchase in the current nursery trade, and cannot be replaced if damaged. Therefore, every effort shall be made by the installing contractor, to preserve and protect all existing plants at all times. Contractor will be charged \$250 PER EACH DAMAGED OR DESTROYED PLANT.

Existing gates, posts, fences, shrubs, and adjacent paving must be protected during construction.

This site is a public place. It is maintained by volunteers. Therefore, every effort shall be made by the installing Contractor to coordinate all onsite activities with the Owner's Agent.

All historic material to be preserved or saved must be kept protected. If an item is removed for construction but is intended to be used again, the item should be replaced in the same area/place from which it was removed.

Field verify all measurements prior to start. Materials must be laid in exact orientation and pattern as it is removed. Numbering or marking materials is encouraged to keep the historic continuity as much as possible.

Contractor shall provide full restoration of all disturbed areas, including pathway hardscapes, flower beds and damaged plants. Plants shall not be dug or damaged without the written permission of the Project Manager or Owners Agent.

The use of gas-powered equipment is discouraged on the site.

Provide hand labor for trenching in planter areas as deemed appropriate and necessary. Contractor shall make every effort to provide irrigation trenching (conduit) under pathways in the garden. There is to be no mechanical (gas-powered) equipment in planting bed and pathway areas. This includes the use of a trenching and compaction machines. The use of trenching or compaction machinery may be used if arranged in advance with OWNER and with OWNER's Agent oversight during construction activities.

Contractor shall ensure proper drainage to alleviate ponding on all horizontal surfaces. Improperly installed concrete/brick that does not drain well shall be removed by the Contractor at Contractor's expense.

Contractor shall provide and install all new and salvaged materials to current industry standards. Provide and install all concrete areas with proper compacted base material, rebar or wire mesh as needed for structural support.

All access and material delivery is by way of the parking lot and path off of Lee Street at the southwest side of the worksite. Onsite parking is allowed in parking lot and staging area may be provided if requested.

Contractor shall at all times maintain an orderly and clean jobsite and is responsible for all erosion control during the course of the work, regardless of weather conditions. At the end of each work day, Contractor shall sweep effected hardscape areas, neatly stack construction supplies, cover, mark and tape off all open trenches with brightly colored safety tape and signage to protect the public or visitors to the garden during construction.

No materials or waste may be stored on site after 5pm each work day without prior approval. All paved surfaces must be swept clean at end of work day and as often as needed to maintain clear and safe passage of vehicles and pedestrians to and from neighboring properties.

Work must be done only between the hours of 8am-5pm week days. No work is to be done on Saturday or Sunday.

Tobacco use, vaping, or alcohol is prohibited onsite at all times.

Provide owner with warrantee information, servicing/care information, contact information, etc.

The Job Captain or Supervisor shall check in daily with the onsite Garden Manager with any questions or concerns throughout the project.

Owners Agent: David, contact first if questions. davidlichter47@gmail.com

Project Manager: Russell Schutte, contact with question on drawings or installation.

Russell@CBTwoarchitects.com

Photographs from Worksite

Figure 1, *Historic drawing from Treatment plan (area of work in red)*

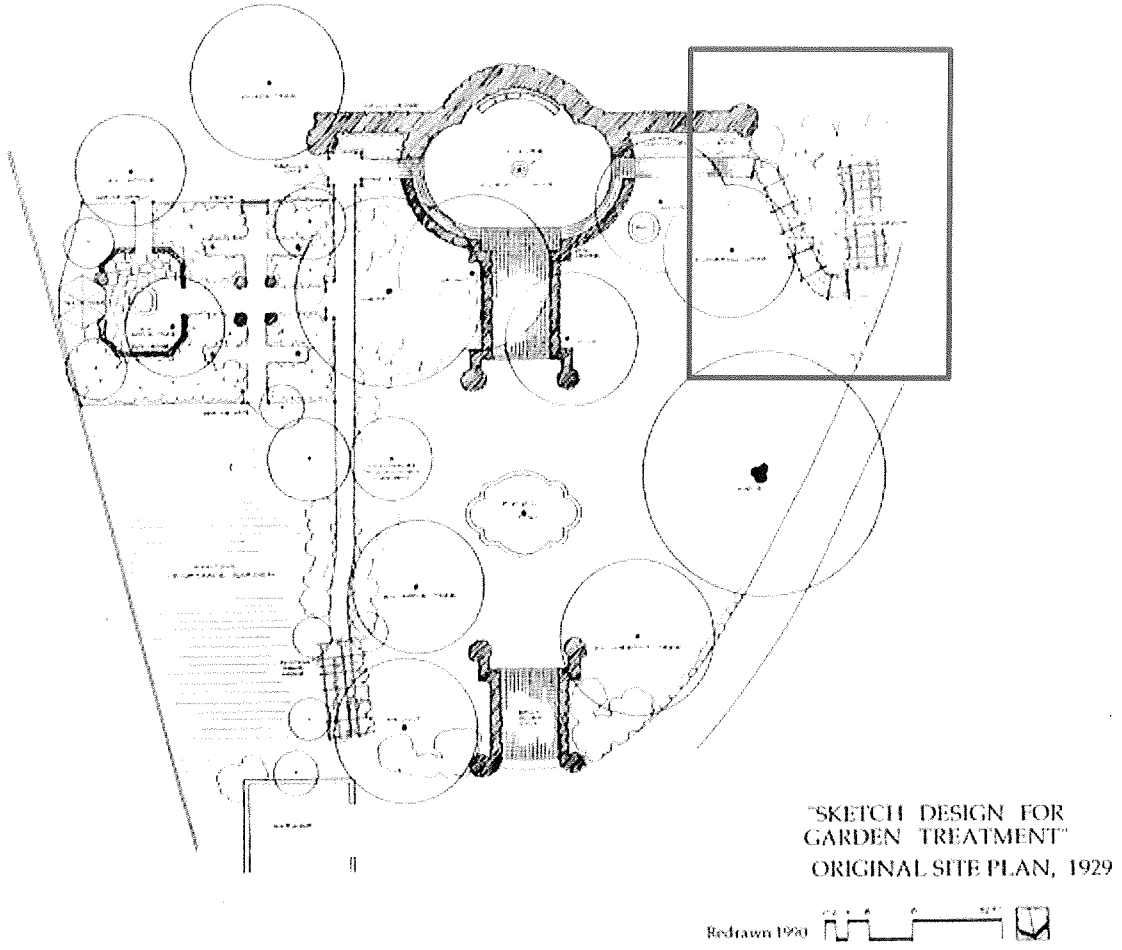


Figure 2 Area of work to be done.



Figure 3 Historic image of path when covered with rose arbor



Figure 4-5 current condition at bottom and top of path



Figure 6-7 current condition steps and leaning wall



Note the washed out path in the center due to inporper drainage.

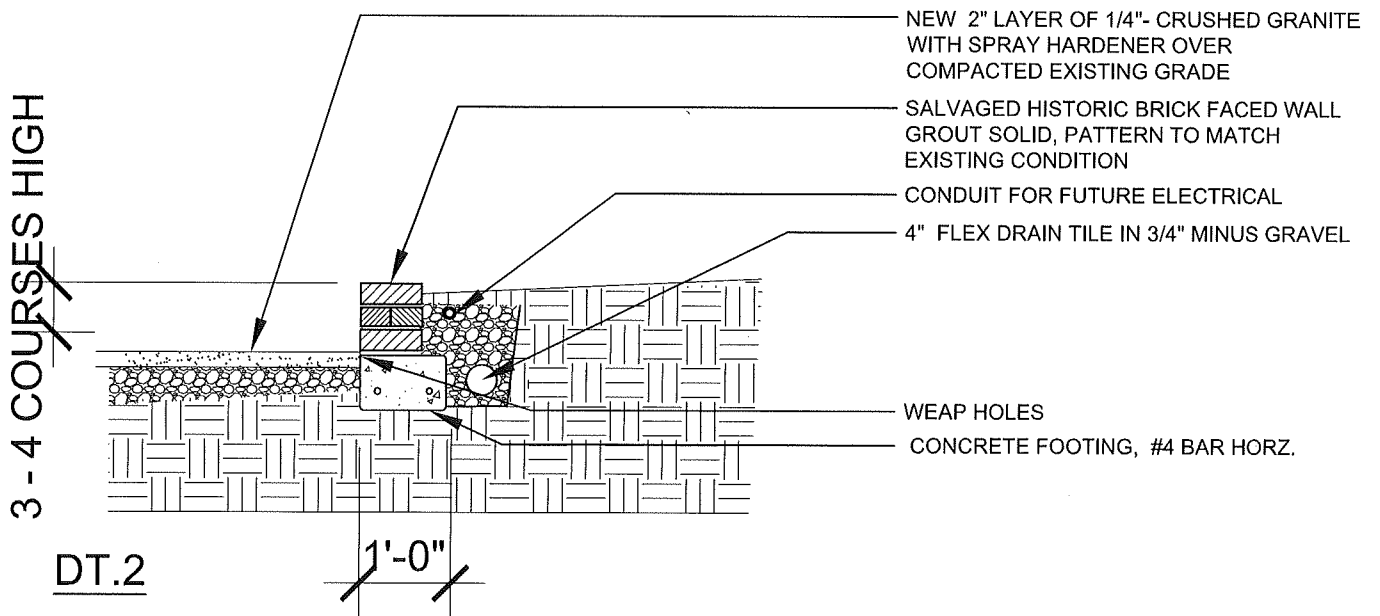
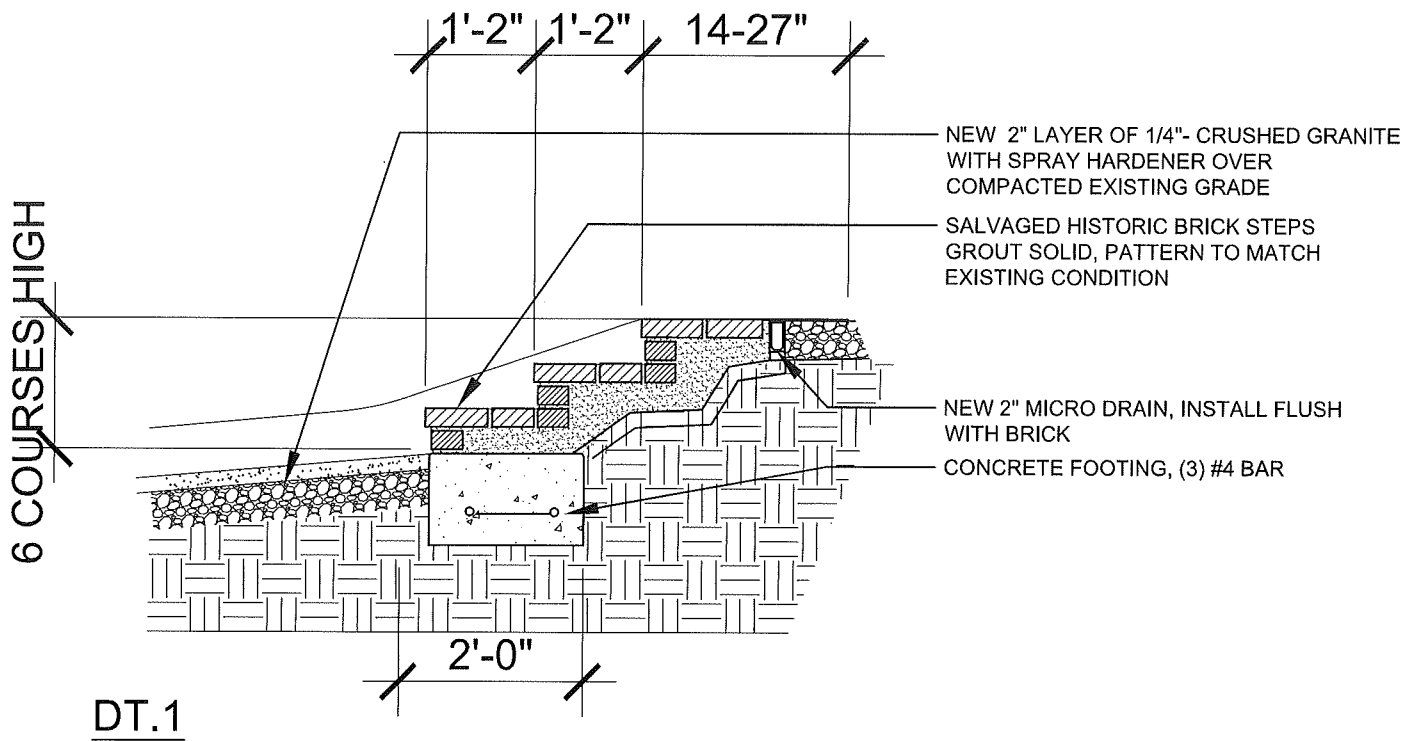


EXHIBIT A

RECONSTRUCT RETAINING WALL PER HISTORIC IMAGERY,
USE RECLAIMED HISTORIC BRICK FOR THIS