

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 LANDMARKS COMMISSION

HISTORIC DESIGN REVIEW CASE NO.: HIS18-11

APPLICATION NO. : 18-105743-DR

NOTICE OF DECISION DATE: APRIL 20, 2018

SUMMARY: Major Historic Design Review of a proposal to modify the storefront and alter the side and rear facades of the Gray Belle Restaurant (C.1890).

REQUEST: Major Historic Design Review of a proposal to modify the storefront and alter the side and rear facades of the Gray Belle Restaurant (C.1890), a contributing resource within the Salem Downtown Historic District, zoned CB (Central Business District), and located at 440 State Street 97301; Marion County Assessor's Map and Tax Lot Number 073W27AB04900.

APPLICANT: Ron Ped for Charles Weathers, 440 State LLC

LOCATION: 440 State Street

CRITERIA: Salem Revised Code (SRC) Chapter 230.065. General Guidelines for Historic Contributing Resources.

FINDINGS: The findings are in the attached Decision dated April 20, 2018.

DECISION: The Historic Landmarks Commission **APPROVED** Historic Design Review Case No. HIS18-11 subject to the following conditions of approval:

CONDITION 1: The proposed elevator tower shall be clad in a traditional siding material currently found on the Gray Belle Building (brick; tile or Portland cement plaster).

CONDITION 2: The proposed vinyl windows on the rear (south) and east facades are not allowed. These windows shall either be of a traditional material (wood) or a paintable fiberglass or aluminum material.

CONDITION 3: The proposed new opening on the alley façade shall be flush with the brick façade and of materials traditionally found in the Downtown Historic District.

VOTE:

Yes 7 No 0 Absent 2 (Pearson, Larson) Abstain 0

Kevin Sund, Chair
Historic Landmarks Commission

*This Decision becomes effective on **May 8, 2018**. 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 **May 8, 2020** or this approval shall be null and void.

Application Deemed Complete: March 22, 2018
Public Hearing Date: April 19, 2018
Notice of Decision Mailing Date: April 20, 2018
Decision Effective Date: May 8, 2018
State Mandate Date: July 20, 2018

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., Monday, May 7, 2018.**

Any person who presented evidence or testimony at the hearing may appeal the decision. 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 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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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DECISION OF THE SALEM HISTORIC LANDMARKS COMMISSION

CASE NO. Historic Review Case No. HIS18-11 / AMANDA No. 18-105743-DR

FINDINGS: Based upon the application materials, the facts and findings in the Staff Report incorporated herein by reference, and testimony provided at the Public Hearing of April 19, 2018, the Historic Landmarks Commission (HLC) finds that the applicant adequately demonstrated that their proposal complies with the applicable provisions of the Salem Revised Code (SRC) 230.065 as follows:

Salem Revised Code (SRC) 230.065. General Guidelines for Historic Contributing Resources.

FINDINGS

Salem Revised Code (SRC) 230.065. General Guidelines for Historic Contributing Resources.

(a) ***Except as otherwise provided in [SRC Chapter 230], the property shall be used for its historic purpose, for a similar purpose that will not alter street access, landscape design, entrance(s), height, footprint, fenestration, or massing.***

Finding: The HLC finds that the applicant does not propose to change the use of the property from its existing use as a restaurant and that the proposal meets this Guideline.

(b) ***Historic materials, finishes and distinctive features shall, when possible, be preserved and repaired according to historic preservation methods, rather than restored.***

Finding: The HLC finds that the applicant is proposing to repair the eight windows on the second floor of the front façade, and the four windows on the second floor of the east façade. The applicant's proposal includes modifications to the east and rear facades, which do not contain any additional historically distinctive features proposed for restoration. While the storefront on the front facade will be modified, the existing storefront is not original to the structure. The HLC finds that the applicant is not proposing to alter or remove any historically distinctive features on the historic Gray Belle Restaurant Building, therefore the HLC finds that the proposal meets this Guideline.

(c) ***Distinctive stylistic features or examples of skilled craftsmanship significance shall be treated with sensitivity.***

Finding: The HLC finds that the applicant is not proposing to modify any distinctive features on the historic Gray Belle Restaurant Building. The primary character defining features on the building are located on the top half of the north (front) façade of the building, and include the windows and the colored glass tile above the transom area. The applicant is proposing to retain these features. The HLC finds that the proposal meets this Guideline.

(d) *Historic features shall be restored or reconstructed only when supported by physical or photographic evidence.*

Finding: The HLC finds that the proposal does not include restoration or reconstruction based upon historic evidence. However, historically, the building was divided into two separate storefronts separated by a main entry leading up to the second floor (**Attachment B1**). This proposal generally reflects the appearance of the Gray Belle Building from the historic period. The HLC finds that the proposal meets this criterion.

(e) *Changes that have taken place to a historic resource over the course of time are evidence of the history and development of a historic resource and its environment, and should be recognized and respected. These changes may have acquired significance in their own right, and this significance should be recognized and respected.*

Finding: The HLC finds changes made to the resource over time are not character defining, and have not acquired significance in their own right. In fact, the changes made to the building since the 1960s resulted in the building losing its historic integrity. This proposal will ensure that the second floor of the resource will be utilized again, and that the lower floors will be used as they were within the historic period. The HLC finds that the proposal meets this Guideline.

(f) *Additions and alterations shall be designed and constructed to minimize changes to the historic resource.*

Finding: The HLC finds that overall, the proposal is designed to minimize changes to the historic resource. However, the HLC finds that there are several materials and designs that are not compatible with the character of the Gray Belle Building. First, the proposed metal siding and vinyl window proposed within the stairwell tower are not traditional materials found on historic contributing buildings throughout the historic district. Second, the infilling of an existing door and the creation of two new openings on the eastern façade will result in the loss of historic material. Last, the HLC finds that the design of the proposed new doors on the alley façade is not in keeping with the character of the historic resource. The proposed new opening on the alley façade, which would be flush with the existing brick façade and of materials traditionally found in the historic district, would be less of an adverse effect on the resource.

To meet this guideline, the HLC adopts the following **CONDITIONS OF APPROVAL**:

CONDITION 1: The proposed elevator tower shall be clad in a traditional siding material currently found on the Gray Belle Building (brick; tile or Portland cement plaster).

CONDITION 2: The proposed vinyl windows on the rear (south) and east facades are not allowed. These windows shall either be of a traditional material (wood) or a paintable fiberglass or aluminum material.

CONDITION 3: The proposed new opening on the alley façade shall be flush with the brick façade and of materials traditionally found in the Downtown Historic District.

- (g) Additions and alterations shall be constructed with the least possible loss of historic materials and so that significant features are not obscured, damaged, or destroyed.**

Finding: The HLC finds that the proposal includes modifications to the storefront and the addition of a new stairwell tower and access walkway at the rear of the resource. The proposal includes the creation of new openings that result in the loss of historic material on the east façade fronting the alley. Additionally, the installation of doors and windows are of material and design that are incompatible with the resource. However, with the HLC adopted conditions of approval the HLC finds that the proposal meets this Guideline.

- (h) Structural deficiencies in a historic resource shall be corrected without visually changing the composition, design, texture, or other visual qualities.**

Finding: The HLC finds that the applicant has proposed to correct the structural deficiencies created by the removal of the stairs on both the front and rear facades. The HLC finds that while this proposal does result in a visual change to the resource, the addition of the stairwell tower is located at the rear of the resource, minimizing the adverse effect of this alteration. The modification of the storefront, while not a true reconstruction based upon historic evidence, reflects the design of the storefront of the building from the period of significance for the district. The HLC finds that the proposal meets this Guideline.

- (i) Excavation or re-grading shall not be allowed adjacent to or within the site of a historic resource which would cause the foundation to settle, shift, or fail, or have a similar effect on adjacent historic resources.**

Finding: The applicant has not proposed any excavation or re-grading, therefore staff recommends that the HLC find that this Guideline is not applicable to the evaluation of this proposal.

DECISION: The Historic Landmarks Commission **APPROVES THE PROPOSAL** with the following **CONDITIONS:**

CONDITION 1: The proposed elevator tower shall be clad in a traditional siding material currently found on the Gray Belle Building (brick; tile or Portland cement plaster).

CONDITION 2: The proposed vinyl windows on the rear (south) and east facades are not allowed. These windows shall either be of a traditional material (wood) or a paintable fiberglass or aluminum material.

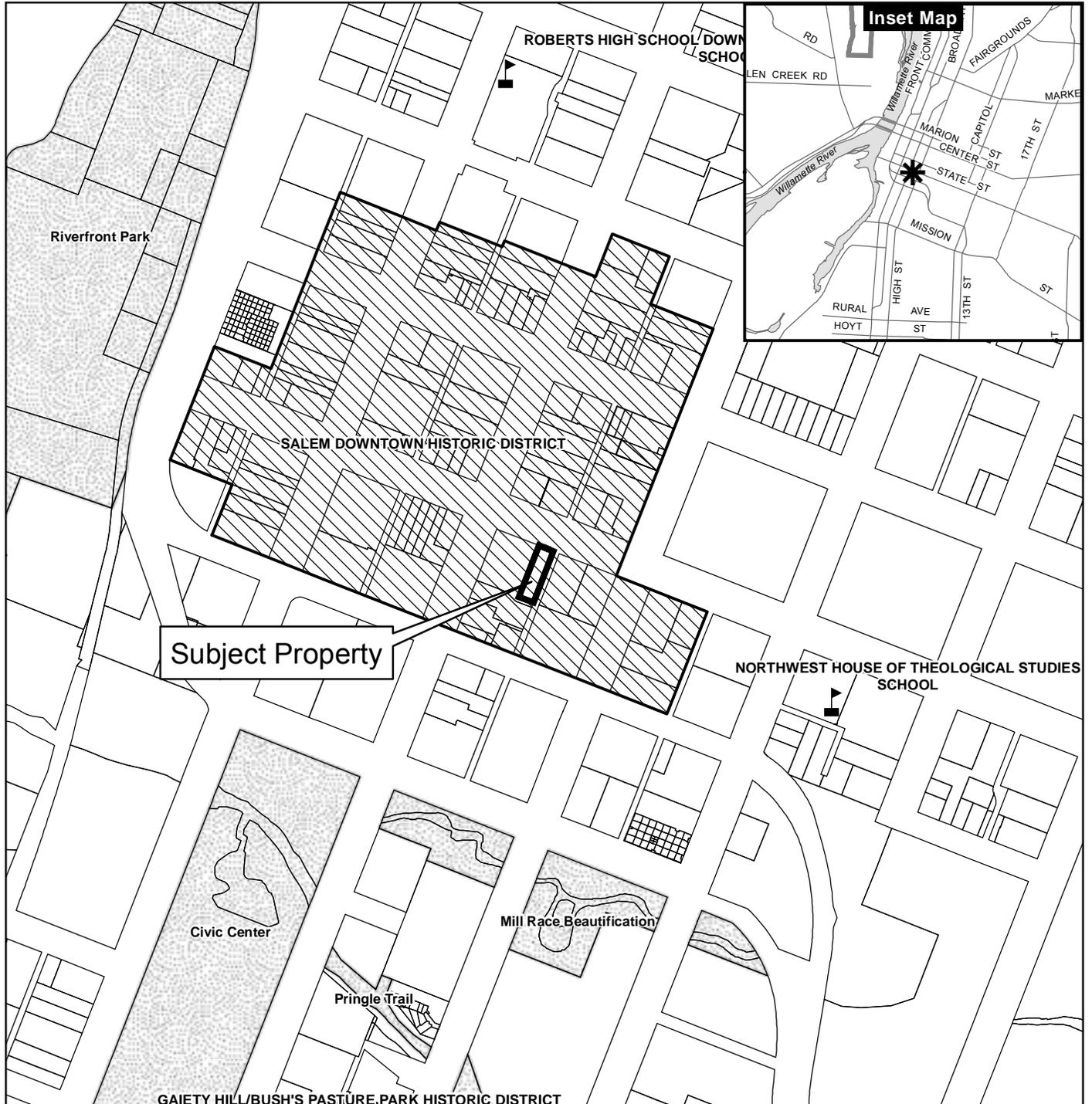
CONDITION 3: The proposed new opening on the alley façade shall be flush with the brick façade and of materials traditionally found in the Downtown Historic District.

VOTE: Yes 7 No 0 Absent 2 (Pearson, Larson) Abstain 0

- Attachments:
- A. Vicinity Map
 - B. Excerpt from National Register Historic Resource Document
 - B1. Historic Photos
 - C. Applicant's Submittal Materials
 - D. Comments from Joy Sears, Oregon State Historic Office

Prepared by Kimberli Fitzgerald, Historic Preservation Officer

Vicinity Map 440 State Street



Legend

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



0 100 200 400 Feet



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440 State

The two story masonry building called Gray Belle Restaurant was listed as historic non-contributing in the Salem Downtown Historic District nomination from 2001. In June 2012, the owners received a Diamonds in the Rough grant from Oregon State Historic Preservation Office which was matched by the Urban Toolbox grant by City of Salem to remove the c. 1960s metal/plastic latticework from the front of the building and do needed repairs then repaint. Since the removal of the non-historic latticework and completed resulted in the building be reclassified as contributing to the historic district.

The building is listed with a 1890s construction date but further research shows it was built sometime after 1896 (chicken coops there on 1895 Sanborn Fire Map) and before 1914. From 1915 when it was the Gray-Belle Restaurant the first floor has remained a restaurant or lounge with food of various names until the present. In the 1932 Salem city directory this building is referred to as the Thielson Building.

Brief history

1st floor 440 State

- Gary-Belle Restaurant 1915 to 1934
- The Quelle 1935 to 1944
- Nohlgren's Restaurant 1945 to 1958
- Vacant 1959
- Monk's Restaurant 1960 to 1974

Upstairs from 1930-31 to 1966

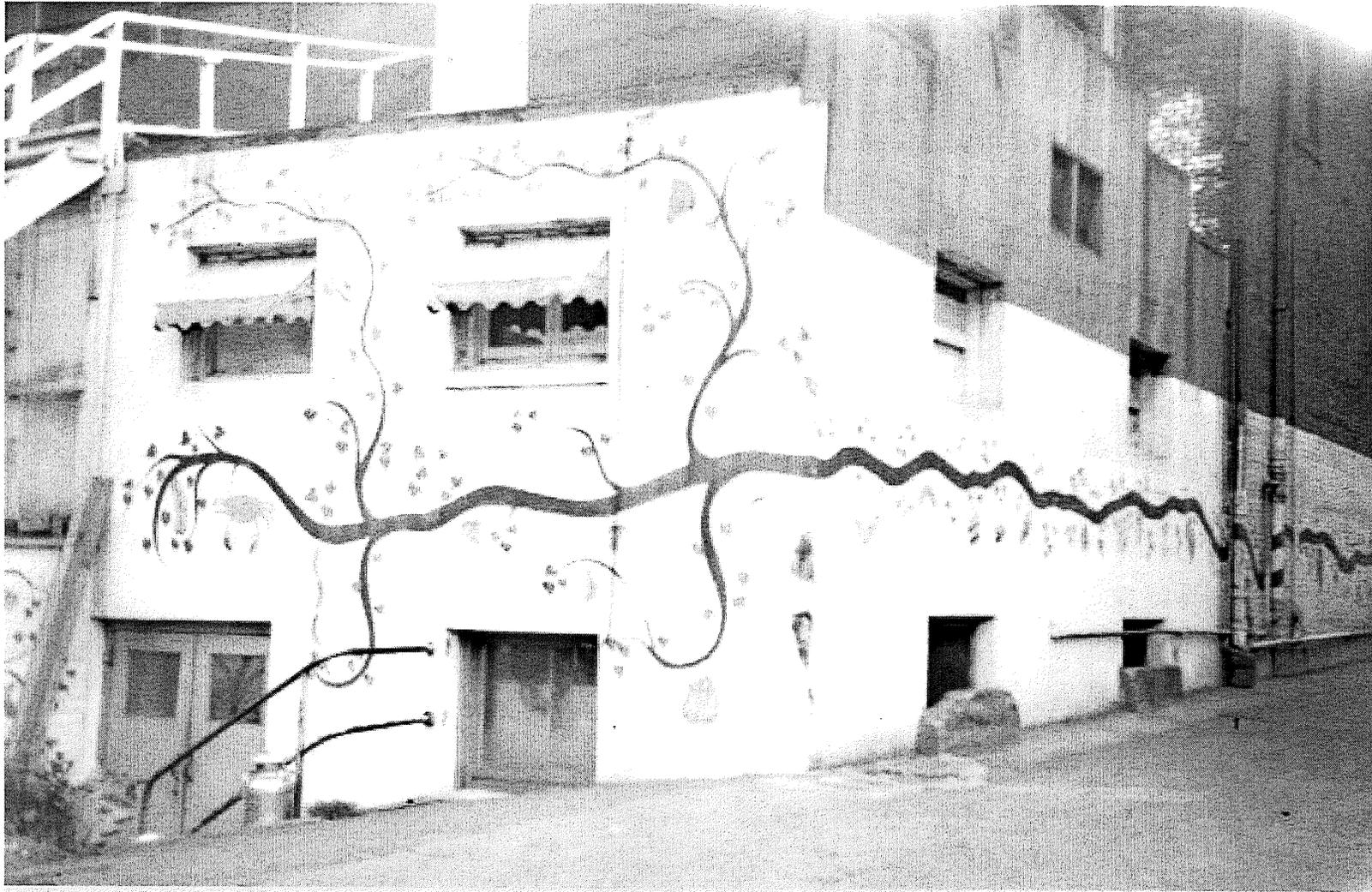
Tenants: Eby's Photo Studio 1930-31 to 1942 Shop owner Ai Eby lives there in 1942 (maybe thru WWII?)

- Elite Beauty Shoppe 1932 only
- Morris Optical Co. 1932 to 1966
- United Optical Co. Wholesale 1932 to 1966
- Collins Brad music tchr 1935 only
- Joe's Upstairs Clothes Shop 1942 to 1951
- Klett, Otto Owner lives upstairs 1945 to 1947
- Silver Falls Lodge office 1947 to 1949

1968 No tenants listed upstairs so that appears to be when the facade coverup occurred.



Nohlgren's – Gray Belle Building



Rear of Gray Belle Building – circa 1954

Case No. _____

Historic Alteration Review - General Resource Worksheet

Site Address: 440 STATE ST Resource Status: Contributing
 Individual Landmark Non- Contributing

Type of Work Activity Proposed

Major Minor

Replacement, Alteration, Restoration or Addition of:

Architectural Feature:

- Deck
- Door
- Exterior Trim
- Porch
- Roof
- Siding
- Window(s) Number of windows: _____
- Other architectural feature (describe) _____

Landscape Feature:

- Fence
- Retaining wall
- Other Site feature
- Streetscape

New Construction:

- Addition
- New Accessory Structure
- Sign
- Awning

STAIR TOWER & Balcony @ REAR OF BLDG
 REMOVE BRICK WALL @ STREET IN FAVOR OF NEW STOREFRONT.

Will the proposed alteration be visible from any public right-of-way? YES NO

Project's Existing Material: MASONRY 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:

Restore existing uses (most recent) provide new storefront
 FRONT WALL: SOLID BRICK WALL CURRENT HAS BEEN
 SINCE 60'S, PROVIDE CORES REQUIRED EGRESS FROM
 SECOND FLOOR APTS. ADD (2) GARAGE DOORS (ALUM & GLASS)
 TO PROVIDE BLDG NEED DAYLIGHT TO COMMON

DINING AREA
Signature of Applicant [Signature]

1 MARCH 18
Date Submitted/Signed

The site is on the south side of State Street (between Liberty and High Streets) and on the west side of the north-south alley that bisects block 20s. The lot is 42' x 149' (6,258 sf) the front of the building is on State Street. The alley on the east side slopes approximately 4' from north to south. At the rear of the building is a small 6 car (non-conforming) parking lot. There are two sets of Stairs at the rear building one that provides egress from the street level dining room and access to the basement Lounge. The building was built in the 1890's and saw significant remodels in the 30's 50's and 60's.

Over the Years the Restaurant at offered many different dining experiences, most recently the proprietor was Chang Lai. It has been vacant for some time. This two-story building with a basement is constructed of unreinforced masonry wall (E, S and W) and wood framed floor and flat roof. The front has been reconfigured many times over the years. Recently the building changed from non-contributing to contribution by the removal of an expanded metal Screen covering the second floor façade. Second floor windows, circa 1930 and glass tiles are now exposed. The first floor storefront was modified in the 60's to be more "loungy." The older historic storefront was removed in favor aluminum storefront and used brick. The Second floor most recently (50 years ago) was apartment units. The access street access (by means of a stair) was cut-off in the 1968 remodel and has been vacant since. The Basement was a Lounge as late as the mid 70's. The basement lounge is accessed by an interior stair at the rear of the 2 story portion and by the alley stairs. At the rear of the original two-story portion is a 1960's dining room addition (one-story and partial basement).

The redevelopment proposal includes restoration of the apartments on the second floor, a comedy/entertainment venue in the basement, and indoor food court on the first floor. The food court will be fashioned after a number of similar locations in downtown Portland. There will be 4 to 6 independent kitchens feature varied fare.

The Exterior Scope of work is

1. Remove the "loungy" used brick wall (now painted) and replace with a storefront similar to the pre 1969 storefront. This storefront will be in similar style to the 1930's second floor Façade above. The second floor stairs will be reconstructed to provide access to apartments units above. While the base or the stair was open to the street, it is important for resident security and cleanliness to install a door and landing to the base of the stair.
2. To provide badly need interior daylight two aluminum and glass overhead sectional door are proposed in the first floor common dining room.
3. An accessible stairway (compliant with current standard) to satisfy a building code requirement from the second floor. It will be necessary to provide and exterior exit balcony and exterior private open space for a couple of south

facing units. The balconies will be over the one-story portion at the rear of the building.

Sec. 230.065. - General guidelines for historic contributing resources.

- A. Except as otherwise provided in this chapter, the property shall be used for its historic purpose, or for a similar purpose that will not alter street access, landscape design, entrance(s), height, footprint, fenestration, or massing.

Response: The uses will remain the same as they were historic uses (apartment, restaurant and bar.) The front façade will be reopened to the street as it originally was. There is no landscape; the new storefront entrance will fit within the vertical space between the sidewalk and contributing portion of the upper façade. The height, footprint and massing will remain the same. The fenestration is changing as described above.

- B. Historic materials, finishes and distinctive features shall, when possible, be preserved and repaired according to historic preservation methods, rather than restored.

Response: Historic material, finishes and distinctive features will be preserved and repaired excepted as described above.

- C. Distinctive stylistic features or examples of skilled craftsmanship significance shall be treated with sensitivity.

Response: although there are not a lot of stylistic features the existing style will be maintained and respected. Care will be taken to provide requisite sensitivity.

- D. Historic features shall be restored or reconstructed only when supported by physical or photographic evidence.

Response: good photographic evidence does not exist; however, similar period examples of the period do exist. They have been examined and character assimilated. Contemporary materials will be used but in the character of the period.

- E. Changes that have taken place to a historic resource over the course of time are evidence of the history and development of a historic resource and its environment, and should be recognized and respected. These changes may have acquired significance in their own right, and this significance should be recognized and respected.

Response: the current contributing upper façade is not part of the original building it was substantial modified 40 years after the building was constructed. With the removal the 1950's expanded metal screening the 1930's upper façade

has become visible. It is the most significant contributing feature. The proposed storefront will return to the character prior to the 1960's remodel.

- F. Additions and alterations to a historic resource shall be designed and constructed to minimize changes to the historic resource.

Response: the additions and alterations will be perform in a fashion to minimize changes to the historic resource in fact, it would be possible for the improvements be remove and historic resource could be restored to their present condition.

- G. Additions and alterations shall be constructed with the least possible loss of historic materials and so that significant features are not obscured, damaged, or destroyed.

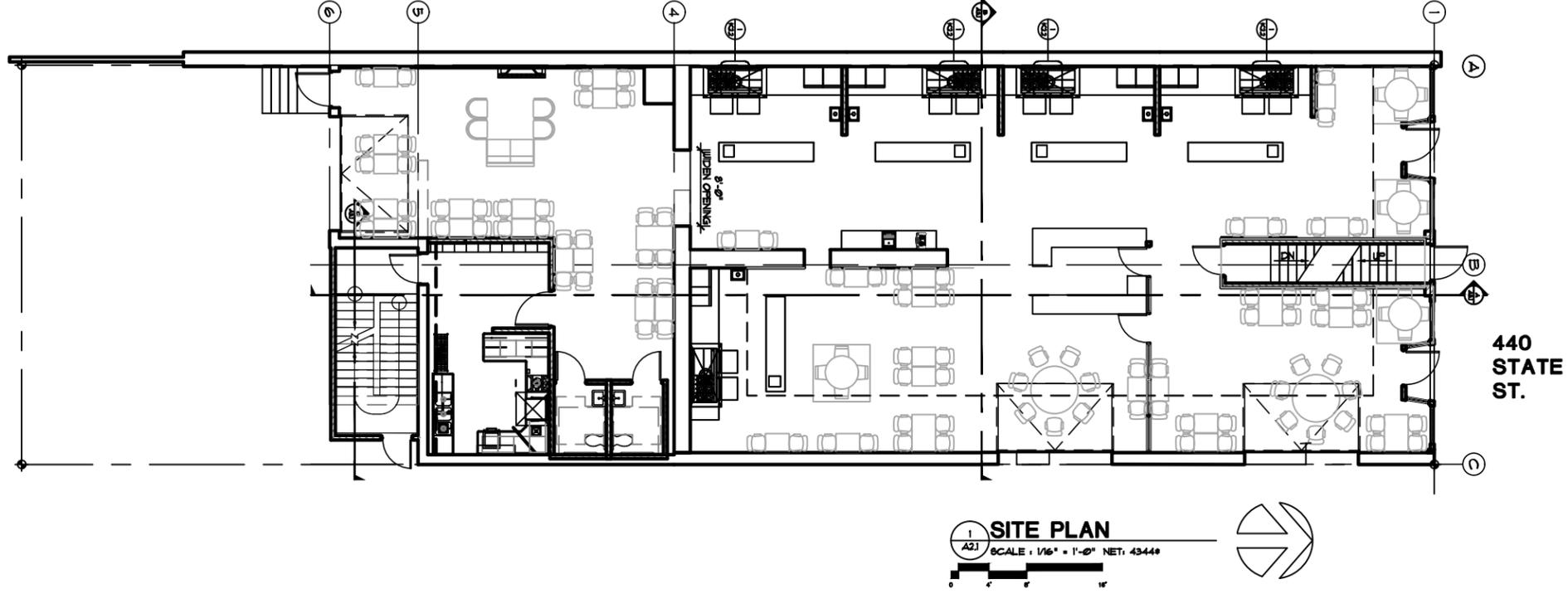
Response: great care will be taken to not damage, obscure or destroy significant features. In fact the scope of the work is to restore the historic fabric and texture of the building by reconstruction missing historical components such as an appropriate store front while maintaining the contributing façade above.

- H. Structural deficiencies in a historic resource shall be corrected without visually changing the composition, design, texture or other visual qualities.

Response: There is likely some seismic upgrades and necessary cosmetic interior modifications. Anticipated upgrades structural will be interior to the building.

- I. Excavation or re-grading shall not be allowed adjacent to or within the site of a historic resource which could cause the foundation to settle, shift, or fail, or have a similar effect on adjacent historic resources.

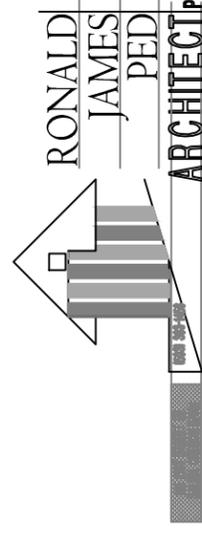
Response: no excavation is anticipated other that what is required to install new exit stair at South-east corner and necessary Utilities upgrades. In all cases the adjacent grades will remain the same. Required patches will be done in kind. No historic resource will be damaged. The Owner has employed a structural engineer who is familiar, and has considerable with Unreinforced Masonry buildings.



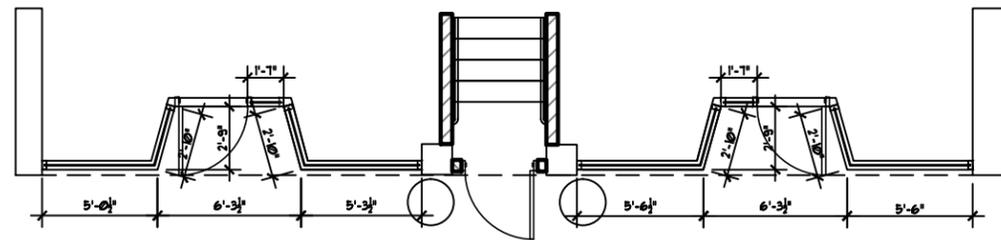
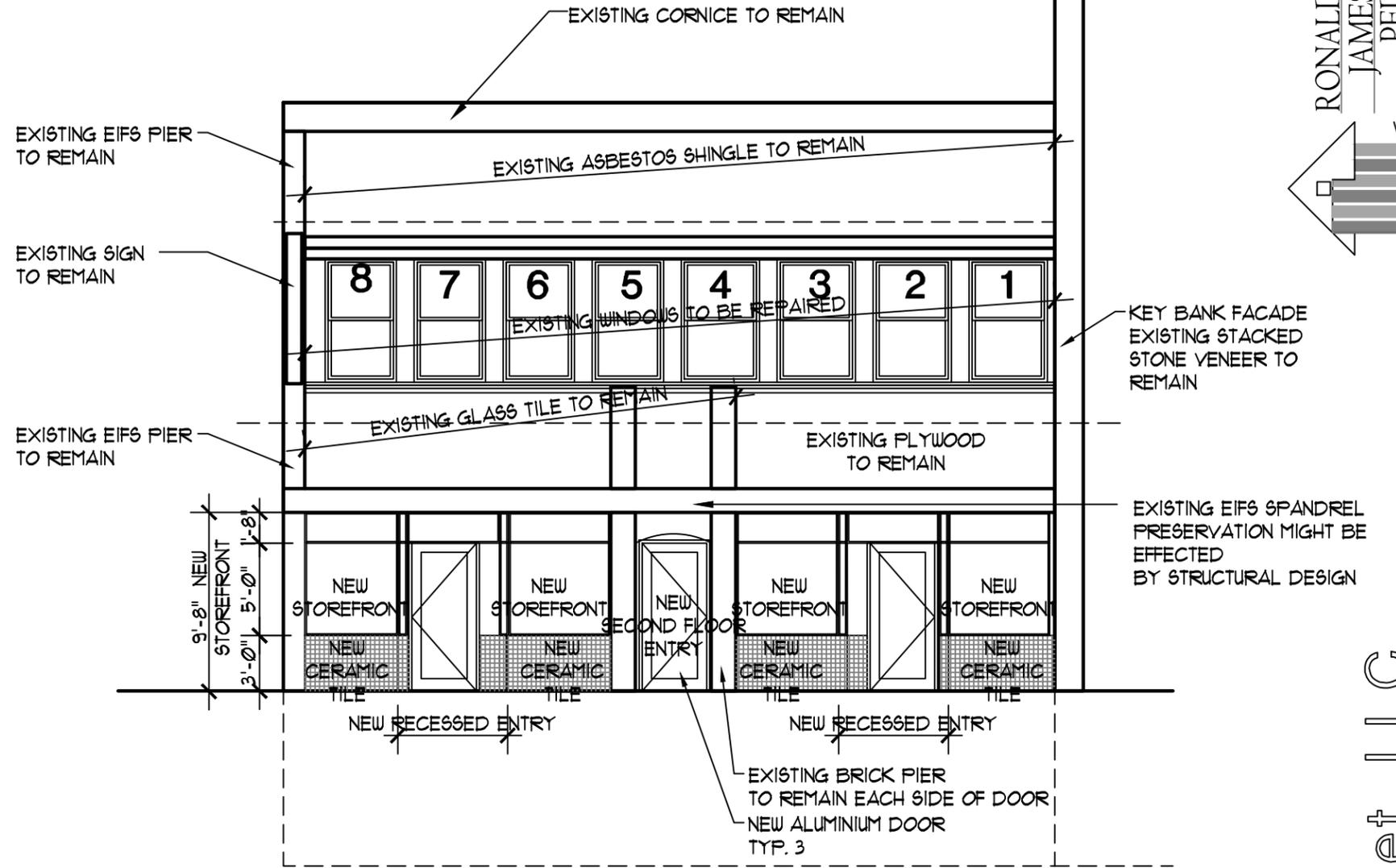
DATE: 3-1-18
DRAWN: ak
JOB NO: 1765

A2.1

TENANT IMPROVEMENT FOR:
440 State Street, LLC
440 STATE STREET, SALEM, OR 97301

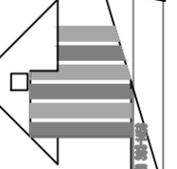


IF DAMAGE OCCURS OF THE CONTRIBUTING MATERIALS DURING CONSTRUCTION. REPLACE MATERIAL IN KIND



PROPOSED NORTH ELEVATION
 1
 A3.2
 SCALE : 1/8" = 1'-0"
 0 2' 4' 8'

RONALD
 JAMES
 PED
 ARCHITECT P



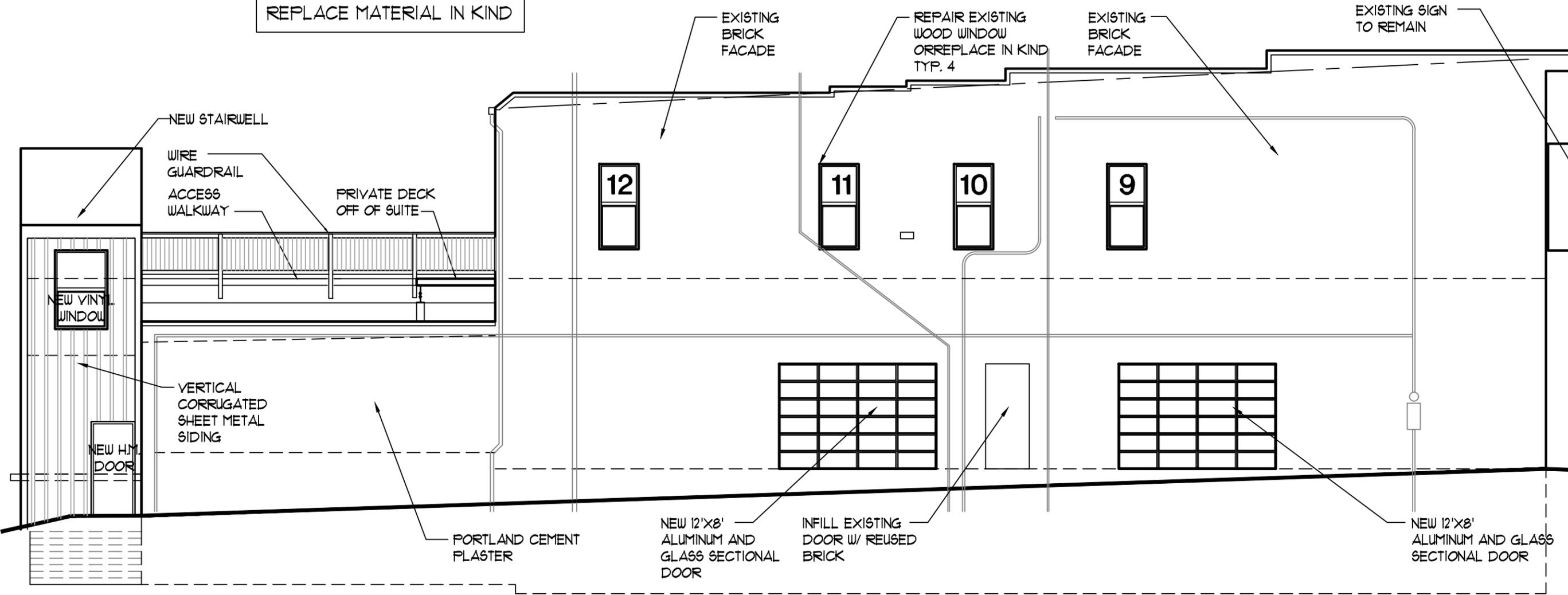
TENANT IMPROVEMENT FOR:
 440 State Street, LLC
 440 STATE STREET, SALEM, OR 97301

DATE: 3-1-18
 DRAWN: ak
 JOB NO.: 1765

A3.2

P:\1765 Charles Weathers 440 State\Historic Design Review\A2.1.dwg, A3.3, 3/21/2018 4:20:43 PM, Andy, 1:1

IF DAMAGE OCCURS OF THE CONTRIBUTING MATERIALS DURING CONSTRUCTION. REPLACE MATERIAL IN KIND



RONALD
JAMES
PED
ARCHITECT P

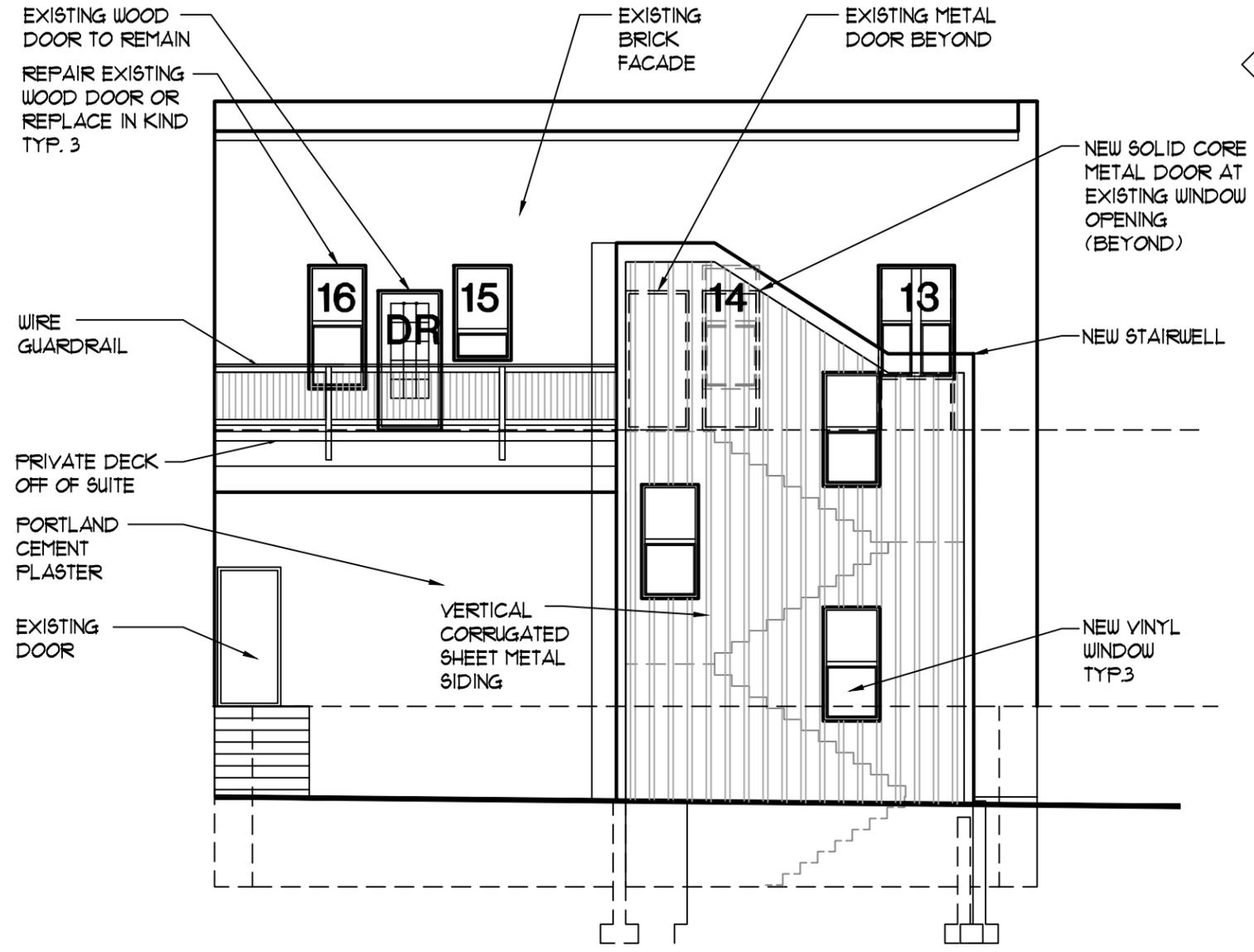
TENANT IMPROVEMENT FOR:
440 State Street, LLC
440 STATE STREET, SALEM, OR 97301

EAST ELEVATION
SCALE : 1/8" = 1'-0"
0 2' 4' 8'

DATE: 3-1-18
DRAWN: ak
JOB NO: 1765

A3.3

IF DAMAGE OCCURS OF THE CONTRIBUTING MATERIALS DURING CONSTRUCTION. REPLACE MATERIAL IN KIND



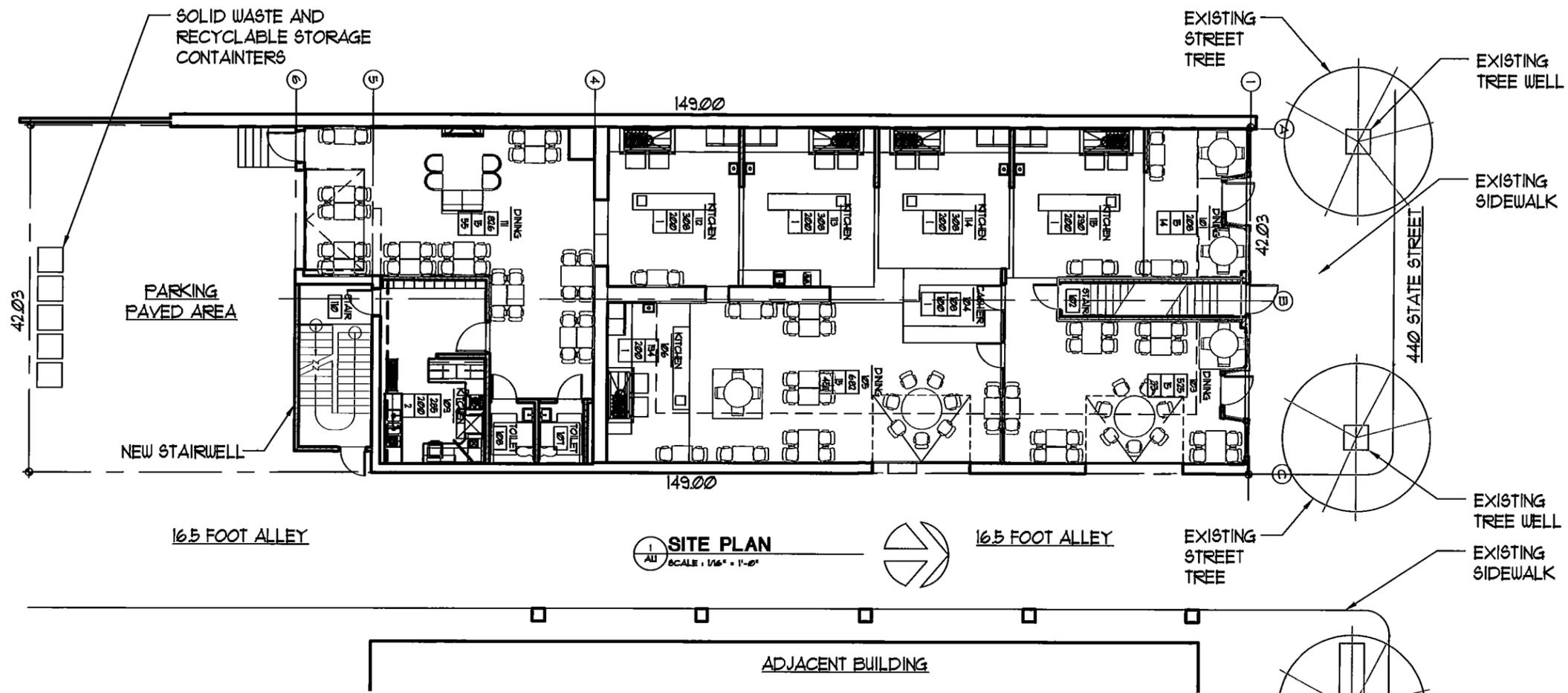
1 SOUTH ELEVATION
A3.4 SCALE : 1/8" = 1'-0"

RONALD JAMES PED ARCHITECT

TENANT IMPROVEMENT FOR:
440 State Street, LLC
440 STATE STREET, SALEM, OR 97301

DATE: 3-1-18
DRAWN: ak
JOB NO: 1765

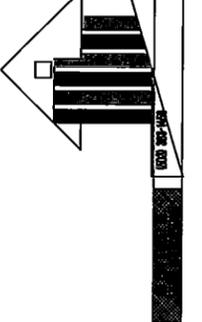
A3.4



SITE PLAN
SCALE: 1/16" = 1'-0"

TL#073W27AB04900
6262.47 S.F.

**RONALD
JAMES
PED**
ARCHITECT



TENANT IMPROVEMENT FOR:
440 State Street, LLC
440 STATE STREET, SALEM, OR 97301

DATE: 3-1-18
DRAWN: ak
JOB NO.: 1765

A1.1





Insta-Rail vertical cable railing system photographs.

SAMPLE IMAGE #1





2. The wire railing spec and image samples are attached for your review. Storefront specifications are attached for your review, storefront doors fall under the storefront system specs. Please see the attached **Storefront and Door-Photos-examples.pdf** which shows a storefront system used at the adjacent McGilchrist Building across the street. Overhead door cut spec/cut sheets are attached for your review. Corrugated siding specification cut sheet is included, along with sample image above. The total square footage of the corrugated siding at the new stair shaft is 760+- s.f. excluding the proposed vinyl windows.
3. DONE
4. DONE

SAMPLE IMAGE #2



440 State Street



Attachment D

From: SEARS Joy * OPRD [<mailto:Joy.Sears@oregon.gov>]
Sent: Thursday, March 22, 2018 11:48 AM
To: Kimberli Fitzgerald <KFitzgerald@cityofsalem.net>
Subject: RE: HIS18-11 440 State -- Request for Comments

Hello Kimberli,

Thank you for the opportunity to provide courtesy comments of the proposed rehabilitation of 440 State especially since the historic building plans on taking advantage of the historic preservation tax incentives.

Front façade (north)

– While there has never been a door at the bottom of the stairway to the second floor, I understand wanting to make the entrance secure for everyone. I don't believe that current building code or City of Salem Public Works will allow a new door to swing out into the public right-of-way unless a variance can be approved.

Side elevation (east)

- If the second floor wood windows are still extant, they must be retained and repaired.
 - The proposed garage doors are not appropriate to the character of the building. On the first floor along the alley there are two aluminum and glass garage doors proposed which are not in keeping with the character of the building. If providing light into the interior is the goal, a swing, folding or sliding door with glass could be proposed which when closed should be flush with the brick façade.
 - The vinyl hung window on the new rear stairway is appropriately sized but must be upgraded to at least a fiberglass or aluminum clad wood windows that can either be painted or is powder coated.
 - The vertical corrugated sheet metal siding must not be shiny or galvanized and must be painted or have a color coating.

Rear elevation (south)

- The vertical corrugated sheet metal siding must not be shiny or galvanized and must be painted or have a color coating.
- The vinyl hung window appear appropriate sized but must be upgraded to at least a fiberglass or aluminum clad wood windows that can either be painted or is powder coated.
- If the second floor wood windows are still extant, they must be retained and repaired.
- New doors should be simple and compatible with the historic character of the building.

Please let me know if you have any questions or concerns.

Take care,
Joy

Joy Sears
Restoration Specialist

Oregon State Historic Preservation Office (SHPO)
725 Summer Street NE, Suite C
Salem OR 97301