

# NOTICE OF DECISION

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



*hSi necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE HISTORIC LANDMARKS COMMISSION

HISTORIC DESIGN REVIEW CASE NO. HIS16-36

APPLICATION NO. : 16-121100-DR

NOTICE OF DECISION DATE: JANUARY 20, 2017

**REQUEST:** Major Historic Design Review of a proposal to modify the front facade of Engleberg's Antiks(1915) a historic non-contributing building in Salem's Downtown Historic District, zoned CB (Central Business) zone, and located at 148 Liberty Street NE, 97301 (Marion County Assessor's Map and Tax Lot number: 073W27AB05400).

**APPLICANT:** Matthew Johnson, Studio 3 Architecture Inc.

**LOCATION:** 148 Liberty St NE

**CRITERIA:** Salem Revised Code (SRC) Chapter 230.045(d)

**FINDINGS:** The findings are in the attached Staff Report dated January 19, 2017.

**DECISION:** The Historic Landmarks Commission **APPROVED** Historic Design Review Case No. HIS16-36.

### VOTE:

Yes 4      No 2      Absent 1

  
Andrew Hendrie, Chair  
Historic Landmarks Commission

This Decision becomes effective on **February 6, 2017**. 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).

Application Deemed Complete:	<u>November 21, 2016</u>
Public Hearing Date:	<u>January 19, 2017</u>
Notice of Decision Mailing Date:	<u>January 20, 2017</u>
Decision Effective Date:	<u>February 7, 2017</u>
State Mandate Date:	<u>March 21, 2017</u>

Case Manager: Kimberli Fitzgerald, [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net); 503.540.2397

The rights granted by this decision must be exercised by **February 7, 2019**, or this approval shall be null and void. A copy of the decision is attached.

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., February 6, 2017.**

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>**

FOR THE MEETING OF: ~~December 15, 2016~~ January 19, 2017

AGENDA ITEM: 4.a

BEFORE THE SALEM HISTORIC LANDMARKS COMMISSION

MAJOR - Discretionary Review

Historic Review Case No. 16-36 / 16-121100-DR

TO: Historic Landmarks Commission

THROUGH: Lisa Anderson-Ogilvie, AICP, Planning Administrator

FROM: Kimberli Fitzgerald, AICP, Historic Preservation Officer

HEARING DATE: ~~December 15, 2016~~ January 19, 2017

CASE NO.: Historic Design Review Case No. HIS16-36

APPLICATION SUMMARY: A proposal to modify the historic, non-contributing Engleberg's Antiks storefront.

LOCATION: 148 Liberty Street NE

REQUEST Major Historic Design Review of a proposal to modify the front facade of Engleberg's Antiks(1915) a historic non-contributing building in Salem's Downtown Historic District, zoned CB (Central Business) zone, and located at 148 Liberty Street NE, 97301 (Marion County Assessor's Map and Tax Lot number: 073W27AB05400).

APPLICANT: Matthew Johnson, Studio 3 Architecture Inc.

APPROVAL CRITERIA: Salem Revised Code (SRC) Chapter 230 230.045(d) Standards for Non-Contributing Buildings and Structures in Commercial Districts: Storefronts

RECOMMENDATION: APPROVE

PROCEDURES

**Historic Landmarks Commission Review & Decision**

Under Salem Revised Code (SRC) Chapter 230, no development permit shall be issued without the approval of the Historic Landmarks Commission (HLC). The HLC shall approve, conditionally approve, or deny the application on the basis of the projects conformity with the criteria. Conditions of approval, if any, shall be limited to project modifications required to meet the applicable criteria.

According to Salem Revised Code (SRC) 230.020(f), historic design review approval shall be granted if the application satisfied the applicable standards set forth in Chapter 230. The

HLC shall render its 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.

### **120-Day Requirement**

The state mandated 120-day deadline to issue a final local decision, including any local appeals in this case, is March 21, 2017, unless an extension is granted by the applicant.

## **APPLICATION PROCESSING**

### **Subject Application**

1. On November 16, 2016, the applicant submitted materials for a Major Historic Design Review to modify the historic non-contributing Engleberg's Antiks storefront.
2. The application was deemed complete for processing on November 21, 2016.

### **Public Notice**

1. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on November 22, 2016 (**Attachment A**).
2. The property was posted in accordance with the posting provision outlined in SRC 300.620.

## **TESTIMONY RECEIVED**

### **Neighborhood Association Comments**

The subject property is located within the Central Area Neighborhood Development Organization (CANDO). As of the date of publication, no comments were received from the neighborhood association.

### **Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposal on November 22, 2016. Notice of public hearing was also posted on the subject property. As of the date of publication, no comments have been received.

### **Public Agency Comments**

As of the date of publication, no comments have been received.

### **City Department Comments**

The Building and Safety Division indicates that this project will require building permits.

## **FACTS & FINDINGS**

### **Background Information**

According to the nomination documents and the historic photo, this building was constructed in 1915 (**Attachment B**). The nomination documents note that the building has been remodeled significantly in the 1960s including the addition of a large metal canopy and a large sign that displays the business name. The building is therefore historic non-contributing.

### **Historic Design Review**

The applicant has proposed to modify the existing storefront. Specifically, they have proposed to remove the existing large metal canopy and signage, corrugated metal siding and stone veneer at the base of the storefront. The applicant is proposing a new stucco finish above the clerestory and restoration of the tile base. The first floor clerestory windows will be exposed and a new framing will be installed over the existing canopy structure. Overall the design is intended to restore the building to its appearance when it was a Fred Meyer store (circa 1936). SRC Chapter 230.045 specifies the standards applicable to this project. For the applicant's full response, please refer to **Attachment C**.

## **FINDINGS**

### **230.045 Standards for Non-Contributing Buildings and Structures in Commercial Districts.**

**(d) Storefronts.** Replacement of storefronts or components of storefronts in non-contributing buildings is allowed.

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

**(A)** Materials dating from the period of significance shall, if possible, be retained and repaired or restored.

**Finding:** The applicant is proposing to restore the existing building to its 1936 appearance, with stucco above the clerestory windows, a reconstruction of the original canopy and installation of tile at the base of the storefront. Staff recommends that the HLC find that these proposed materials from the period of significance will be retained, repaired, or restored and that this standard has been met.

**(B)** Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the storefronts commonly found in the district.

**Finding:** The proposed new primary materials include stucco, tile, steel and glass, which are all commonly found throughout the District. Staff recommends that the HLC find that these proposed materials are consistent with those present in buildings and structures in the district and that this standard has been met.

#### **(2) Design.**

**(A)** To the extent practicable, original storefront components such as windows, door

configuration, transoms, signage and decorative features dating from the period of significance shall be preserved.

**Finding:** The proposed new design restores the circa 1936 appearance of the storefront. Staff recommends that the HLC find that this proposed design is consistent with the buildings dating from the period of significance within the district and that this standard has been met.

(B) Restoration of the appearance of the storefront during the period of significance, based on historical research and physical evidence, is preferred.

**Finding:** The proposed new design is meant to restore the circa 1936 appearance of the storefront, based upon the historic photograph in **Attachment B**, therefore staff recommends that the HLC find that this standard has been met.

(C) Replacement that is contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic contributing buildings in the district.

**Finding:** The proposal is a restoration of an earlier appearance and not a contemporary storefront replacement therefore staff recommends that the HLC find that this standard is not applicable to the evaluation of this proposal.

### **RECOMMENDATION**

Based upon the information presented in the application, plans submitted for review, and findings as presented in this staff report, staff recommends that the Historic Landmarks Commission **APPROVE** the proposal.

### **DECISION ALTERNATIVES**

1. APPROVE the proposal as submitted by the applicant and indicated on the drawings.
2. APPROVE the proposal with conditions to satisfy specific standard(s).
3. DENY the proposal based on noncompliance with identified standards in SRC 230, indicating which standard(s) is not met and the reason(s) the standard is not met.

Attachments: A. 12/15/2016 Hearing Notice and Vicinity Map  
B. Excerpt from National Register Historic Resource Document, historic photo;  
C. Applicant's Submittal Materials  
D. 01/19/2017 Hearing Notice

Prepared by Kimberli Fitzgerald, AICP, Historic Preservation Officer



# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*

*Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173*


CASE NUMBER:	Historic Design Review Case No.HIS16-36
AMANDA APPLICATION NO:	16-121100-DR
HEARING INFORMATION:	Historic Landmarks Commission, Thursday, December 15, 2016, Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	148 Liberty Street NE, Salem, OR 97301
OWNER(S):	Vien To for Lang LLC
APPLICANT / AGENT(S):	Matthew Johnson, Studio 3 Architecture Inc.
DESCRIPTION OF REQUEST:	Major Historic Design Review of a proposal to modify the front facade of Engleberg's Antiks(1915) a historic non-contributing building in Salem's Downtown Historic District, zoned CB (Central Business) zone, and located at 148 Liberty Street NE, 97301 (Marion County Assessor's Map and Tax Lot number: 073W27AB05400).
CRITERIA TO BE CONSIDERED:	<p><b><u>MAJOR HISTORIC DESIGN REVIEW</u></b></p> <p><b>230.045. STANDARDS FOR NON-CONTRIBUTING BUILDINGS AND STRUCTURES IN COMMERCIAL HISTORIC DISTRICTS.</b> Modifications to non-contributing buildings in commercial historic districts shall comply with this section.</p> <p><b>(d) Storefronts.</b> Replacement of storefronts or components of storefronts in non-contributing buildings is allowed.</p> <p><b>(1) Materials.</b></p> <p><b>(A)</b> Materials dating from the period of significance shall, if possible, be retained and repaired or restored.</p> <p><b>(B)</b> Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the storefronts commonly found in the district.</p> <p><b>(2) Design.</b></p> <p><b>(A)</b> To the extent practicable, original storefront components such as windows, door configuration, transoms, signage and decorative features dating from the period of significance shall be preserved.</p> <p><b>(B)</b> Restoration of the appearance of the storefront during the period of significance, based on historical research and physical evidence, is preferred.</p> <p><b>(C)</b> Replacement that is contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic contributing buildings in the district.</p>
HOW TO PROVIDE TESTIMONY:	Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.

<b>HEARING PROCEDURE:</b>	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.</p> <p>Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p> <p>Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.</p>
<b>CASE MANAGER:</b>	<p>Kimberli Fitzgerald, Case Manager<sup>KF</sup>, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2397; E-mail: kfitzgerald@cityofsalem.net.</p>
<b>NEIGHBORHOOD ORGANIZATION:</b>	<p>Central Area Neighborhood Development Organization (CAN-DO), Woody Dukes, Land Use Chair; Phone: (503) 364-4230; Email: <a href="mailto:Woodrowd668@gmail.com">Woodrowd668@gmail.com</a>.</p>
<b>DOCUMENTATION AND STAFF REPORT:</b>	<p>Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:</p> <p><a href="http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Historic/Pages/default.aspx">www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Historic/Pages/default.aspx</a></p>
<b>ACCESS:</b>	<p>The Americans with Disabilities Act (ADA) accommodations will be provided on request.</p>
<b>NOTICE MAILING DATE:</b>	<p>November 22, 2016</p>

**PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.**

**For more information about Planning in Salem:**

**<http://www.cityofsalem.net/planning>**

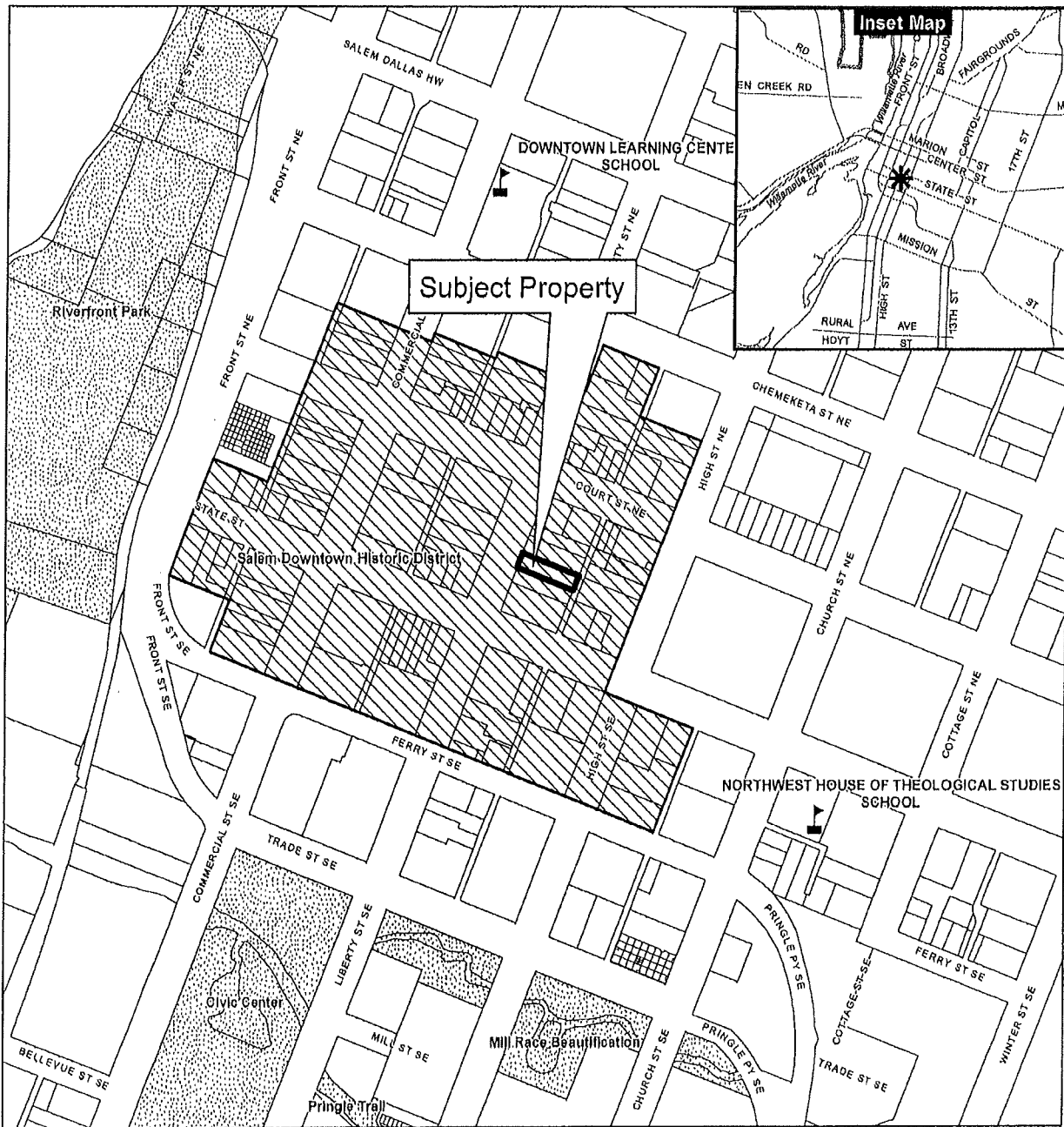
 **[@Salem\\_Planning](#)**

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*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event. TTD/TTY telephone 503-588-6439 is also available 24/7*



# Vicinity Map 148 Liberty Street NE



## Legend

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

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

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0 100 200 400 Feet



United States Department of the Interior  
National Park Service

## National Register of Historic Places

Continuation Sheet

Section number: 7 Salem Downtown Historic District

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### 148 Liberty Street, NE

*Classification:* Historic Non-Contributing

*Historic Name:* Unknown

*Current Name(s):* Engleberg's Antiks

*Year of Construction:* 1915/1960s

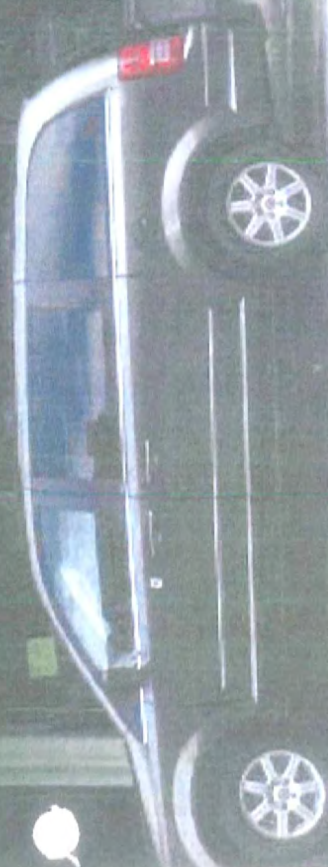
*Legal Description:* 073W27AB05400; Salem Addition, north ½ of Lot 6 in Block 21

*Owner(s):* Jerry and Betty Williams  
3090 Crestview Drive, South  
Salem, Oregon 97302

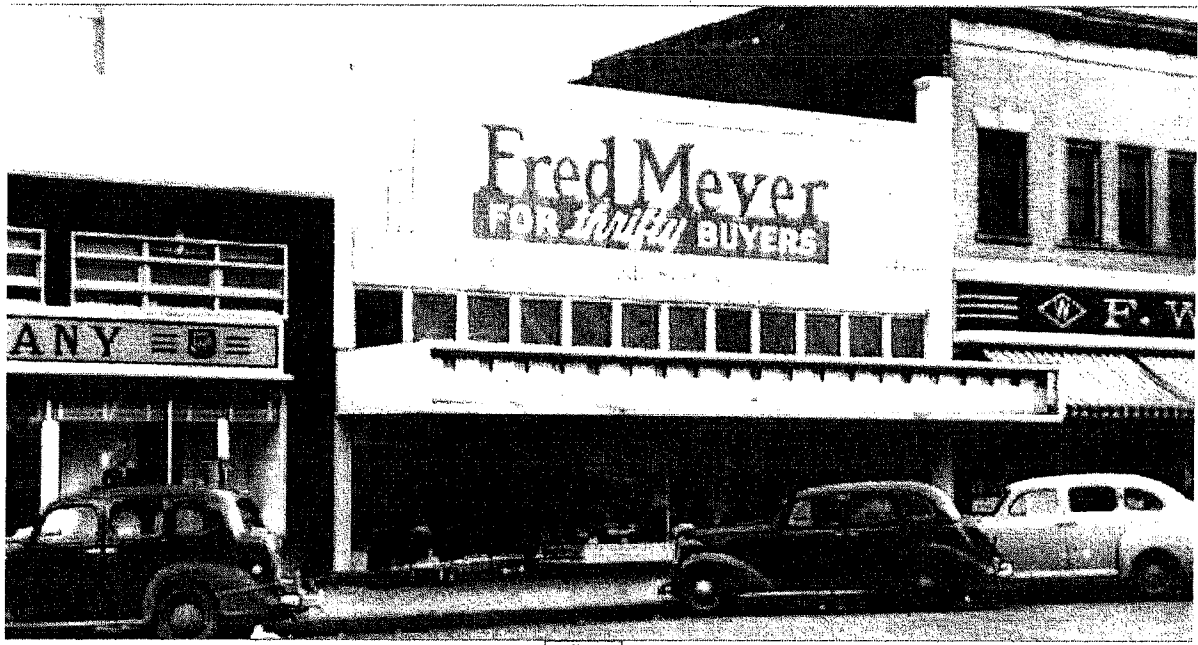
Description: This is single-story unreinforced brick commercial building has had metal sheeting applied to the upper facade. The storefront is deeply recessed with aluminum sash display windows and a "stone" veneer applied to the bulkhead area. There is a large metal canopy and a large sign that displays the current business name. This building has been significantly altered and does not contribute to the character of the district in its current condition.

# Engelberg Antiks II

ANGEL MOUNTAIN ANTIQUES



1000 N. 10th St.  
Flagstaff, AZ 86001  
(908) 779-1111



Case No. \_\_\_\_\_

## Historic Alteration Review - General Resource Worksheet

Site Address: 148 Liberty St NE, Salem, OR 97301 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: 11  
☐ Other architectural feature (describe) \_\_\_\_\_

#### Landscape Feature:

- ☐ Fence  
☐ Retaining wall  
☐ Other Site feature  
☐ Streetscape

#### New Construction:

- ☐ Addition  
☐ New Accessory Structure  
☐ Sign  
☒ Awning

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

Project's Existing Material: Corrugated metal Project's New Material:  
Stucco

### Project Description

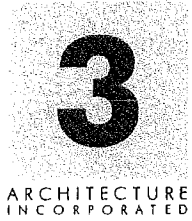
Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help Staff and the HLC clearly understand the proposed work:

Remove existing Engelberg Antiks awning and existing corrugated metal siding. Install new clerestory  
windows in exposed openings (see Fred Meyer photo on sheet A4). Install new awning to match Fred  
Meyer era facade. Remove stone veneer and replace with tile similar to neighboring buildings.

Matthew Johnson  
 Signature of Applicant

10-20-16  
 Date Submitted/Signed

STUDIO



Historic Landmark Commission Application

148 Liberty St NE  
Salem, OR 97301

SRC 230.020:

1.

- (A) Canopy alteration to a non-contributing building in a commercial historic district is requires Historic Landmarks Commission approval.

SRC 230.045(g):

1.

- (A) Stucco siding, tile base, and painted canopy are consistent with neighboring buildings.
- (B) New roofing on canopy will have a non-reflective, matte finish.

2.

- (B) No features from district's period of significance are being modified.
- (C) Neighboring buildings have canopies that are similar in size and geometry.
- (E) Modified architectural elements are not of historic significance, nor have they attained significance outside of the district's period of significance.

SRC 230.045(k):

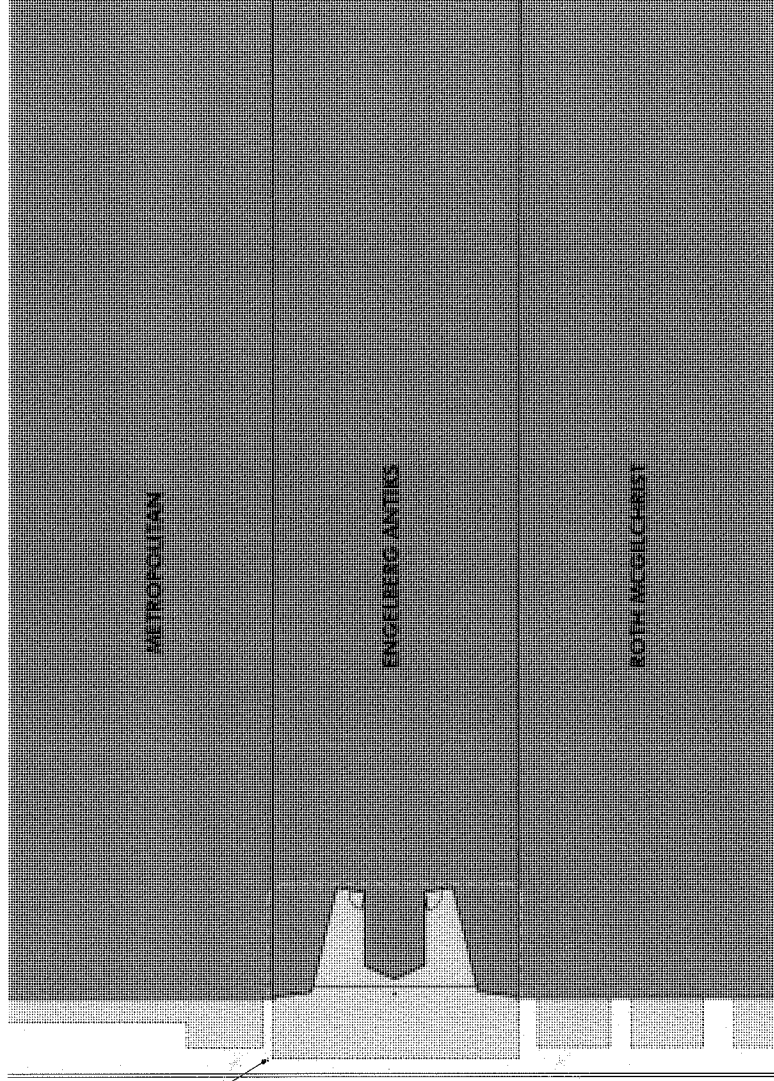
1.

- (A) Finish material is to be painted metal cladding.

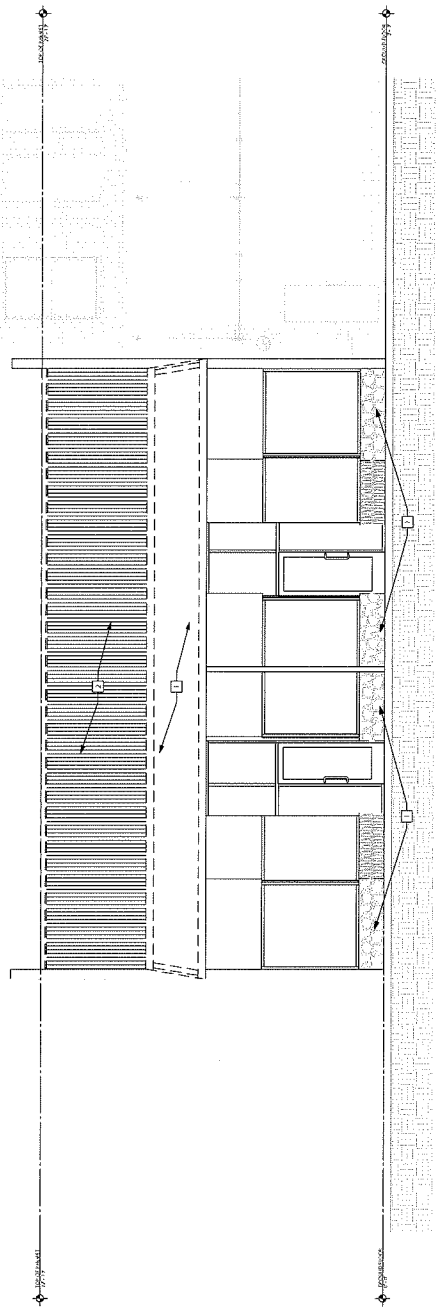
2.

- (A) Awning is located between storefront and existing, re-exposed clerestory windows.
- (C) Canopy is to used existing canopy structure, but does not affect any historical features.
- (E) Canopy will not obscure architectural details.
- (F) Size and scale are similar to neighboring buildings.

SITE PLAN LEGEND:



- ELEVATIONS NOTES:
- 1 REMOVE EXISTING SIGN AND OVERHANGING
  - 2 REMOVE CORRUGATED METAL SIDING
  - 3 REMOVE STONE WINTER



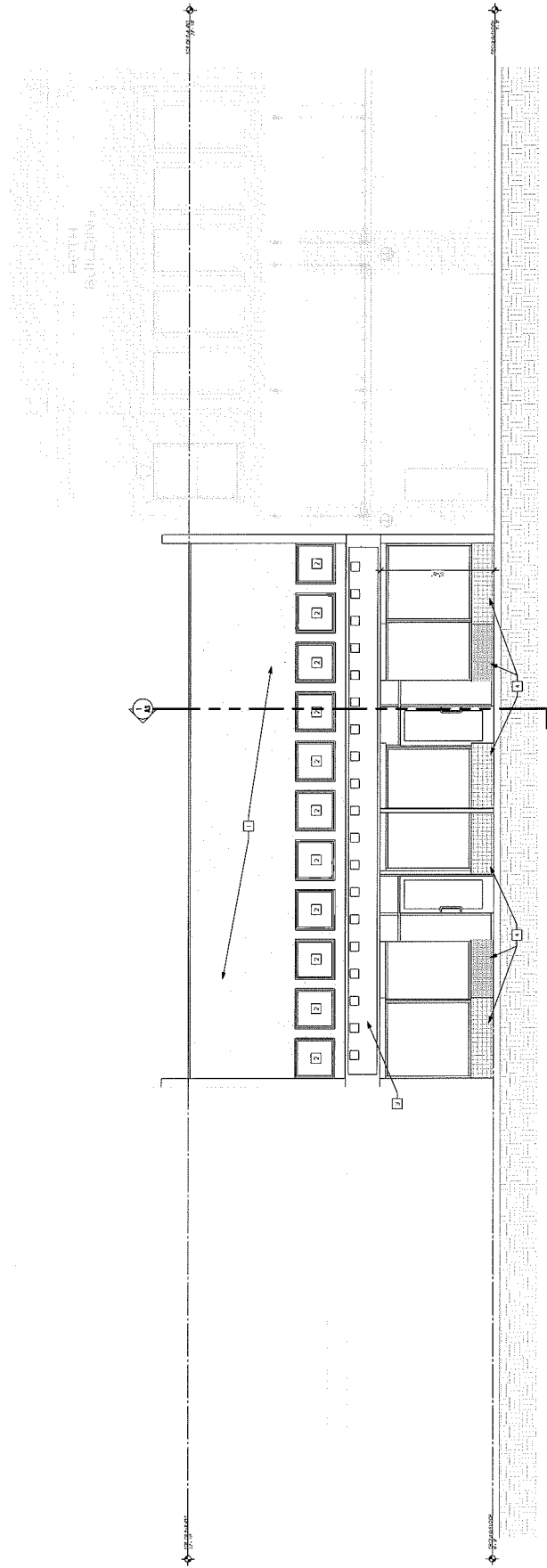
1 EXISTING ELEVATION  
0' 2' 4' 6' 8' 10' 12' 14' 16' 18' 20' 22' 24' 26' 28' 30' 32' 34' 36' 38' 40' 42' 44' 46' 48' 50' 52' 54' 56' 58' 60' 62' 64' 66' 68' 70' 72' 74' 76' 78' 80' 82' 84' 86' 88' 90' 92' 94' 96' 98' 100'

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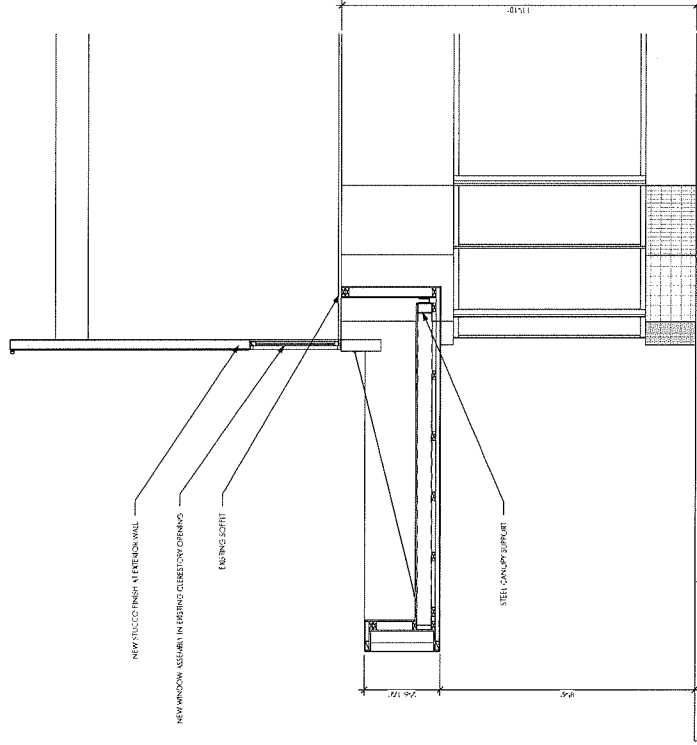


ELEVATIONS NOTES:

- 1 NEW STUCCO FINISH, PAINT AND PAINT
- 2 EXPOSED BRICK CLUSTER ON WINDOWS
- 3 NEW FINISH OVER EXISTING CONCRETE FLOOR
- 4 NEW TILE BASE



1 PROPOSED ELEVATION  
0' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100' 110' 120'





NORTH NEIGHBOR - METROPOLITAN



EXISTING FACADE - ENGELBERG ANTIKS



SOUTH NEIGHBOR - ROTH MCGILCHRIST



TARGET ERA - FRED MEYER