

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. HIS17-01

APPLICATION NO. : 16-122597-DR

NOTICE OF DECISION DATE: JANUARY 20, 2017

REQUEST: Major Historic Design Review of a proposal to replace an existing canvas awning with a new metal canopy, install a new metal sign and modify the front facade of the Adolph-Waters Building (1924), a historic, non-contributing building within the Downtown Historic District, zoned CB (Central Business District), and located at 176 Liberty Street NE - 97301; Marion County Assessor Map and Tax Lot number: 073W27AB05800.

APPLICANT: Brian Kaufman

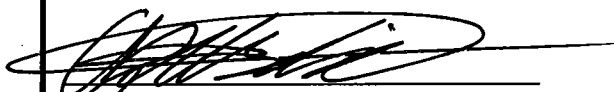
LOCATION: 176 Liberty Street NE

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

DECISION: The Historic Landmarks Commission **APPROVED** Historic Design Review Case No. HIS17-01.

VOTE:

Yes 6 No 0 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: December 22, 2016
Public Hearing Date: January 19, 2017
Notice of Decision Mailing Date: January 20, 2017
Decision Effective Date: February 7, 2017
State Mandate Date: April 21, 2017

Case Manager: Kimberli Fitzgerald, ^{KF} 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>

BEFORE THE SALEM HISTORIC LANDMARKS COMMISSION
MAJOR - Discretionary Review
Historic Review Case No. 17-01 / 16-122597-DR

TO: Historic Landmarks Commission *UK*

THROUGH: Lisa Anderson-Ogilvie, AICP, Planning Administrator

FROM: Kimberli Fitzgerald, AICP, Historic Preservation Officer *KF*

HEARING DATE: January 19, 2017

CASE NO.: Historic Design Review Case No. HIS17-01

APPLICATION SUMMARY: A proposal to modify the historic, non-contributing Adolph-Waters Building front façade.

LOCATION: 176 Liberty Street NE

REQUEST Major Historic Design Review of a proposal to replace an existing canvas awning with a new metal canopy, install a new sign, and modify the front façade of the Adolph-Waters Building (1924), a historic, non-contributing building within the Downtown Historic District, zoned CB (Central Business District), and located at 176 Liberty Street NE - 97301; Marion County Assessor Map and Tax Lot number: 073W27AB0580

APPLICANT: Brian Kaufman

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 SRC 230.020(f), historic design review approval shall be granted if the application satisfies 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 April 21, 2017, unless an extension is granted by the applicant.

APPLICATION PROCESSING

Subject Application

1. On December 16, 2016, the applicant submitted materials for a Major Historic Design Review to modify the historic non-contributing Adolph-Waters Building.
2. The application was deemed complete for processing on December 22, 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 December 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 December 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, this building was constructed in 1924 as the Adolph-Waters Building. The nomination documents note that the building was remodeled significantly in the 1960s and 1980s, and the building is therefore historic non-contributing. The portion of the building under consideration is the fourth storefront bay. This bay is located at the southernmost end of the building fronting Liberty Street and located adjacent to 170 Liberty Street NE (the French Unicorn) to the south. While this storefront was originally part of the Adolph-Waters Building, it has been broken out into its own separate retail space and storefront. It is not clear when this occurred, but it can be seen in the historic photo from 1968 (**Attachment B**), where the stucco was added and the transom windows covered. The only architectural feature connecting it to the original building is the cornice still extending along the roofline.

Historic Design Review

The applicant has proposed to modify the existing storefront. Specifically, they have proposed to remove the existing stucco façade and awning frame and construct new façade of brick above the storefront. The applicant is proposing to restore the original five transom windows and install a new steel flat canopy awning. While a historic photograph of the west façade of this building could not be found, a 1956 photo of the north façade reflects the original style and design of the building (**Attachment B1**), and the proposed design intends to restore the original appearance and material of the Adolph-Waters Building from this period. SRC 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 1956 appearance, with the original brick façade restored above restored transom windows. Staff recommends that the HLC find that the 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 brick, wood, steel and glass, which are all commonly found throughout the District. Staff recommends that the HLC find that the 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 1956 appearance of the storefront. The applicant is proposing to remove the stucco and restore the brick façade. The existing awning will be removed, the original five transom windows restored, and a new flat metal canopy awning installed, which will be attached by cables and brackets into columns on either side of the storefront. The applicant is proposing to install a small, wooden sign under the awning, oriented to the main entrance. Staff recommends that the HLC find that this proposed design is consistent with 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 1956 appearance of the storefront, based upon the historic photograph in **Attachment B1**; 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. Hearing Notice and Vicinity Map
 - B. Excerpt from National Register Historic Resource Document and 1968 historic photo
 - B1. 1956 Historic Photo
 - C. Applicant's Submittal Materials

Prepared by Kimberli Fitzgerald, AICP, Historic Preservation Officer

G:\CD\PLANNING\HISTORIC\CASE APPLICATION Files - Processing Documents & Staff Reports\STAFF Reports-HLC\2016\HIS17-01 176 Liberty St NE .docx



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.HIS17-01
AMANDA APPLICATION NO:	16-122597-DR
HEARING INFORMATION:	Historic Landmarks Commission, Thursday, January 19, 2017, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty St SE, Salem, OR 97301
PROPERTY LOCATION:	176 Liberty Street NE, Salem, OR 97301
OWNER(S):	Horenstein Salem Property Trust
APPLICANT / AGENT(S):	Brian Kaufman
DESCRIPTION OF REQUEST:	Major Historic Design Review of a proposal to replace an existing canvas awning with a new metal canopy, install a new metal sign and modify the front facade of the Adolph-Waters Building (1924), a historic, non-contributing building within the Downtown Historic District, zoned CB (Central Business District), and located at 176 Liberty Street NE - 97301; Marion County Assessor Map and Tax Lot number: 073W27AB05800.
CRITERIA TO BE CONSIDERED:	<p><u>MAJOR HISTORIC DESIGN REVIEW</u></p> <p>230.045. STANDARDS FOR NON-CONTRIBUTING BUILDINGS AND STRUCTURES IN COMMERCIAL HISTORIC DISTRICTS. Modifications to non-contributing buildings in commercial historic districts shall comply with this section.</p> <p>(d) Storefronts. Replacement of storefronts or components of storefronts in non-contributing buildings is allowed.</p> <p>(1) Materials.</p> <p>(A) Materials dating from the period of significance shall, if possible, be retained and repaired or restored.</p> <p>(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>(2) Design.</p> <p>(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.</p> <p>(B) Restoration of the appearance of the storefront during the period of significance, based on historical research and physical evidence, is preferred.</p> <p>(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.</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.

HEARING PROCEDURE:

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.

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.

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.

CASE MANAGER:

KF
Kimberli Fitzgerald, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2397; E-mail: kfitzgerald@cityofsalem.net.

NEIGHBORHOOD ORGANIZATION:

Central Area Neighborhood Development Organization (CAN-DO), Woody Dukes, Land Use Chair; Phone: (503) 364-4230; Email: Woodrow668@gmail.com.

DOCUMENTATION AND STAFF REPORT:

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:

www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Historic/Pages/default.aspx

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.


NOTICE MAILING DATE:

December 22, 2016

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

For more information about Planning in Salem:

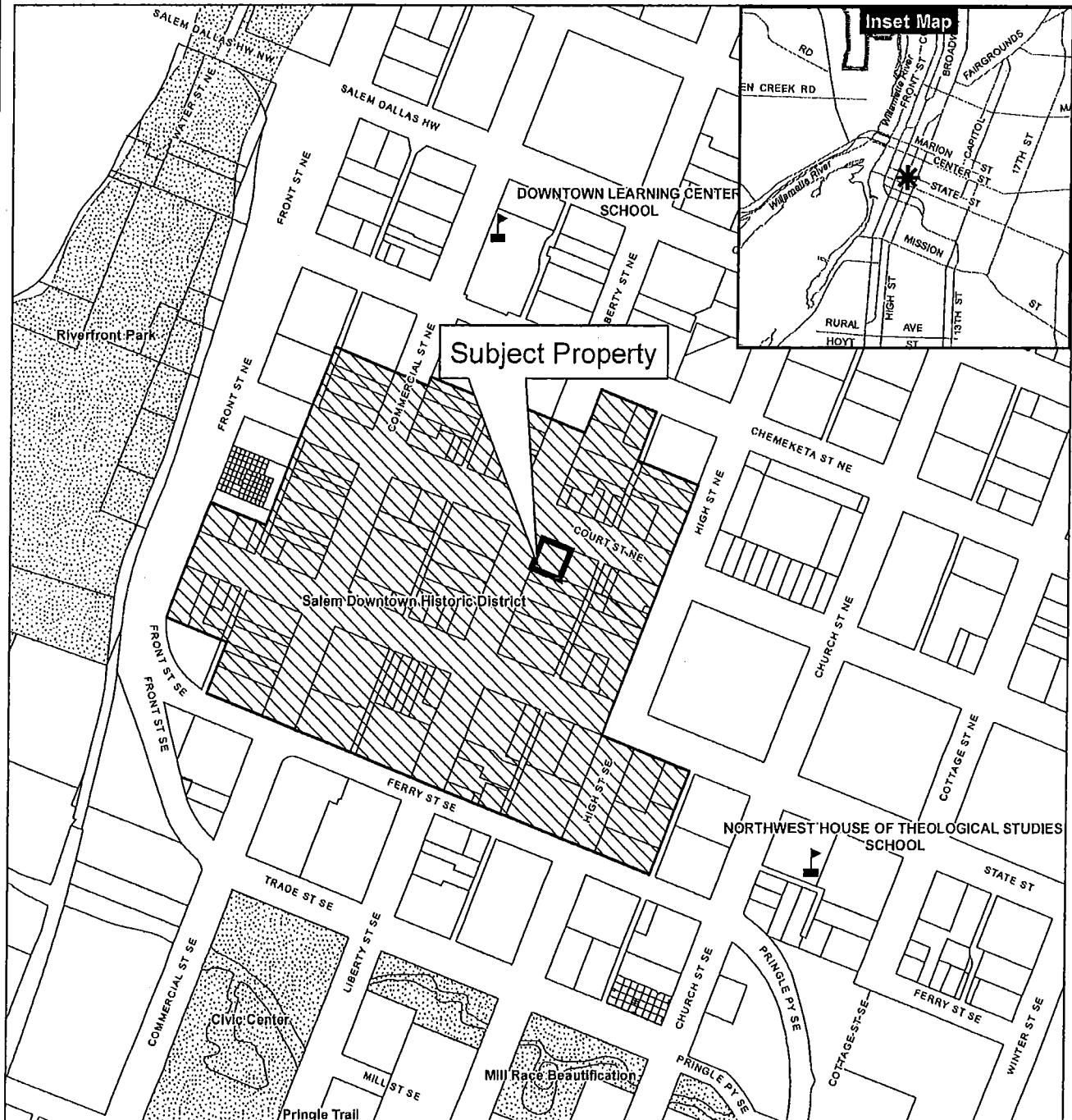
<http://www.cityofsalem.net/planning>

 **[@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 176 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.

0 100 200 400 Feet



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United States Department of the Interior
National Park Service

National Register of Historic Places

Continuation Sheet

Section number: 7 Salem Downtown Historic District

176 - 198 Liberty Street, NE

Classification: Historic Non-Contributing

Historic Name: Adolph-Waters Building

Current Name(s): Washington Federal Savings Bank/Thai Restaurant

Year of Construction: 1924/1960s/1980s

Legal Description: 073W27AB05800; Salem Add., west ½ of Lot 8 and part of Lot 7 in Block 21

Owner(s): Marvin Horenstein
7550 Middle Greens Road
Wilsonville, Oregon 97070

Description: This one-story brick commercial building is situated on the southeast corner of Liberty and Court streets. This single building appears as two buildings because of the different changes that have occurred to each portion of the building. The south portion of the building appears to have been changed substantially in the 1960s with the addition of a layer of textured concrete, removal of transom windows, changes in the storefront windows, and use of an umbrella awning (currently occupied by the Thai Restaurant.) This portion of the building has a separate, recessed entryway. The majority of the facade (occupied by Washington Federal Savings) is plain and unrelieved except for a small band course defining the architrave and a bolder bas-relief entablature cornice. Changes to the storefront of the north end of the building appears to have occurred in the 1980s and it incorporates large windows with anodized aluminum sash, the painting of the ground-floor transom lights, and vinyl awnings. This portion of the building has a corner entrance. The building has been substantially altered and does not contribute to the historic character of the district in its current condition.

History and Significance: The one-story Adolph-Waters Building at the corner of Liberty and Court streets contributes to the commercial district's historical character because it has retained exterior integrity of design, exterior materials, and fenestration. Although the large glass windows on the ground floor are recent, they appear to replicate the multiple shop openings that existed after the building's construction in 1924. Additionally, Joseph Adolph and George Waters bolstered the commercial development of Salem in the early 1900s.

The site of the Adolph-Waters Building reflects the evolution of commercial development in Salem. A small one-story Chinese washhouse that stood on this corner was replaced in the mid-1880s with two, two-story shops and a society meeting hall above.⁹⁰ The two-story building on the corner may have become somewhat neglected when Joseph and Lillie Adolph (along with George E. and Margaret Waters) bought one-half interest in the property in April 1923. In January 1924, the Adolphins acquired a mortgage on the property from Salem's Ladd and Bush Bank; construction took place that year.⁹¹

George E. Waters, a native of Nebraska born in 1869, came to Salem, Oregon, with his parents in 1872. In 1891 he opened a cigar store in Salem. Fifteen years later, he was engaged in the wholesale tobacco business in his shop on State Street. He eventually added wholesale candy to his tobacco shop inventory.

Joseph Adolph, born in 1882, ventured into business in Salem in the early 1900s. He first clerked at Rostein & Greenbaum groceries in Salem, then opened his own cigar store on Commercial Street around 1910. His brother, Samuel, soon joined him in a business, known as Adolph Brothers, which expanded to

⁹⁰ "Salem, Oregon," New York: Sanborn Map Company, 1884, 1888, 1890, 1895, updated to 1914.

⁹¹ Marion County, deed book, vol. 173, p. 110 and 111

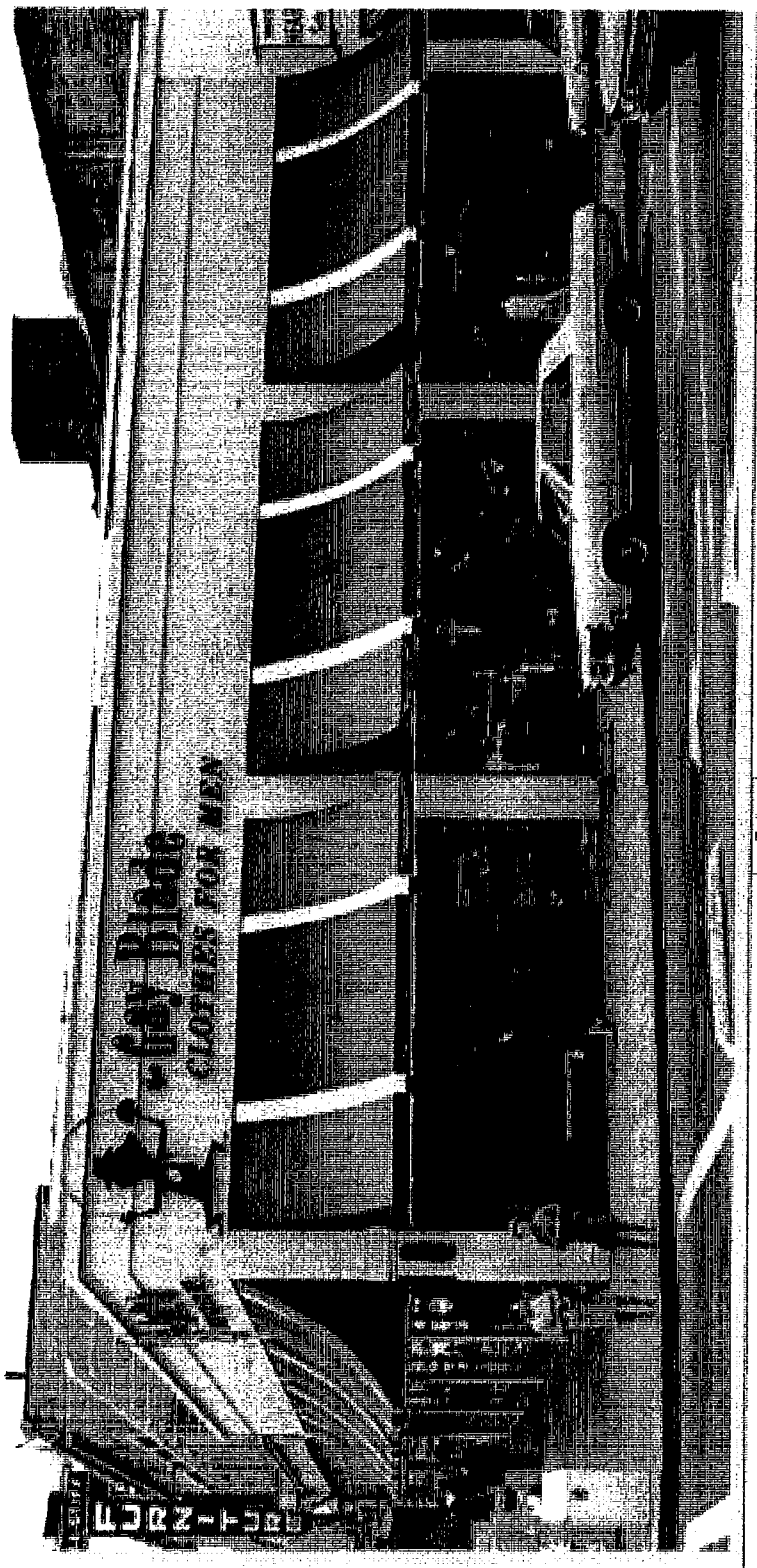
United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number: 7 Salem Downtown Historic District

include soft drinks and billiards in the 100-block of North Commercial. By the mid-1930s, the two Adolph brothers had joined Edward Rostein in a venture that eventually became Salem Drug Company. The businesses of both Joseph Adolph and George Waters apparently never occupied the Adolph-Waters Building. Waters passed away in 1940; Adolph died two years later. The Adolph-Waters Building passed to Margaret Waters and the children of Joseph and Lillie Adolph, Rex and Alden Adolph.⁹² The interior of the Adolph-Waters Building may have been remodeled and converted to a single store following World War II. The Gay Blade men's store probably began occupying the building in the late 1960s.

⁹² Polk, *Salem City Directory*, 1902, 1905, 1907-08, 1909-10, 1913, 1917, 1921, 1924, 1926-27, 1930-31, 1934, 1938-39; Clark, *History of the Willamette Valley, Oregon*, Chicago: S.J. Clarke Publishing Company, 1927, 78-79; "Adolph," *Capitol Journal*, September 16, 1942, 10; "Margaret M. Waters," *Oregon Statesman*, 3 June 1964, 2.



Gay Blade (1968) Statesman Journal. Photo SJ493, Salem Public Library.

176 Liberty Street NE

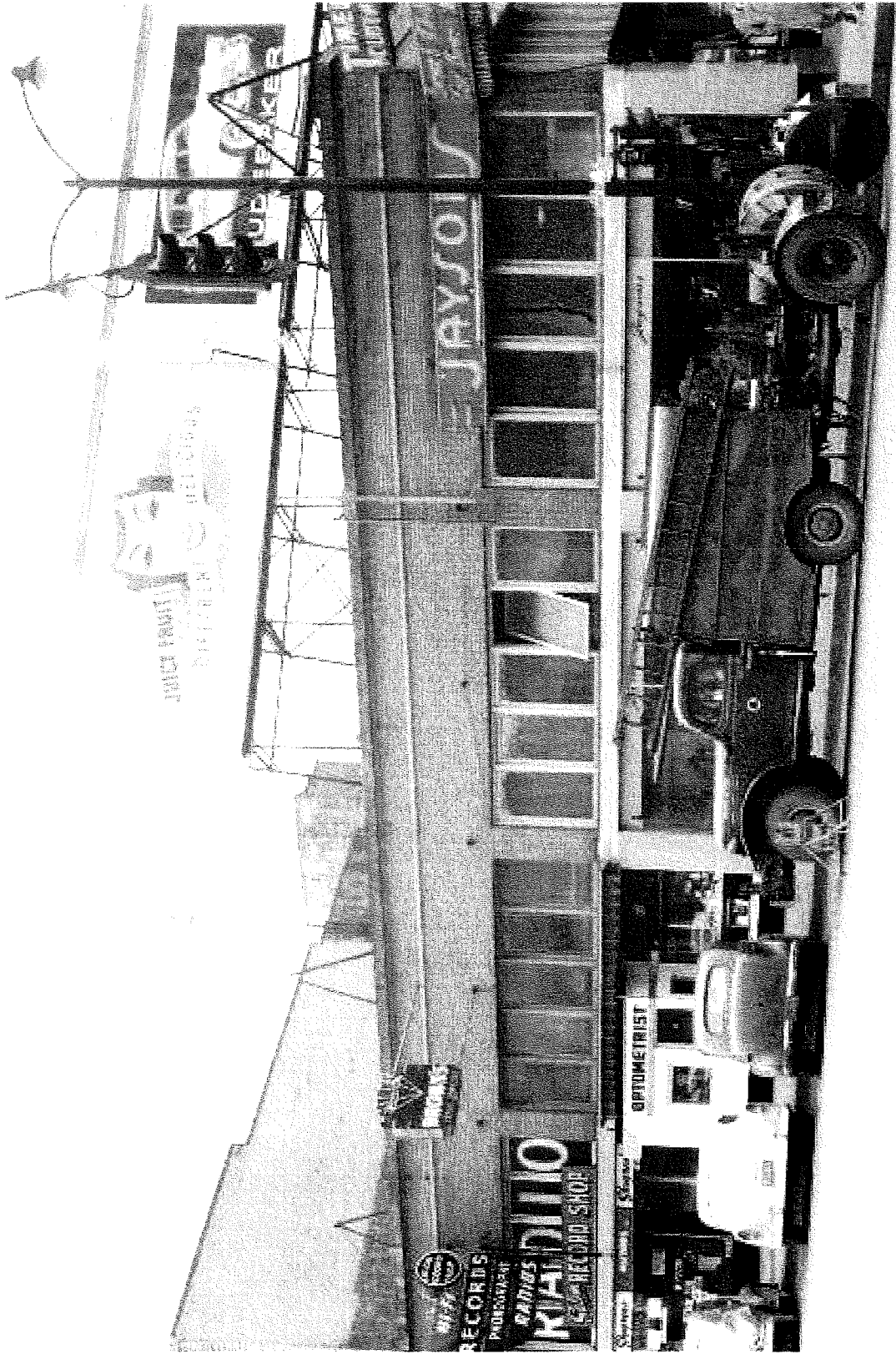
HIS 17-01



2016- Adolph Waters Building

176 Liberty Street NE

HIS 17-01



1956- Jaysons/Shogrens and Browns- Adolph Waters Building. Ben Maxwell Collection, Salem Public Library – Accession ID SCB 4.3

Case No. _____

Historic Alteration Review WorksheetSite Address: 176 Liberty Street NE, Salem, OR 97301Resource 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/Corice
- ☒ Masonry/Siding
- ☐ Storefront
- ☒ Window(s) Number of windows: 5 (estimated)

Landscape Feature:

- ☐ Fence
- ☐ Streetscape
- ☐ Other Site feature (describe) _____

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 ☐ NoProject's Existing Material: Stucco Project's New Material: Original 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:

We propose removing existing stucco to reveal original building unpainted brick. We believe (estimated) 5 second story windows exist behind the stucco which we'd like to reveal and restore. We'd like to remove the existing canvas awning and replace with an engineered metal canopy with supports bolted into existing brick similar to what you see at Archive. We'd like to attach a small, dark wood/light lettering sign to the canopy similar to what you see at Archive.



Signature of Applicant

12/16/2017

Date Submitted/Signed



Proposed Site
176 Liberty Street NE
Salem, OR 97301



Existing



Proposed

Reveal brick

Reveal/Restore windows

Engineered metal canopy

Signage



Existing Canopy



Proposed Canopy



Comparable



Existing signage

Proposed signage
(lettering TBD)



Comparable