

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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# NOTICE OF DECISION

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503-588-6173*

## DECISION OF THE HISTORIC LANDMARKS COMMISSION

HISTORIC DESIGN REVIEW CASE NO. HIS16-25

APPLICATION NO. : 16-114832-DR

NOTICE OF DECISION DATE: OCTOBER 21, 2016

**REQUEST:** Major Historic Design Review of a proposal to construct a new podiatrist office within the Gaiety Hill/Bush's Pasture Park National Register Historic District located at 800-868 Liberty Street SE, and 440 Mission Street SE 97302; Marion County Assessor's Map and Tax Lot numbers: 073W27CA05300, 5200, 5100, 5000 and 4900.

**APPLICANT:** Gene Bolante, Studio 3 Architecture for Dr. Tyson Scott

**LOCATION:** 800-868 Liberty St SE & 440 Mission St SE / 97302

**CRITERIA:** Salem Revised Code Chapter 230.035

**DECISION:** The Historic Landmarks Commission **APPROVED** Major Historic Design Review Case No. HIS16-25.

Andrew Hendrie, Chair, Historic Landmarks Commission

This Decision becomes effective on **November 8, 2016**. 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>August 19, 2016</u>
Public Hearing Date:	<u>October 20, 2016</u>
Notice of Decision Mailing Date:	<u>October 21, 2016</u>
Decision Effective Date:	<u>November 8, 2016</u>
State Mandate Date:	<u>December 17, 2016</u>

The rights granted by this decision must be exercised by **November 8, 2018**, or this approval shall be null and void. A copy of the decision is attached.

**Case Manager:** Kimberli Fitzgerald, <sup>KF</sup> AICP, Historic Preservation Officer  
[k Fitzgerald@cityofsalem.net](mailto:k Fitzgerald@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., November 7, 2016**.

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. HIS16-25 / AMANDA No. 16-114832-DR

**FINDINGS:** Based upon the application materials, the facts and findings in the Staff Report dated September 15, 2016 and the Supplemental Staff Report dated October 20, 2016 incorporated herein by reference, and testimony provided at the Public Hearings of September 15, 2016 and September 20, 2016, 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) 230.035 as follows:

***Criteria: 230.035. Standards for New Construction in Residential Historic Districts***

**FINDINGS**

***(a) Materials. Materials shall be similar in scale, proportion, texture, and finish to those found on nearby historic structures.***

**Finding:** The HLC finds that fiber cement lap siding is a common type of siding found throughout the historic district, primarily on out of period structures or new additions, and is a compatible material. The proposed windows are to be fiberglass. The HLC finds that Fiberglass is a modern window material that is preferred because it can be painted, and does not have the reflective quality of certain vinyl materials. The roofing will be composition asphalt shingle, a common roofing material in the district. The HLC finds that SRC 230.035(a) has been met for this proposal.

***(b) Design.***

***(1) The design shall be compatible with general character of historic contributing buildings in the historic district. Factors in evaluating compatibility include, but are not limited to:***

***(A) The height, width, proportions, size and scale is consistent with those used in similar historic contributing buildings in the district generally.***

**Finding:** The HLC finds that the height, width, proportions, size and scale is generally consistent with the resources in Gaiety-Hill/Bush's Pasture Park. While the height of the proposed new building is similar to that of the predominantly single family residential structures in the district, the width, size and scale of the proposed new building is larger than would typically be found in a Bungalow style single family residential building, which is the type of residential resource that was originally on this site. The proposed new building has larger massing similar to the larger contributing resources located in the Gaiety Hill/Bush's Pasture Park District and is compatible with the general character of the historic contributing buildings within the district, therefore the HLC finds that SRC 230.035(b)(1)(A) has been met for this proposal.

***(B) The new building is similar in size and scale to other buildings in the district such that a harmonious relationship is created in relationship to the district.***

**Finding:** The HLC finds that the proposed new building has larger massing similar to the larger resources within the district and is of a similar height. The HLC finds that overall, the proposed new building's size and scale reflects that of the larger buildings located in the Gaiety Hill/Bush's Pasture Park and the proposed new building is compatible with the general character of the district, and therefore the HLC finds that SRC 230.035(b)(1)(B) has been met for this proposal.

***(C) The design reflects, but does not replicate, the architectural style of historic contributing buildings in the district.***

**Finding:** The HLC finds that the architectural style of the proposed new structure reflects the style of the historic contributing Craftsman Bungalows found throughout the Gaiety Hill/Bush's Pasture Park Historic District, and also reflects the Craftsman style of the bungalows that were previously on the site. The HLC finds that SRC 230.035(b)(1)(C) has been met for this proposal.

***(D) Architectural elements are used that are similar to those found on historic contributing buildings in the district.***

**Finding:** The HLC finds that the proposed new building utilizes elements similar to those found on historic contributing Craftsman Bungalows within the district and that SRC 230.035(b)(1)(D) has been met for this proposal.

***(E) Architectural elements such as porches, dormers, doors and windows reflect the spacing, placement, scale, orientation and proportion of buildings in the district.***

**Finding:** The HLC finds that the proposed new building utilizes a number of architectural elements common in the Craftsman style, including: a low-pitched, multi-gabled roofline with multiple dormers and deep roof eaves with exposed rafters and under eave decorative brackets; partial porches at the entries with a roof supported by square based columns; and multi-paned windows and horizontal window bands. While applied on a building with a different plan type and massing than is typically found on the smaller Craftsman style bungalows in the District, these architectural elements generally reflect the spacing, placement, scale, orientation and proportion of these elements on the Craftsman style residential resources within the Gaiety Hill/Bush's Pasture Park Historic District. The HLC finds that SRC 230.035(b)(1)(E) has been met for this proposal.

***(F) The front façade is designed with human-scaled proportions that are compatible with adjacent buildings and the district as a whole.***

**Finding:** The HLC finds that the front façade and primary entry of the proposed building is designed with human scaled proportions that are compatible with the surrounding historic district. The porch roof on the primary facade is a separate gabled element, supported by columns attached to a square base, which serves to emphasize the human scale of the design on this façade at the primary entry. This design is compatible with adjacent buildings and compatible with the district as a whole. The HLC finds that SRC 230.035(b)(1)(F) has been met

for this proposal.

**(G) *The building uses similar setbacks, orientation on the site, spacing and distance from adjacent buildings that is found on buildings in the immediate vicinity and the district as a whole.***

**Finding:** The HLC finds that the proposed building uses similar setbacks to the buildings in the immediate vicinity, which range from 12' to 20' front yards from the abutting street. The HLC finds that the proposed side yard setback is typical to those found throughout the district, which ranges from 5'-20' and that SRC 230.035(b)(1)(G) has been met for this proposal.

**(H) *Manufactured dwelling units are prohibited.***

**Finding:** The HLC finds that the applicant is not proposing any manufactured dwelling units and that SRC 230.035(b)(1)(H) has been met for this proposal.

**(2) *New buildings shall be designed so that the overall character of the site, including, but not limited to, its topography, special geologic features and trees are retained.***

**Finding:** The HLC finds that the applicant has designed the proposed building to fit on the existing site, which is primarily flat. There is a large Bigleaf Maple tree on the northwest corner of the site which will be retained. The HLC finds that SRC 230.035(b)(2) has been met for this proposal.

**(c) *Accessory Structures. Accessory structures may be built on the site of new construction.***

**(1) *Materials.***

**(A) *Building materials shall be of traditional dimensions.***

**(B) *Siding material shall be consistent with those present in buildings in the district generally.***

**(2) *Design.***

**(A) *The accessory structure shall be located at the rear of the lot or parcel.***

**(B) *The accessory structure shall be no taller than one story.***

**(C) *The accessory structure shall be of a reasonable size and scale in relationship to the building.***

**Finding:** The HLC finds that the applicant has not proposed any accessory structures on the site, therefore this standard is not applicable to the evaluation of this proposal.

**(d) *Fences. Fences may be included in new construction.***

**(1) *Materials. Fences shall be constructed of traditional materials available during the period of significance.***

**Finding:** The applicant has proposed a wooden fence on the perimeter of the site. It is recommended that the applicant consider a masonry wall at this location in order to mitigate any potential adverse impacts to the neighboring residential property due to the proposed change in

use. Should the applicant choose to construct a masonry wall, or be required to construct one as a requirement of the land use process, the HLC finds that either the wood fencing or a masonry wall is a material that was traditionally available during the period of significance, and that 230.035(d)(1) would be met using either of these materials.

**(2) Design. *Fences shall be no taller than four feet in the front yard and no taller than six feet in side and rear yards.***

**Finding:** The HLC finds that the applicant has proposed a 6' fence on the perimeter of the site, along the eastern side yard and that 230.035(d)(2) has been met for this proposal.

**(e) Retaining Walls. *Retaining walls may be included in new construction, provided the retaining wall will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.***

**(1) Materials. *The retaining wall shall be constructed of traditional materials that were available during the period of significance. Example: If the period of significance is 1920-1940 the materials that were available included, but were not limited to, rusticated stone, formed concrete, poured concrete, and brick.***

**(2) Design. *Retaining walls shall be no taller than two feet in the front and four feet on the side and rear yard.***

**Finding:** The HLC finds that the applicant has not proposed a retaining wall on the site, therefore this standard is not applicable to the evaluation of this proposal.

**(f) Solar Panels, Rooftop Mechanical Devices, and Skylights. *Solar panels and other rooftop mechanical structures may be included in new construction.***

**(1) Materials.**

**(A) *Non-reflective glass and metal panels are allowed.***

**(B) *Reflective glass and plastic frames are prohibited.***

**(2) Design.**

**(A) *Solar panels shall not alter the existing profile of the roof, and shall be mounted flush on rear-facing roofs or placed on the ground in an inconspicuous location.***

**(B) *Satellite dishes, TV antennae and other rooftop mechanical structures shall be installed so they are not visible from the street and do not damage or obscure significant architectural feature of the resource.***

**(C) *Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.***

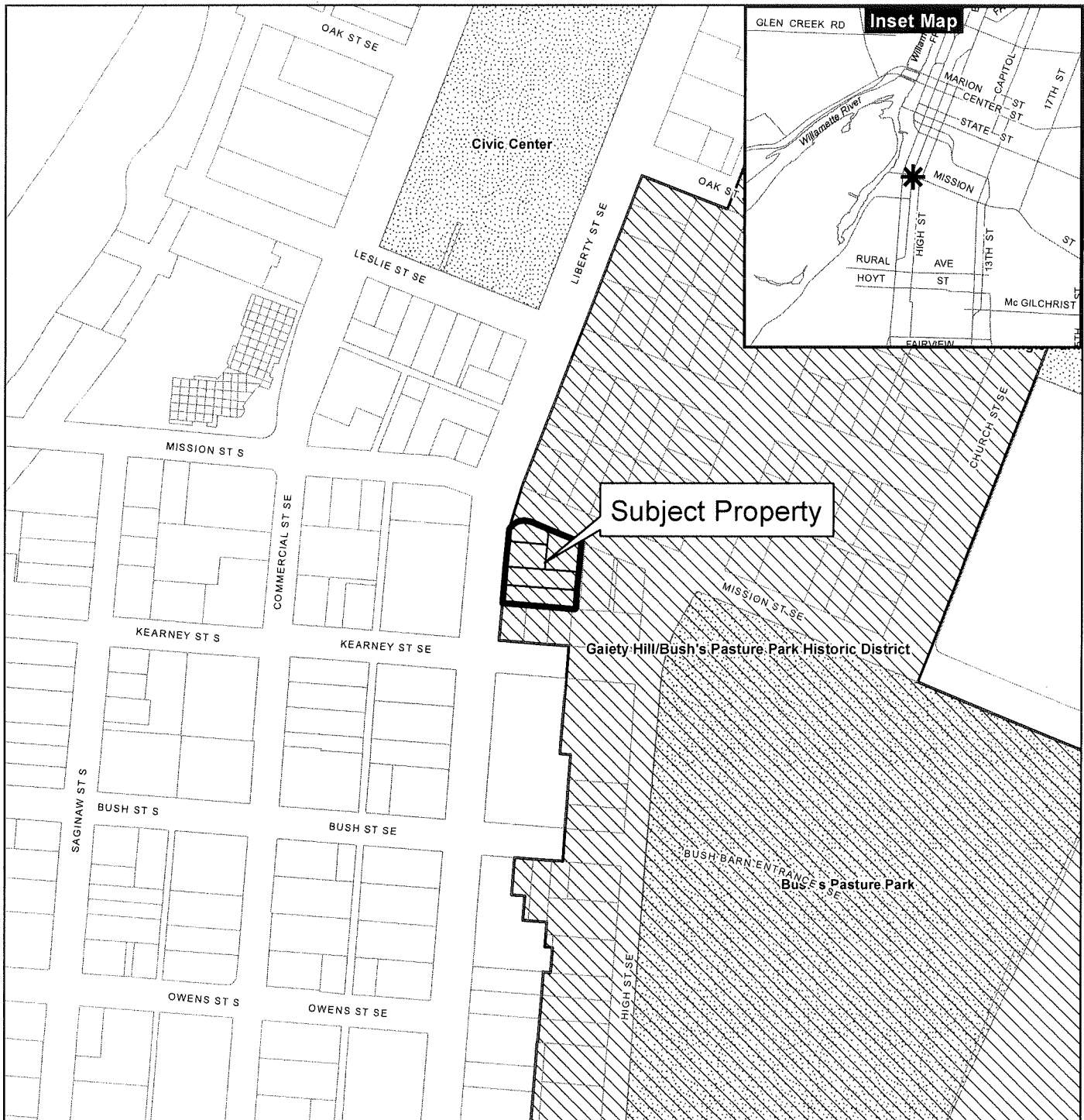
**Finding:** The HLC finds that the applicant has not proposed solar panels, skylights or rooftop mechanicals on the proposed new building, therefore this standard is not applicable to the evaluation of this proposal.

**DECISION:** The Historic Landmarks Commission APPROVES the HIS16-25 proposal.

**VOTE: YES 5 NO 0 ABST 0 ABSENT 3 (Holton, Morris, Timbrook)**

# Vicinity Map

## 800-868 Liberty Street SE; 440 Mission Street SE



### 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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PROPOSED NEW DEVELOPMENT FOR: COASTLINE FOOT + ANKLE CLINIC.  
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