

FOR THE MEETING OF: January 16, 2020
AGENDA ITEM: 5.a

TO: Historic Landmarks Commission

THROUGH: Lisa Anderson-Ogilvie, AICP, Deputy Community Development Director and Planning Administrator

FROM: Kimberli Fitzgerald, AICP, Historic Preservation Officer

HEARING DATE: January 16, 2020

CASE NO.: Historic Design Review Case No. HIS18-28MOD1

APPLICATION SUMMARY: A proposal to modify a previous historic design review approval (HIS18-28) to modify the previously approved window types to be installed as part of the construction of a new mixed use apartment building.

LOCATION: 260 State Street

REQUEST: Major Historic Design Review of a proposal to modify a previous historic design review approval (HIS18-28) to modify the previously approved window types to be installed as part of the construction of a new mixed use apartment building on a vacant lot within Salem's Downtown Historic District, in the CB (Central Business District) zone, and located at 260 State Street (Marion County Assessors Map and Tax Lot number: 073W27BA00100).

APPLICANT(S): Joshua Scott, Koz Development LLC
for Linda Nishioka, State Street Square, LLC

APPROVAL CRITERIA: Salem Revised Code (SRC) Chapter 230
230.050. Standards for New Construction in Commercial Historic Districts.

RECOMMENDATION: APPROVE

BACKGROUND

The Historic Landmarks Commission (HLC) first reviewed and approved this proposal to redevelop this site in 2019 (HIS18-28) (**Attachment D**). On December 4, 2019, the applicant submitted materials to modify their originally approved window type for this new five story mixed use building. The application was deemed complete for processing on December 24, 2019.

Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on December 26, 2019 (**Attachment A**). Public hearing notice was also posted on the property in accordance with the posting provision outlined in SRC 300.620. Due to issues with the initial notification, the public notice was resent on December 31, 2019 (**Attachment A1**).

The City of Salem Historic Landmarks Commission will open the public hearing for the case on January 16, 2019 at 5:30 p.m., in Council Chambers, Room 240, located at 555 Liberty Street SE in Salem, Oregon.

The state-mandated 120-day deadline to issue a final local decision, including any local appeals in this case is April 22, 2020, unless an extension is granted by the applicant.

PROPOSAL

The applicant, Koz Development, is proposing to construct a new six story mixed use building, comprised of five floors of residential apartment units (148 units of micro-housing) on top of a ground floor retail base. The building will include an interior courtyard and a limited amount of on-site ground-floor parking interior to the structure with access from the alley. The applicant is proposing to replace the originally approved window type (fiberglass windows) with aluminum Eurotek windows of the same design (**Attachment C**).

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant and any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

A request for historic design review must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicants submitted a written statement, which is included in its entirety as **Attachment C** in this staff report.

Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report. Salem Revised Code (SRC) **230.050. Standards for New Construction in Commercial Historic**

Districts are the applicable criteria for evaluation of this proposal.

FACTS & FINDINGS

1. Historic Designation

Under Salem Revised Code (SRC) Chapter 230, no development permit for a designated historic resource 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.

2. Historic Significance

According to nomination documents at the time of the District's listing, the Murphy Building (1940/1970) was a three-story stucco faced Modern style commercial building and was commonly known as the McMahan's Furniture building. The building was designated as historic non-contributing due to the number of alterations (**Attachment B**). The McMahan's Furniture store was destroyed by fire on August 10, 2006 and the site has been vacant since that time (**Attachment B1**).

3. Neighborhood and Citizen Comments

The subject property is located within the Central Area Downtown Neighborhood Association (CANDO). Notification of the public hearing was sent to the neighborhood association, all property owners and tenants within the Salem Downtown National Register District, and surrounding property owners and tenants within 250 feet of the property pursuant to Salem Revised Code (SRC) requirements on December 27, 2018 (per "Background" above, notice was resent on December 31, 2019). Notice of public hearing was also posted on the subject property. At the time of writing this staff report, no comments were received from the neighborhood association or from adjoining property owners.

4. City Department and Public Agency Comments

The Building and Safety Division indicates that the applicant must obtain required building permits.

5. Historic Design Review

SRC Chapter 230.050 specifies the standards applicable to this project. The applicant is proposing to modify their original request to construct a new building on the site with a new window type (**Attachment C**). Historic Landmarks Commission staff reviewed the project proposal and has the following findings for the applicable criteria.

FINDINGS

230.050. Standards for New Construction in Commercial Historic Districts. *New buildings may be constructed in commercial historic districts, subject to the following standards:*

(a) Materials.

(1) *The primary façade shall be constructed of traditional building materials such as brick or stone. Stucco or pre-cast concrete block shall not be used in the primary façade.*

Finding: The primary facades of the proposed new building are of traditional building materials (brick). The applicant is not proposing to alter this primary façade material with their modification request. Staff recommends that the HLC find that SRC 230.050 (a)(1) is not applicable to the evaluation of this proposal.

(2) *Materials used in the construction shall be identical or similar to those available for similar buildings or structures built during the period of significance.*

Finding: The applicant is not proposing to alter the material utilized in the primary facades of the proposed new building, which are of traditional building materials (brick and metal). The applicant is proposing to replace the previously approved fiberglass window material with an aluminum clad window. Aluminum windows are a typical window type found throughout Salem's Downtown Historic District. Staff recommends that the HLC find that SRC 230.050 (a)(2) has been met.

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

Finding: The applicant has proposed a new window type (aluminum) which is similar to those found on buildings throughout the Downtown Historic District. Staff recommends that the HLC find that SRC 230.050 (a)(3) has been met.

(b) Design.

(1) *The design shall be compatible with the 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.*

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

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

(D) *Architectural elements such as lintels, cornices, doors, storefronts and windows reflect the spacing, placement, scale, orientation and proportion of buildings in the district.*

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

Finding: The applicant is proposing windows that are not of a form typically found on historic contributing buildings. However, the overall design of the proposed building generally reflects the tripartite form of historic contributing buildings in the District with an articulated base, column, and capital. The patterning of the windows forms the vertical 'column'. Overall, the proposed design of the proposed new windows is compatible with the Downtown Historic District. Staff recommends that the HLC find that SRC 230.050 (b)(1) has been met.

(2) *Buildings shall be placed contiguous with the right-of-way line.*

Finding: The applicant has proposed a building design that is contiguous with the right-of-way lines. No request has been made to modify the location of the building. Staff recommends that the HLC find that SRC 230.050 (b)(2) is not applicable to the evaluation of this proposal.

(3) *Buildings shall be designed without above-ground pedestrian walkways which are prohibited across any public street.*

Finding: The applicant has not proposed an above ground pedestrian walkway. The applicant has not modified this portion of their request. Staff recommends that the HLC find that SRC 230.050 (b)(3) is not applicable to the evaluation of this proposal.

(4) *Walls shall include storefronts along each ground floor that is adjacent to a public street. Windows shall not be tinted, mirrored or treated in such a way as to block views into the interior.*

Finding: The applicant has proposed storefronts with clear glazing along both Commercial Street NE and State Street. No modification to these storefronts has been proposed. Therefore, staff recommends that the HLC find that SRC 230.050 (b)(4) is not applicable to the evaluation of this proposal.

(5) *Parking within a building on the ground floor shall only be allowed behind secondary façades. Commercial storefronts or office uses shall be provided between*

any ground floor parking area and the primary façades fronting the public street. Parking is prohibited between the building and the street.

Finding: The applicant has proposed a building that includes a parking area that is accessed off the alley at the rear (east) end of the site and is not visible from either right of way. No parking is proposed between the proposed new building and either State or Commercial Streets. This portion of their proposal has not been modified. Therefore, staff recommends that the HLC find that SRC 230.050 (b)(5) is not applicable to the evaluation of this proposal.

(6) *No new building shall be designed to allow drive-through uses, except banks and credit unions where construction of the bank or credit union is commenced on or after*

October 1, 2011 may include a drive-through use as a conditional use subject to the following standards:

- (A)** *All components of the drive-through, including kiosk, structure, and drive aisle, shall be located on a secondary façade, not visible from the right-of-way, other than an alley,*
- (B)** *Queuing lanes shall not be permitted between the building and the right-of-way, other than an alley,*
- (C)** *Up to two queuing lanes may be permitted,*
- (D)** *If the subject property abuts an alley, access to and from the drive-through from the alley is encouraged.*

Finding: The applicant is not proposing a drive-through use as part of their proposal. Staff recommends that the HLC find that SRC 230.050 (b)(6) is not applicable to the evaluation of this proposal.

(7) *Manufactured dwelling units are prohibited*

Finding: The applicant is not proposing a manufactured dwelling as part of the proposal. Staff recommends that the HLC find that SRC 230.050 (b)(7) 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 guideline(s).
3. DENY the proposal based on noncompliance with identified guidelines in SRC 230,

indicating which guideline(s) is not met and the reason(s) the guideline is not met.

- Attachments:
- A. Notice and Vicinity Map mailed December 26, 2019
 - A1. Hearing Notice mailed December 31, 2019
 - B. Excerpt from National Register Historic Resource Document
 - B1. Statesman Journal Article – McMahon’s Furniture Fire
 - C. Applicant’s Submittal Materials
 - D. HIS18-28 Decision

Prepared by Kimberli Fitzgerald, AICP, Historic Preservation Officer



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.

Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213

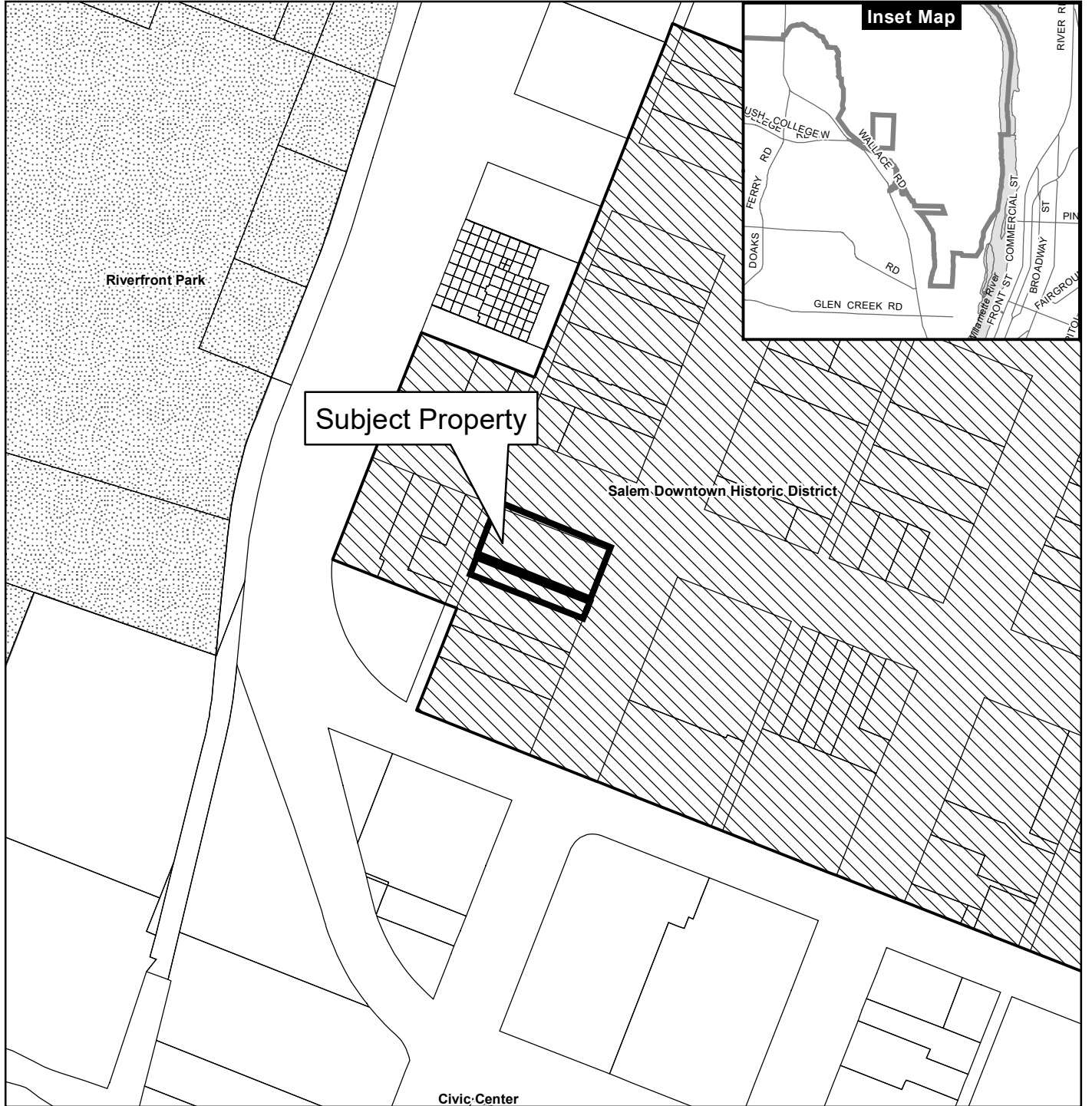
CASE NUMBER:	Historic Design Review Case No. HIS18-28MOD1
HEARING INFORMATION:	<u>Historic Landmarks Commission, Thursday, January 16, 2020, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301</u>
PROPERTY LOCATION:	260 State St Salem, OR 97301
SUMMARY:	A proposal to modify a previous historic design review approval (HIS18-28) to modify the previously approved window types to be installed as part of the construction of a new mixed use apartment building.
CASE MANAGER:	Kimberli Fitzgerald, Historic Preservation Officer , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2397; E-mail: kfitzgerald@cityofsalem.net .
NEIGHBORHOOD ORGANIZATION:	<i>Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:</i> Central Area Neighborhood Development Organization (CAN-DO), Bruce Hoffman, Land Use Chair; Phone: (503) 781-8542; Email: bruhof@gmail.com .
STAFF REPORT:	The Staff Report will be available seven (7) days prior to the hearing and will thereafter be posted on the Community Development website: https://www.cityofsalem.net/notice .
ACCESS:	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
CRITERIA:	Salem Revised Code (SRC) Chapter(s) 230.050 - Standards for New Construction in Commercial Historic Districts Salem Revised Code (SRC) is available to view at this link: http://bit.ly/salemorcode . Type in the chapter number(s) listed above to view the applicable criteria.

OWNER(S):	State Street Square, LLC (Linda Nishioka)
APPLICANT / AGENT(S):	Joshua Scott for KOZ Development, LLC (Cathy Reines, Dean Derrah)
PROPOSAL REQUEST:	Major Historic Design Review of a proposal to modify a previous historic design review approval (HIS18-28) to modify the previously approved window types to be installed as part of the construction of a new mixed use apartment building on a vacant lot within Salem's Downtown Historic District, in the CB (Central Business District) zone, and located at 260 State Street (Marion County Assessors Map and Tax Lot number: 073W27BA00100).
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:	<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. A hearing is not a venue to ask questions of staff, the applicant or the decision maker(s) on this case but rather an opportunity to provide testimony to the decision maker(s) on the merits of the land use case; questions about the application, the recommended conditions of approval, or the Planning Administrator's recommendation, should be directed to the Case Manager prior to the hearing.</p> <p>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.</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>
MORE INFORMATION:	Documents and evidence submitted by the applicant are available for review and paper copies can be obtained at a reasonable cost. You can also find out more information about the status of the proposed application on the City's online Permit Application Center at https://splash.cityofsalem.net/ . Just enter the permit number(s) listed here: 19-125087-DR
NOTICE MAILING DATE:	December 26, 2019








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

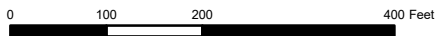
Vicinity Map 260 State Street



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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REVISED HEARING NOTICE

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MORE INFORMATION:	Documents and evidence submitted by the applicant are available for review and paper copies can be obtained at a reasonable cost. You can also find out more information about the status of the proposed application on the City's online Permit Application Center at https://splash.cityofsalem.net/ . Just enter the permit number(s) listed here: 19-125087-DR
NOTICE MAILING DATE:	<u>December 26, 2019 - An error was found in the original list of owners and tenants who were to receive a Hearing Notice regarding HIS18-28MOD1. Due to this error, a new Hearing Notice (with the same information) was mailed on December 31, 2019.</u>

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.
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United States Department of the Interior
National Park Service

Salem Downtown Historic District
Salem, Marion County

National Register of Historic Places

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sash windows, with a simple lintel band that ends at the inside edges of the corner pilasters and a decorative sill band which displays dentil ornamentation and traverses the entire facade.

The storefront area retains its historic configuration, with a recessed entrance flanked by large display windows with wood sash above a bead-board bulkhead. A canvas awning extends out from the building just above the transoms over the sidewalk. This building retains its historic integrity and contributes to the character of the downtown district.

History and Significance: The Catlin & Linn Building, probably constructed in 1909, stands on the former site of the c.1880 Tiger Engine Fire House. The Tiger Engine Company No. 2 was organized in May 1869 and continued as a volunteer department until 1893 when the city of Salem created a paid department and moved into the Court House fire station in 1893. The existing building was constructed after the city sold the property to Russell Catlin and J.R. Linn in March 1909. It has been speculated that Russell Catlin raised the fire station in 1909 and constructed the existing building in its place. The *Oregon Statesman* indicated in an article dated March 1909 that Catlin & Linn would build a two-story brick building for business on the south side of State Street between Commercial and Front. In January 1910 the newspaper stated that Catlin & Linn constructed a business building for \$6,000 between Front and Commercial. A 1914 Sanborn Company map of Salem shows the configuration of the present building and a two-story building to the south which appears as an addition. A garage with a concrete floor occupied the Catlin & Linn Building in 1914. Twelve years later, the front building was used for "auto storage," while the rear was used for "auto repairs."

Russell Catlin achieved success in the dairy industry and other agricultural enterprises. A native of New York, born in 1861, Catlin arrived in Salem, Oregon, in 1896. He soon formed a partnership with James R. Linn, and together they raised hops. They owned a ranch near Independence, and one near Dallas. Catlin also owned a large dairy farm near the Oregon State Penitentiary in Salem. He and his wife, Sybil Coffin, raised four children: Howard Coffin, Sophie Spears, Frank H. Catlin, Jr., and David R. Catlin. Sybil Catlin sold the Catlin Building in 1924, a few months after Russell Catlin died. Sybil Catlin died in 1953. Chalmers H. and Anna Brown owned the property until 1945. O.J. and C.J. Hogg owned the Catlin Building from the mid-1950s to the 1980s.¹¹¹

260 State Street

Classification: Historic Non-Contributing

Historic Name: Murphy Building

Current Name: McMahan's Furniture

Year of Construction: c. 1940/c.1970s

Legal Description: 073W27BA00100; Salem Addition, Lot 1 in Block 47

Owner(s): TCD Partnership DBA
260 State Street
Salem, Oregon 97301

Description: This is a three-story stucco-faced concrete Modern style commercial building. Both north and east facades are dominated by fixed-light, aluminum-framed display windows. A large trapezoidal-shaped signboard at the corner and awning at the main entrance are prominent visual features that date from

¹¹¹ Marion County, deed book, vol. 177, p. 629 and vol. 317, p. 474, and vol. 541, p. 102; Clark, *History of the Willamette Valley, Vol. II*, 72, 75; "Sybil Coffin Catlin," *Capitol Journal*, March 2, 1953, 15; "Salem, Oregon," New York: Sanborn Map Company, 1895, updated to 1914, 1926.

United States Department of the Interior
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Salem Downtown Historic District
Salem, Marion County

National Register of Historic Places

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c.1970s. The majority of the building consists of the window areas on each floor. The historic windows that appear to have included a variety of multi-light windows (tax assessor's records) have been replaced with windows that contain more glass and less sash. The only features that display the building's historic appearance include the decorative parapet detailing and the columns between the expansive glass windows on all three floors. Therefore, because the majority of the building consists of the windows, and those windows are non-historic in design and materials, this building does not contribute to the historic qualities of the district and is considered a non-contributing structure in its current condition.

History and Significance: The Murphy Building, constructed around 1940, is associated with Chester G. Murphy, prominent Portland lawyer and Oregon real estate investor, who was born and raised in Salem. For many decades before construction of the Murphy Building, the three-story Griswold Building stood on the southwest corner of Commercial and State streets, Salem's major commercial intersection in the town's early commercial development. In the 1880s and 1890s, the Salem Library and the Masonic Hall occupied upper floors of the Griswold Building above three shops on the ground level. In the early 1900s, a drug store did business for many years in one of the ground-floor shops; furnished rooms and offices occupied different parts of the upper floors. At that time, some of Salem's most prominent citizens shared interests in the Griswold Building, including Judge Peter H. D'Arcy and Judge John Joseph Murphy and his wife, Elizabeth C. Lister Murphy.¹

Chester Griffin Murphy was born to John Joseph and Elizabeth C. Murphy in Salem in 1876. He attended Willamette University for three years before receiving his B.A. degree from Stanford University in 1900. From there he traveled to Boston where he attended Harvard University Law School in 1901-1902. Murphy returned to Oregon and was admitted to the bar in 1902. A year later, he completed his law degree requirements at Stanford University. He began practicing law in Portland, Oregon, first as an assistant to William D. Fenton for three years, and then on his own. From 1906 to 1914, he served on the U.S. District Court for Oregon as a referee in bankruptcy cases. During World War I, he traveled to Europe as part of a YMCA unit representing college athletes, and helped operate recreation facilities in Savoie, France, where thousands of soldiers went on leave. After the war, he led efforts to promote commercial aviation in the Pacific Northwest through his organization of the Oregon-Washington-Idaho Airplane Company. Beginning in the 1910s, Chester Murphy began investing in real estate in Portland and in Salem. He acquired a large stock farm in Woodburn and a hop yard in West Salem. He built the Commercial Hotel in Salem, and, with others, invested in the construction of the Trinity Apartments in Portland. Murphy oversaw the development of other Salem properties he owned, including the Murphy Building on State Street. Chester Murphy died in the mid-1950s; his wife Angela K. Murphy passed away in 1958. The Hogg Brothers acquired and occupied the building for many years beginning in the 1950s.¹¹³

261 State Street

Classification: Historic Contributing

Historic Name: White & Sons Company Building

Current Name: Offices

Year of Construction: c. 1911/1980s

Legal Description: 073W22CD03700; Salem Addition, from Lot 4 in Block 48

¹¹² "Salem, Oregon," New York: Sanborn Map Company, 1884, 1888, 1890, 1895, updated to 1914, and 1926; Marion County, deed book, vol. 39, p. 347.

¹¹³ Carey, *History of Oregon, Vol. III*, 374-75; *History of the Bench and Bar of Oregon*, 196-97; "Angela K. Murphy," *Oregonian*, February 13, 1958, 19.

Blaze threatens surrounding businesses, forcing some closures

Lack of electricity, smoke issues limit operations in area

By **THELMA GUERRERO**
Statesman Journal

Mary Ann Vasend pulled up to her parking spot at the Pioneer Trust Bank Building just before 8 a.m. Thursday and thought the bank was on fire.

"I saw flames and it scared me," said Vasend, the security and operations manager for the bank, at the corner of State and Commercial streets in downtown Salem.

Then she realized that McMahan's Furniture, across the street from the bank, was on fire.

"We never even opened this morning because the electricity was off," said Vasend, who along with her co-workers watched through bank windows as the fire gutted the furniture store at 260 State St.

The four-alarm blaze threatened surrounding businesses and forced the evacuation of scores of workers from nearby buildings.



KOBI R. BLAIR | Statesman Journal

Firefighters fight the fire that broke out in McMahan's Furniture at State and Commercial streets on Thursday morning.

Electricity was shut off for two blocks downtown, and water spilled from street gutters into basements in at least one business.

Several businesses in the area were closed for the morning. Some of those businesses opened later in the day as the power came back on.

"We need to get out of here," Ryan Allbritton, the district manager of U.S. Bank, said to employees seconds after he walked into the bank across the street from McMahan's.

The bank lobby reeked from the smell of smoke.

"It's worse in here than it

is out there," Allbritton told employees.

Workers earlier had closed and locked the facility's front doors in an attempt to keep out the billowing smoke.

Pioneer Trust Bank opened around 12:15 p.m. after the power came back on, Vasend said. None of the

bank's employees was sent home. Many bank tellers sorted checks in the dark, she said.

Employees at Fidelity National Title, at 196 Commercial St. SE, near the Ladd & Bush U.S. Bank Building, also were evacuated.

Across the street and downwind from the burning store, thick gray smoke swept across the small front office at Chike's Upholstery.

"There's not much you can do when the electricity is out," said owner Lewis Chike, who sent his five employees home for the day.

Chike said the electricity came back on around 12:30 p.m. His shop stayed closed because he couldn't get in touch with all of his employees.

Kristen Parker was on her way to work at Mortgage West at 237 State St. SE and saw the flames coming from the furniture store.

"I was afraid that it was this building that was on fire," she said. "It was pretty scary."

They were unable to open without electricity, she said. The power came on at 11 a.m., and they opened for work.

"Half the day was lost," Parker said.

Behind McMahan's, firefighters drenched a firewall separating the furniture store and Les Newman's Quality Footwear & Clothing.

At Scott's Cycling & Fitness, a connecting business, firefighters set up fans to help remove the black smoke from inside the shop.

Owner Larry Lewis watched from a sidewalk across the street.

"One of my employees called to tell me," Lewis said about how he learned of the fire. The business has seven employees.

The business, which opened in 1965, was closed for the morning.

"It looks like we got some smoke damage, but it could've been worse," Lewis said.

The electricity in his shop came back around 2:30 p.m. The fire department allowed him to re-enter his shop at 3 p.m., he said.

Lewis planned on staying open for the day "unless they run us out again," he said.

tgurrero@statesmanjournal.com
or (503) 399-6815

Historic fires in downtown Salem

MAY 10, 1863: The west half of the block where the Ladd & Bush branch of U.S. Bank is now. A saloon, hotel and barber shop burn.

MARCH 25, 1932: Breyman and White buildings. The stock of Byrnes store, Directors Department Store and MacMarr's Grocery Store are destroyed. Loss estimated at \$100,000.

AUG. 19, 1945: Oregon Pulp & Paper near the Willamette River, where the Boise Cascade plant is now. Loss estimated at \$300,000.

NOV. 3, 1947: Guardian Building, on the southeast corner of State and Liberty streets. Loss is estimated at \$500,000. Approximately 30 businesses are destroyed.

JUNE 15 & 16, 1963: Woodry's Furniture Store, 474 Commercial St. SE. Loss estimated at \$750,000.

MAY 22, 1966: Berkheimer's Building Material, 320 Church St. SE. Loss estimated \$500,000.

NOV. 12, 1971: The 101-year-old Marion Hotel burns, 200 Commercial St. SE, loss estimated at \$4.5 million, with building and antiques.

FEB. 10, 1992: Weber's Downtown Bar & Grill and Scott's Cycle Shop (157 and 147 Commercial St. SE), four-alarm fire; no estimate of loss given.



Statesman Journal file

Firefighters battle a fire at Weber's Bar and Grill on State Street on Feb. 10, 1992.

DEC. 7, 1999: Above the Gingerbread Haus Antique Mall at 145 and 147 Liberty St. NE, five-alarm fire; no estimate of loss given.

MAY 12 & 13, 2002: Mr. Mystic's Magic Corner, 220 Commercial St. NE, four alarm fire; no estimate.

SOURCES: Capital Journal, The Oregon Statesman and the Statesman Journal. Compiled by News Librarian John Marikos

"Blaze threatens surrounding businesses, forcing some closures," *Statesman Journal*, August 11, 2006, page 3.

Kimberli Fitzgerald

Subject: FW: 19-124119-01 260 State

From: Tricia Doolin-McIntosh <tricia@kozdevelopment.com>

Sent: Thursday, January 02, 2020 3:17 PM

To: Kimberli Fitzgerald <KFitzgerald@cityofsalem.net>

Subject: Re: 19-124119-01 260 State

Hi Kimberli –

Please see below written statement regarding the windows:

This statement serves as Koz Development's formal request to modify the proposed windows for The Nishioka Building, 19-108662-BP.

The window we would like to use is manufactured by Eurotek, Inc. This window consist of a high-end aluminum clad finish on the exterior, with a vinyl finish on the interior. We have used this product on similar projects in the Portland area and are pleased with it's performance. These windows would be manufactured to the same dimension as shown during the permit process, along with the same finish color and configuration. We have included supporting documents for consideration.

Thanks,

TDM



Laminate Decors

Eurotek offers several decor variations which allow you to individually design the façade. Naturally, all decor foils feature the new cool-colors technology that set new standards: This technology guarantees considerably improved performance characteristics as well as a longer life span of the surfaces.

Cool-colors perfectly combines function and design: Their special patented pigments measurably reduce the surface temperature of laminated window profiles.



The elegant appearance of aluminum is very en vogue these days. Covering uPVC windows with exterior aluminum shells simply clipped onto the vinyl profile combines a whole bunch of benefits a pure aluminum window cannot come up with.

Aluskin[®] Aluminum Shells

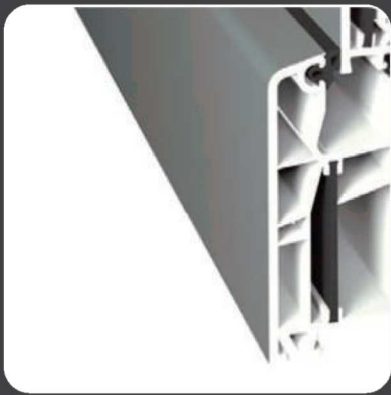
The result is a high-end product available for the Eurotek 70 series and lift-and-slide systems, combining an appealing design, individuality and the highest level of security. Aluminum shells can be butt-jointed or mitre-jointed in the frame corners.







Laminate Decors **SOLID**



Explore the endless possibilities with standard colors available and many more made to order, explore the possibilities that fit your design.





Eurotek 70 Series

uPVC with Aluminum clad

QUADRUPLE PROTECTION

Thermal, Sound, UV and Security protection all in one window. Additional levels of Thermal, Sound, and security protection are possible with additional options.

TECHNICAL DATA:

Thermal Insulation	Standard Combination Triple Pane, LoE3 glass (on 2 panes), 95% Argon fill U-Factor .17
Sound insulation	Excellent sound insulation up to STC 44 (Note: requires 3 panes of Laminate glass)
Security	GRADE 20-PASS CAWM 1-79 PASS CMBSO 301 PASS
System description	70mm Frame depth Compression Sealed (Double Gasket) Glazing thickness up to 1 5/8" Concealed Drainage Triple Pane glass package Optional I89 room side loE in conjunction with 2 panes of LoE3 can further reduce U Ratings Available in Wood Grain and Solid Color Decors Inside and Out



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

DECISION OF THE HISTORIC LANDMARKS COMMISSION

HISTORIC DESIGN REVIEW CASE NO.: HIS18-28

APPLICATION NO. : 18-116413-DR

NOTICE OF DECISION DATE: JANUARY 18, 2019

SUMMARY: A proposal to construct a new mixed use apartment building on a vacant lot.

REQUEST: Major Historic Design Review of a proposal to construct a new mixed use apartment building on a vacant lot within Salem's Downtown Historic District, in the CB (Central Business District) zone, and located at 260 State Street (Marion County Assessors Map and Tax Lot number: 073W27BA00100).

OWNER: State Street Square, LLC (Linda Nishioka)

APPLICANT: KOZ Development, LLC (Cathy Reines, Dean Derrah)

LOCATION: 260 State St

CRITERIA: Salem Revised Code (SRC) Chapter 230.050 Standards for New Construction in Commercial Historic Districts

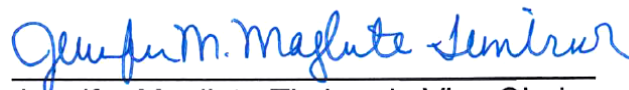
FINDINGS: The findings are included in the attached Order dated January 17, 2019.

DECISION: The **Historic Landmarks Commission APPROVED** Historic Design Review HIS18-28 subject to the following condition of approval:

Condition 1. The applicant shall provide a copy of the ~~state archaeological permit~~ Historic Clearance Review approval letter from the State Historic Preservation Office authorizing the proposed ground disturbing activity on this site prior to issuance of grading and building permits for new construction.

VOTE:

Yes 6 No 0 Absent 2 (SUND, MULVIHILL)



Jennifer Maglante-Timbrook, Vice-Chair
Historic Landmarks Commission

The rights granted by the attached decision must be exercised, or an extension granted, by February 5, 2021 or this approval shall be null and void.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

This Decision becomes effective on February 5, 2019. No work associated with this Decision shall start prior to this date unless expressly authorized by a separate permit, land use decision, or provision of the Salem Revised Code (SRC).

Application Deemed Complete: December 19, 2018
Public Hearing Date: January 17, 2019
Notice of Decision Mailing Date: January 18, 2019
Decision Effective Date: February 5, 2019
State Mandate Date: April 18, 2019

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, February 4, 2019.** 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>

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

DECISION OF THE SALEM HISTORIC LANDMARKS COMMISSION

CASE NO. Historic Review Case No. HIS18-28

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 January 17, 2019, 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) 230.050 as follows:

FINDINGS

Salem Revised Code 230.050 Standards for New Construction in Commercial Historic Districts

FINDINGS

The HLC finds that there are two archaeological sites on this property and an archaeological permit shall be required prior to any ground disturbing activity on the property. Therefore, the HLC adopts the following CONDITION:

Condition 1: The applicant shall provide a copy of the ~~state archaeological permit~~ Historic Clearance Review approval letter authorizing the proposed ground disturbing activity on this site prior to issuance of grading and building permits for new construction.

(a) Materials.

(1) *The primary façade shall be constructed of traditional building materials such as brick or stone. Stucco or pre-cast concrete block shall not be used in the primary façade.*

Finding: The HLC finds that the primary facades of the proposed new building are of traditional building materials (brick). The scale, proportion, texture and finish of these materials are similar to those found on buildings throughout the Downtown Historic District. Stucco is only proposed for secondary facades. The HLC finds that SRC 230.050 (a)(1) has been met.

(2) *Materials used in the construction shall be identical or similar to those available for similar buildings or structures built during the period of significance.*

Finding: The HLC finds that the primary facades of the proposed new building are of traditional building materials (brick and metal). Overall, the HLC finds that the scale, proportion, texture and finish of these materials are similar to those found on buildings throughout the Downtown Historic District and that SRC 230.050 (a)(2) has been met.

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

Finding: The HLC finds that the applicant has proposed a building that utilizes traditional materials (brick, concrete, metal and glass) on the primary facades. Stucco is proposed for the secondary facades. The HLC finds that overall the scale, proportion, texture, and finish of these materials are similar to those found on buildings throughout the Downtown Historic District and that SRC 230.050 (a)(3) has been met.

(b) Design.

(1) *The design shall be compatible with the 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.*

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

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

(D) *Architectural elements such as lintels, cornices, doors, storefronts and windows reflect the spacing, placement, scale, orientation and proportion of buildings in the district.*

(E) *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 proposed building is compatible in scale with the Downtown Historic District. The HLC finds that the design generally reflects the tripartite form of historic contributing buildings in the District with an articulated base, column, and capital, with the patterning of the windows forming the vertical 'column'. The HLC finds that the front entry on both Commercial and State is defined by the metal canopy with the wood soffit. While the design of this entry is contemporary, it is human scaled, defines the entry and is compatible with adjacent buildings and the overall district. Overall, the HLC finds that the proposed design of the building is compatible with the Downtown Historic District and that SRC 230.050 (b)(1) has been met.

(2) *Buildings shall be placed contiguous with the right-of-way line.*

Finding: The HLC finds that the applicant has proposed a building design that is contiguous with the right-of-way line and that SRC 230.050 (b)(2) has been met.

(3) *Buildings shall be designed without above-ground pedestrian walkways which are prohibited across any public street.*

Finding: The HLC finds that the applicant has not proposed an above ground pedestrian

walkway and that SRC 230.050 (b)(3) has been met.

(4) *Walls shall include storefronts along each ground floor that is adjacent to a public street. Windows shall not be tinted, mirrored or treated in such a way as to block views into the interior.*

Finding: The HLC finds that the applicant has proposed storefronts with clear glazing along both Commercial Street NE and State Street and that SRC 230.050 (b)(4) has been met.

(5) *Parking within a building on the ground floor shall only be allowed behind secondary façades. Commercial storefronts or office uses shall be provided between any ground floor parking area and the primary façades fronting the public street. Parking is prohibited between the building and the street.*

Finding: The HLC finds that the applicant has proposed a building that has leasable retail along the State Street frontage and that no parking is proposed between the proposed new building and either State or Commercial Streets. The HLC finds that SRC 230.050 (b)(5) has been met.

(6) *No new building shall be designed to allow drive-through uses, except banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011 may include a drive-through use as a conditional use subject to the following standards:*

- (A)** *All components of the drive-through, including kiosk, structure, and drive aisle, shall be located on a secondary façade, not visible from the right-of-way, other than an alley,*
- (B)** *Queuing lanes shall not be permitted between the building and the right-of-way, other than an alley,*
- (C)** *Up to two queuing lanes may be permitted,*
- (D)** *If the subject property abuts an alley, access to and from the drive-through from the alley is encouraged.*

Finding: The applicant is not proposing a drive-through use as part of their proposal. The HLC finds that SRC 230.050 (b)(6) is not applicable to the evaluation of this proposal.

(7) *Manufactured dwelling units are prohibited*

Finding: The applicant is not proposing a manufactured dwelling as part of the proposal. The HLC finds that SRC 230.050 (b)(7) has been met.

The Historic Landmarks Commission **APPROVES** the proposal with the following **CONDITION:**

Condition 1: The applicant shall provide a copy of the ~~state archaeological permit~~ Historic Clearance Review approval letter authorizing the proposed ground disturbing activity on this site prior to issuance of grading and building permits for new construction.

VOTE: Yes 6 No 0 Absent 2 (Sund, Mulvihill) Abstain 0

Attachments: A. Hearing Notice and Vicinity Map

- B. Excerpt from National Register Historic Resource Document
- B1. Statesman Journal Article – McMahon's Furniture Fire
- C. Applicant's Submittal Materials
- D. HIS11-43 Decision

Prepared by Kimberli Fitzgerald, Historic Preservation Officer



Koz on State Street - Nishioka Building
260 State Street, Salem, OR
Design Review / Land Use Review
December 11, 2018