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: July 16, 2020

Historic Design Review Case No. HIS19-15MOD1 CASE NO.:

APPLICATION A proposal to modify the original request approved under SUMMARY:

HIS19-15 to remove the non-historic awnings and modify

the storefront on the exterior of the Reed Opera House

(1869).

LOCATION: **189 Liberty Street NE**

REQUEST Major Historic Design Review of a proposal to modify

> the original request approved under HIS19-15 to remove the non-historic awnings, modify the storefront, to include sliding windows on the exterior of the Reed Opera House (1869), a Historic Contributing Resource within Salem's Downtown National Register Historic District, located at 189 Liberty Street NE (Marion County

Tax Assessor Number 073W27AB05900).

APPLICANT(S): Donald Bauhofer for CH Reed, LLC

APPROVAL Salem Revised Code (SRC) Chapter 230

230.040 Standards for Historic Contributing Buildings in CRITERIA:

Commercial Historic Districts (d) Storefronts

RECOMMENDATION: APPROVE

BACKGROUND

On June 2, 2020, the applicant submitted materials for a modification of their originally approved work under HIS19-15 for removing the non-historic awnings and modifying the storefront on the exterior of the Reed Opera House (1869). The applicant is proposing to install sliding windows within the storefront instead of a traditional fixed storefront. The application was deemed complete for processing on June 23, 2020.

Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on June 25, 2020 (**Attachment A**). Public hearing notice was also posted on the property in accordance with the posting provision outlined in SRC 300.620.

The City of Salem Historic Landmarks Commission will hold a virtual public hearing for the case on July 16, 2020 at 5:30 p.m. The HLC will only accept written testimony. The record will be held open for additional written comments after the hearing. To view and listen to this hearing LIVE, you may visit this link with any computer, tablet, or smart phone: https://bit.ly/planningpublicmeetings

The state-mandated 120-day deadline to issue a final local decision, including any local appeals in this case is October 21, 2020, unless an extension is granted by the applicant.

PROPOSAL

The applicant, is proposing to install metal aluminum framed sliding windows within the non-original storefront the Reed's northern façade. The aluminum sliding windows will be installed 30" above grade. The windows will be approximately 10' wide and 7' high. Below these windows, the storefront base will include fixed windows within a frame of wood to match the existing storefront which will sit on the existing base of stucco over concrete. Additional work previously approved under HIS19-15 includes the removal all of the non-original awnings, relocation of an existing entrance approximately 16' to the east, and replacement of non-original entry doors on the north, east, and western facades of the Reed (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.

Historic Design Review Case HIS19-15MOD1 HLC Meeting of July 16, 2020 Page 3

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) 230.040Standards for Historic Contributing Buildings in Commercial Historic Districts (d) Storefronts 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 project's 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 the Reed Opera House was constructed in 1869 by architect G.W. Rhodes as envisioned by Cyrus Adams Reed. Reed was a member of the Oregon State legislature. Originally, the building was constructed with a 1500 seat Opera House on the second and third floors, there was a hotel on the western portion of the building. The building was also designed with space for the Oregon Supreme Court and the State Library and retail stores on the first floors. Reed was closely tied to the the Oregon Woman's Suffrage Association, and Susan B. Anthony used the Reed stage in 1871 to campaign for votes for women.

This resource is historic contributing to Salem's Downtown Commercial Historic District. While the first floor storefront has been altered, overall it retains a high degree of integrity. The most significant alterations to the resource were in 1920. At this time, the first floor of the Reed Opera House was converted for use by Miller's Department Store which remained in this building through the 1960s. The masonry first story, which originally reflected the design of the upper stories was replaced with a wood and glass storefront. The original triangular pediment on the roof of the eastern façade was also

Historic Design Review Case HIS19-15MOD1 HLC Meeting of July 16, 2020 Page 4

removed during this period. The 2nd and 3rd floors retain the integrity of their original design and openings. In 1994, the existing awnings were added to the exterior of the building as part of renovations for new tenants. In 2004, a triangular pediment was added back to the roof, restoring the appearance of this portion of the facade (**Attachment B**).

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 within 250 feet of the property pursuant to Salem Revised Code (SRC) requirements on June 25, 2020. 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 230.040 specifies the standards applicable to this project. Historic Landmarks Commission staff reviewed the project proposal and has the following findings for the applicable standards.

FINDINGS

Criteria 230.040 Standards for Historic Contributing Buildings in Commercial Historic Districts.

(d)Storefronts. Replacement of storefronts or components of storefronts in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was determined to be unfeasible due to poor condition of the materials. If the storefront is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.

(1) Materials.

(A) Original material shall, if possible, be retained or repaired.

Finding: The windows within the storefront proposed for replacement are not original to the structure. Therefore, staff recommends that the HLC find that there are no historic materials or features proposed for removal, reconstruction, or repair and that Standard 230.040 (d)(1)(A) is not applicable to the evaluation of this proposal.

(B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and configuration of the original materials in the storefront.

Finding: The applicant is proposing to install a new aluminum sliding windows within the existing non-original storefront on the northern facade. The original storefront material is no longer extant. There is photographic evidence of the original doors and storefront(s) which changed and evolved significantly from 1869 through the end of the period of significance for the Downtown Historic District (through 1950). Overall the proposed replacement materials are compatible, and of the same quality and type of materials currently found on the exterior of the Reed, therefore, staff recommends that the HLC find that SRC 230.040 (d)(1)(B) has been met for this proposal.

(2) Design.

(A) To the extent practicable, original storefront components such as windows, door configuration, transoms, signage, and decorative features shall be preserved.

Finding: The original storefront is no longer extant, therefore it is not feasible to preserve character defining features of the original storefront. The proposed sliding windows will be installed within the existing openings which will be preserved, and no original character defining features will be adversely affected by their installation within the non-original storefront. Overall, the applicant's proposal is compatible and will serve to maintain the exterior of the Reed, therefore, staff recommends that the HLC find that SRC 230.040(d)(2)(A) has been met.

- **(B)** Where the original storefront is too deteriorated to save, the commercial character of the building shall be retained through:
- (i) A restoration of the storefront based on historical research and physical evidence.

Finding: While there are historic photographs of the resource, the applicant is not proposing to restore the storefront to a precise date within the period of significance, therefore staff recommends that the HLC find that SRC 230.040(d)(2)(B)(i) does not apply to the evaluation of this proposal.

(ii) Contemporary design that is compatible with the scale, design, materials, color and texture of historic compatible buildings in the district.

Finding: The applicant is proposing to install new aluminum sliding windows within the storefront along the north façade. Overall, the proposed alterations are compatible with the scale, design, and materials of the Reed, therefore staff recommends that the HLC find that SRC 230.040(d)(2)(B)(ii) has been met for this proposal.

(C) For buildings that provide a separate upper-story entrance on the exterior facade, the street-level entrance should be the primary focus of the building facade.

Historic Design Review Case HIS19-15MOD1 HLC Meeting of July 16, 2020 Page 6

Finding: The applicant is not proposing to alter the existing upper story entrance at the center of the northern façade. Staff recommends that the HLC find that SRC 230.040(d)(2)(C) has been met.

(D) Original openings that have been covered or blocked should be re-opened when feasible.

Finding: The 2nd and 3rd floors retain the integrity of their original design and openings, and none have been filled in. Since there are no openings that have been filled in within the areas proposed for replacement, staff recommends that the HLC find that SRC 230.040(d)(2)(D) 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. Hearing Notice and Vicinity Map

- B. Excerpt from National Register Historic Resource Document
- 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\2020\HIS19-15MOD1 189 Liberty Street NE.doc



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. HIS19-15MOD1

PROPERTY LOCATION: 189 Liberty St NE, Salem OR 97301

SUMMARY:A proposal to modify the original request approved under HIS19-15 to remove the non-

historic awnings and modify the storefront on the exterior of the Reed Opera House

(1869).

HEARING
INFORMATION:

DUE TO SOCIAL DISTANCING MEASURES PUT INTO PLACE TO HELP STOP THE
SPREAD OF THE COVID-19 VIRUS THIS HEARING WILL BE HELD DIGITALLY. THE

SPREAD OF THE COVID-19 VIRUS THIS HEARING WILL BE HELD DIGITALLY. THE COMMISSION WILL ONLY ACCEPT WRITTEN TESTIMONY. THE RECORD WILL BE

HELD OPEN FOR ADDITIONAL WRITTEN COMMENTS AFTER THE HEARING.

Historic Landmarks Commission, Thursday, July 16, 2020 at 5:30 P.M.

To view and listen to this hearing LIVE, you may visit this link with any computer,

PLEASE DIRECT COMMENTS REGARDING THIS CASE TO THE CASE MANAGER

LISTED BELOW. Staff recommends emailing your comments to the case manager. Mailed comments will still be accepted but Staff cannot guarantee prompt receipt. Only those participating at the hearing by submission of written testimony have the right to

Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2397; E-mail:

tablet, or smart phone: https://bit.ly/planningpublicmeetings

TO PROVIDE WRITTEN

TESTIMONY:

CASE MANAGER:

NEIGHBORHOOD ORGANIZATION:

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

Kimberli Fitzgerald, Historic Preservation Officer, City of Salem Planning Division, 555

association to get involved:

kfitzgerald@citvofsalem.net.

appeal the decision.

Central Area Neighborhood Development Organization (CAN-DO), Neal Kern, Chair;

Phone: 503-856-2207; Email: neal.t.kern@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) 230.040 Standards for Historic Contributing

Buildings in Commercial Historic Districts - (d) Storefronts

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):

CH Reed, LLC (Scott Chernoff and Graham Chernoff)

DDODOCAL

APPLICANT / AGENT(S):

Donald Bauhofer, The Pennbrook Company, on behalf of Scott Chernoff

PROPOSAL REQUEST:

Major Historic Design Review of a proposal to modify the original request approved under HIS19-15 to remove the non-historic awnings and modify the storefront, to include sliding windows on the exterior of the Reed Opera House (1869), a Historic Contributing Resource within Salem's Downtown National Register Historic District, located at 189 Liberty Street NE (Marion County Tax Assessor Number 073W27AB05900).

TEMPORARY HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, and questions from the Commissioners. Due to the Covid-19 pandemic, testimony from neighborhood organizations, persons in favor or opposition, and rebuttal by the applicant will be limited to written testimony. 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.

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.

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://permits.cityofsalem.net. Just enter the permit number listed here: 20 109232

NOTICE MAILING DATE:

June 25, 2020

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE. For more information about Planning in Salem:

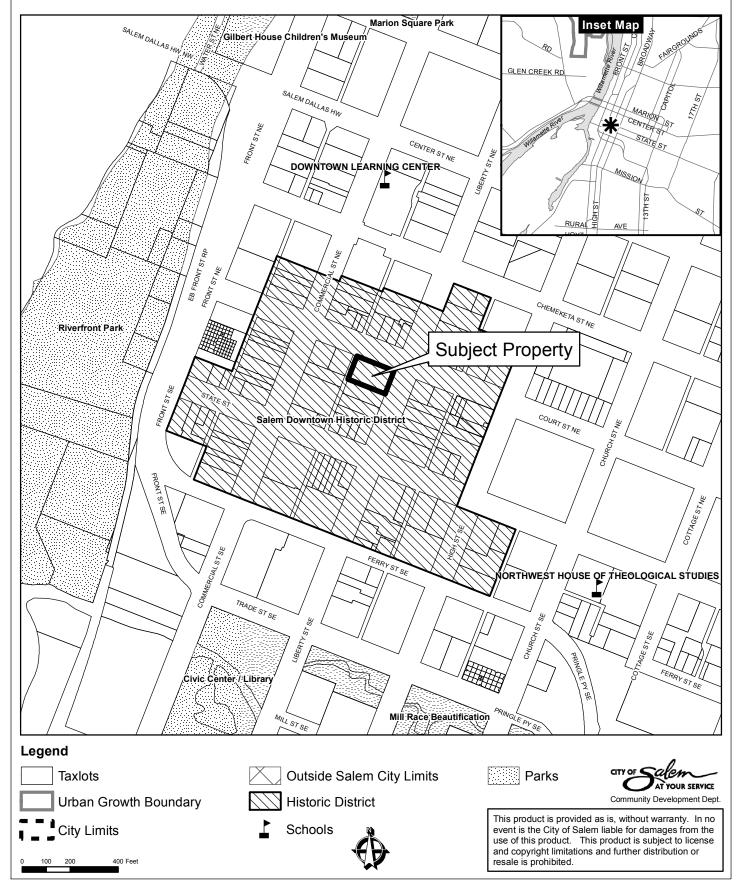
http://www.cityofsalem.net/planning

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 189 Liberty Street NE (073W27AB05900)





New look draws more business



Renovations are restoring lost grandeur to the 125-year-old Reed Opera House.

By Maria C. Berninger

Walking into the renovated Reed Opera House, one can almost hear the ballgowns swish-

The Lafayette Grover Ballroom, now returned to its 19thcentury grandeur, is one of many renovations at the Reed Opera House Mall that's sparked memories - and busi-

"A lot of people go through the building and fall in love with it," said contractor James Wares.

The three-story structure, at 189 Liberty St. NE, dates back to 1869 when the first floor contained retail shops and the second floor an opera house

Since then, a third floor was added and the ballroom moved up a level.

The rest of the space now features a lofty maze of retail shops, restaurants and offices that are sprinkled on different levels and mezzanines.

Renovations have been sprouting up in the building, keeping things constantly changing.

Rose's Ice Cream Cafe, which moved into the mall a couple of months ago, was a result of a major renovation of two smaller shops that left the mall.

Creole's Southern Kitchen, located on the first floor, is finishing up a project that added a wet bar, see-through windows and new carpeting.

And the Cyrus Reed Room. named after the man who constructed the building, is being remade into office space and a reception room on the second

"Business is picking up," Wares said "It has a lot to do with the renovations."



TOP: Before its renovation as a department store in 1920, the Reed Opera House looked much like this artist's rendition. ABOVE: An opera company performs a Greek opera during Reed Opera House's heyday in the late 1800s.

It seems that renovations beget renovations, because now, Wares and the building's owner, lan Bourne, are working to shape up some of the empty space for incoming businesses.

An art and antique gallery will be moving onto the first floor in August, and a beauty parlor soon will come to the basement level.

There are also several offices that are being cleared out and redone on the second floor.

The ballroom project was finished about a year ago, and inquiries about using the room for various receptions and performances have greatly increased, said Eric Rund, the building's

"Its renovation has been its largest asset," Rund said. "The room is booked from now until

In total, Bourne has spent more than \$500,000 on refurbishing his building, Wares

The only problem is that the mall's location makes parking

The city of Salem, Bourne and various merchants are looking to put one- and two-hour parking limits on the spaces in front of the building to create a continual flow of cars and empty spaces for shoppers.

"It's a slow process," Wares said of all the changes taking place. "But people care about the building. It brings back a lot of warm memories."

History

- 1869: The Reed Opera House opens its
- 1900: The opera stage goes dark, and only the building's businesses and shops thrive.
- 1920: The building is modeled and become Miller's Department Store.
- 1975/76: The complex is converted into a retail shopping mail.
- 1992: Portland businessman lan Boume buys the building for \$600,000 from the federal Resolution Trust Corp.
- 1993: The Lalayette Grayer Ballroom is renovaled.



Reed Opera House. 1975-1980. Salem Public Library. Photo ID SCH203



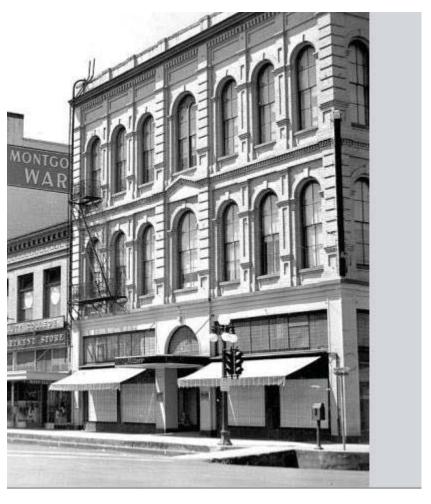
Reed Opera House. 1965-1978. Dan Poush Photo, Statesman Journal. Photo ID SJ544



Reed Opera House. 1970. Marion County Historical Society. Photo ID MJON0067



Reed – Miller's Dept Store- looking southeast along Court Street. 10-23-1961, Ben Maxwell Collection. Salem Public Library. Photo ID 1437



Reed, 1939 Ben Maxwell Collection, Salem Public Library Photo ID 1420



Reed Opera House and Miller's Department Store, circa 1920. Marion County Historical Society – EE37EF6B/ Salem photo ID MJON0265

CH REED, LLC 904 Silver Spur Road #244 Rolling Hills Estates, CA 90274

June 1, 2020

Historic Landmarks Commission c/o Kimberli Fitzgerald Historic Preservation Officer City of Salem 555 Liberty Street SE, Room 305 Salem, OR 97301

Via e-mail

Re: Reed Opera House Historic Alteration Review Statement Addressing Applicable Criteria

Thank you for taking the time to review our application for a major historic design review.

The application requests the modification to the new storefront that the HLC in Historic Design Review Case No. HIS19-15 in its decision dated May 17, 2019. The proposed modification is to allow the substitution of partially operating (sliding) windows within the panels of the storefront approved in the above-referenced decision.

As the commission will recall, decision HIS19-15 also approved the relocation of the door existing in the NW corner of the building approximately 20 feet to the east. With that relocation, the interior space will be divided into two tenancies. These spaces are intended to be occupied by a coffee and gelato bar and a small restaurant and bar. The sliding windows will allow these tenants to open their businesses to the sidewalk; however, no food service will occur directly to the sidewalks through the windows. All ordering will be inside the building.

<u>Attached Materials</u>. In addition to the materials provided in application 19-108632, which are incorporated by reference, attached are four exhibits:

- 1. The approved elevation under the decision in that case ("Exhibit A");
- 2. The interior floorplan showing the division of the interior space into two tenant spaces, both designed for retail food service ("Exhibit B");
- 3. An elevation of the storefont showing the proposed modification with partially open, sliding windows ("Exhibit C"); and
- 4. Example of typical aluminum clad sliding windows ("Exhibit D"). Custom Milgard Aluminum

Materials to be Incorporated.

The approved modified storefont was designed to reflect the historic spacing and storefront of the portion of the building along Court Street. The windows, like the approved storefont, will be metal-framed glass. The low (8") base wall will remain unchanged, as will the height of and materials used in the header above the windows.

A horizontal mullion will separate the fixed storefront glass from the sliding windows. The bottom of the sliding windows will be approximately 30 inches above grade. Buy keeping solid glass below that mullion, when windows are open, visibility into the building will be approximately table height.

Support for Modification.

Under SRC section 230.065(e):

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

This commission recently recognized that the façade of the Reed Opera House has undergone a number of modifications over the building's 150-year existence. Our objective is to continue that evolution without compromising the historic character of the building. In today's downtown Salem, we believe that continuing the vitality of the building by encouraging it's interactivity with the community both supports the building's commercial success and is consistent with its historic significance.

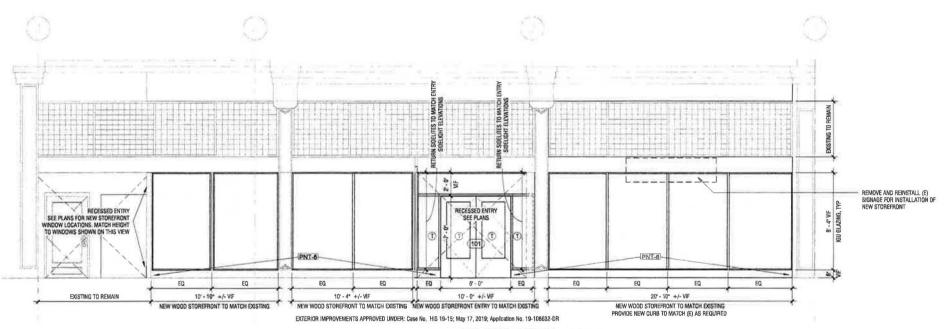
Thank you for considering our application.

Sincerely,

Donald N. Bauhofer

Cc: Scott Chernoff

Exhibit A



EXTERIOR ELEVATION - NORTHWEST - CURRENTLY APPROVED

4" = 1'-0" \

Exhibit B

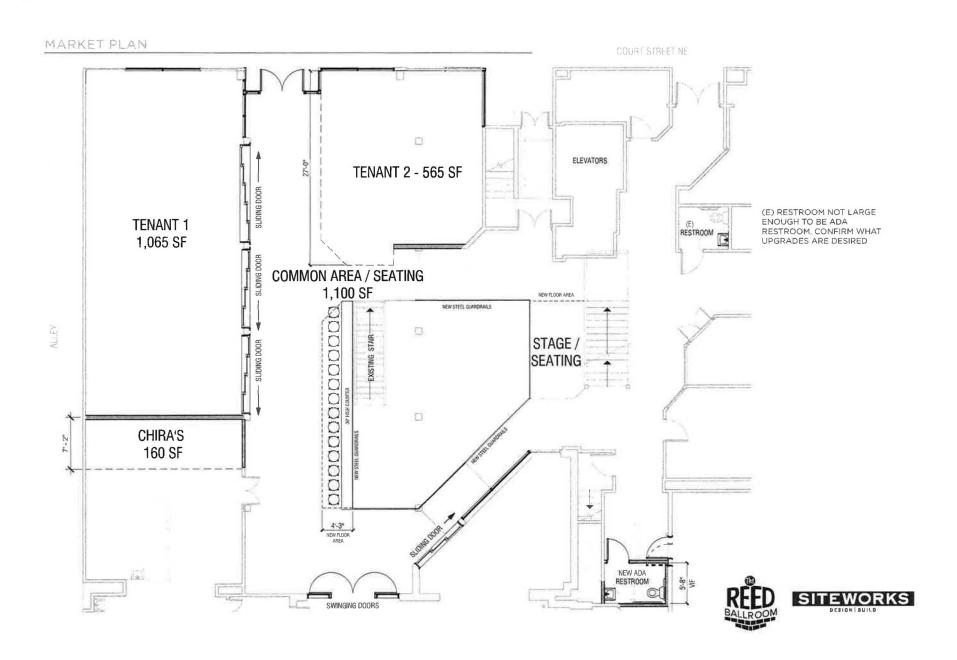
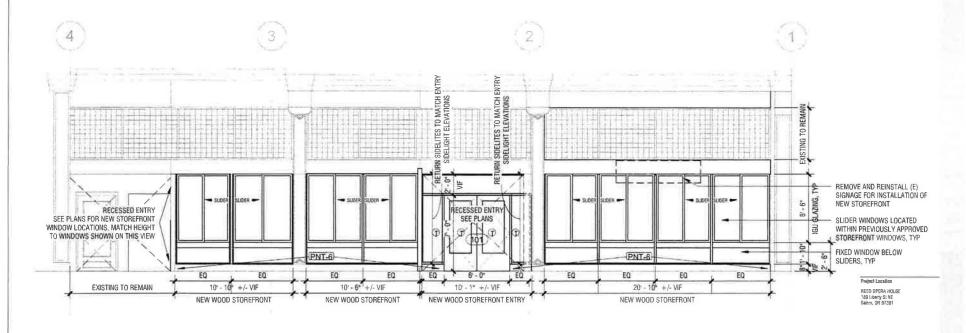


Exhibit C



EXTERIOR ELEVATION - NORTHWEST - SLIDER WINDOWS

THESE DRAWINGS ARE FOR CONSTRUCTION BY JEAN-PIERRE VEILLET SITEWORKS, INC. ONLY Ide: 2020 06 01

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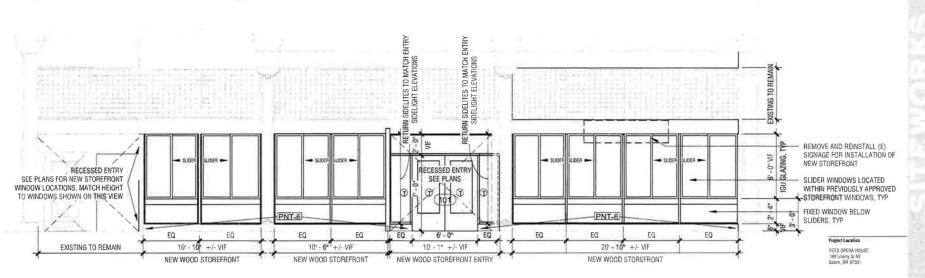
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EXTERIOR ELEVATION

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Exhibit D



EXTERIOR ELEVATION - NORTHWEST - SLIDER WINDOWS



TYPICAL EXTERIOR OF WINDOW (COLOR TBD)



TYPICAL INTERIOR OF WINDOW

THESE DRAWINGS ARE FOR CONSTRUCTION BY JEAN-PIERRE VEILLET SITEWORKS, INC. ONLY

Sheel Name

EXTERIOR ELEVATION

HLC-1



Custom Milgard Aluminum windows