

HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning and Zoning
Division
Department of Community
Development

Capitol View Planned Development
Petition 470-07-23: Request to construct seventeen new single-family residential dwelling units in the Capitol Hill Historic District located at approximately 690 N. West Capitol Street
January 2, 2008

Applicant:

Jeremy Jones – Developer
Represented by Cooper, Roberts,
Simonsen Architecture

Staff:

Lex Traughber
Principal Planner
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Tax ID:

08-25-478-009
08-36-230-034
08-36-230-022

Current Zone:

SR-1A (Special Development
Pattern Residential District)

Master Plan Designation:

Capitol Hill Community Master
Plan – Low Density Residential

Council District:

District 3 – Eric Jergensen

Acreage:

2.81 acres

Current Use:

Vacant

Applicable Land Use

Regulations:

21A.34.020

Exhibits:

Please refer to page 20 for a list
of Exhibits

REQUEST

Cooper Roberts Simonsen Architects, representing the developer, Jeremy Jones, is requesting approval of new construction in the Capitol Hill Historic District consisting of seventeen new single-family residential dwelling units. The subject property is located at approximately 690 N. West Capitol Street and is zoned SR-1A, Special Development Pattern Residential District. The purpose of this district is to, *“maintain the unique character of older predominantly low-density neighborhoods that display a variety of yards, lot sizes and bulk characteristics.”* The proposed development is subject to the Salt Lake City Zoning Ordinance and the Design Guidelines for Residential Historic Districts in Salt Lake City.

PUBLIC NOTICE

- On April 5, 2006, the Historic Landmark Commission held an “Issues Only” hearing to discuss this proposal and take public comment.
- On May 17, 2006, the Historic Landmark Commission held a public hearing and denied the applicant’s request.
- On August 9, 2006, the Planning Commission heard the request in an “Issues Only” hearing.
- On June 27, 2007, the Planning Commission approved the Planned Development/Conditional Use and Preliminary Subdivision requests.
- On October 10, 2007, the Planning Commission reconfirmed their approval decision granted at their hearing on June 27, 2007.

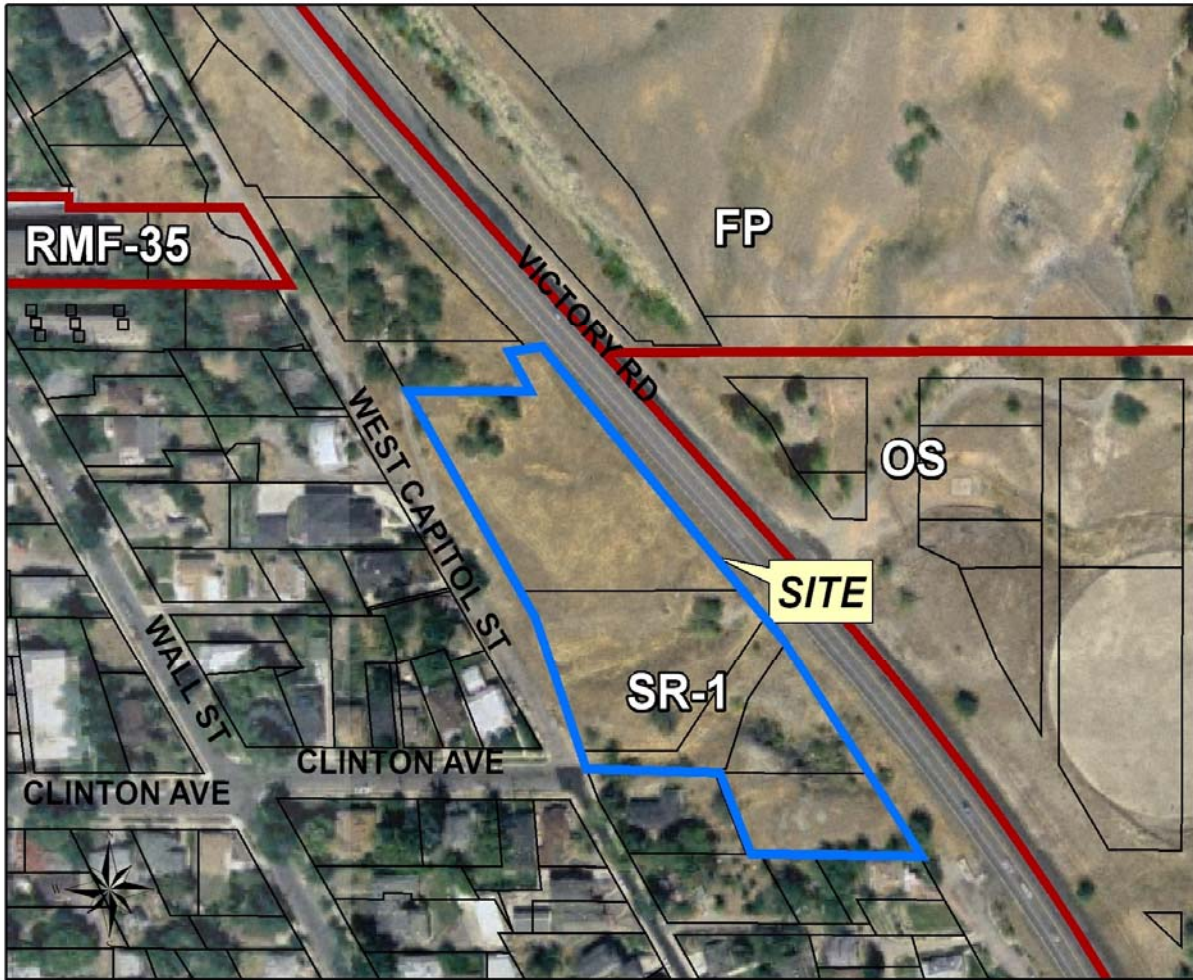
All property owners within 450 feet of the subject properties, as well as all those citizens that requested to be placed on the mailing list, were mailed a notice for all of the above public hearings, fourteen days in advance. The subject property was also posted with signs for the above hearings, a minimum of 10 days in advance. The agendas for the hearings were posted on the Salt Lake City website, and email notices were sent to all those individuals and entities on the City’s listserv prior to any given hearing date.

STAFF RECOMMENDATION:

Based on the submitted plans, the discussion, analysis and finding of fact in this Staff Report, Planning Staff recommends that the Historic Landmark Commission approve the proposed Capitol Place Planned Development subject to the following conditions:

1. The proposed building heights shall conform to the plans submitted for each unit (A, B-1, B-2, C, D-1, and D-2), as attached to this staff report (Exhibit G).
2. The unit style on each individual lot shall conform to the attached “Preliminary Development Site Plan” (Exhibit G) with the exception of Lot 4. A D2 unit shall be constructed on Lot 4.
3. Any substantial changes to the design or proposed building materials shall require reconsideration by the Historic Landmark Commission.

VICINITY MAP



PROJECT DESCRIPTION:

The subject property is comprised of two vacant parcels located between Victory Road and West Capitol Street. The proposed seventeen (17) single-family residential units consist of twelve (12) different housing designs. The homes would be positioned on either side of an extension to Darwin Street that would connect to West Capitol Street, allowing circular traffic flow. The applicant proposes to slightly widen and improve the east side of West Capitol Street from Clinton Avenue heading north to the northern end of the project. The increased street width will accommodate a curb and gutter, as well as a stepped retaining wall. The proposed retaining wall along West Capitol Street will consist of two stepped walls, each approximately four feet (4') in height. The wall will run approximately one hundred and fifty feet (150') along the property line, parallel to the street. The wall will be constructed of concrete and stamped to emulate a stacked stone pattern. The area between the walls will be landscaped and maintained by the home owners association. In addition, a stairway is proposed from the extension of Darwin Street to West Capitol Street. Stairways of this nature are found in this area. The stairway will provide pedestrian passage between the two streets.

This proposal is subject to review processes by the Planning Commission and the Historic Landmark Commission. In terms of Planning Commission consideration, the applicant received approval for a Planned Development/Conditional Use and a Preliminary Subdivision in June and October 2007. As part of this process, items that were reviewed by the Planning Commission, included a reduced public road width, reduced yards/setbacks, and preliminary subdivision.

The items that fall under the review of the Historic Landmark Commission include Zoning Ordinance standards for the H-Historic Preservation Overlay District for new construction, as well as compliance with the adopted Design Guidelines for Residential Historic Districts in Salt Lake City. As in the past, the Historic Landmark Commission's review will include, but is not limited to, a study of the materials used for residential construction, the proposed massing, scale, height, and design of the residential units. The review of this proposal does differ from proposals that the Historic Landmark Commission has seen in the past because it is located in an area that is subject to *Section 21A.24.080, Salt Lake City Code, Pertaining to SR-1A Special Development Pattern Residential District*. This Ordinance was adopted by the City Council on June 9, 2006. Under this Ordinance, the issue of building height in the H-Historic Preservation Overlay District falls under the purview of the Historic Landmark Commission. The applicant is requesting building heights that exceed the twenty-three foot (23') height limit allowed under this Ordinance, however as will be demonstrated in this staff report, the proposed building heights are compatible with the building heights located within the immediate vicinity of the proposed project. The applicant completed an extensive study of building heights in the neighborhood to demonstrate that the proposed building height are compatible. The Historic Landmark Commission has the authority to determine if the proposed heights are appropriate for the Historic District.

PROJECT HISTORY:

Prior to the applicant's submittal of the proposal to the Planning Division, a joint subcommittee meeting was held with members of the Historic Landmark Commission (Warren Lloyd, David Fitzsimmons, and Scott Christensen) and the Planning Commission (Prescott Muir, John Diamond, Peggy McDonough, Babs De Lay) on January 30, 2006. The developer and members of the development team, as well as members of Planning Staff were present for this meeting. The developer provided an overview of the project and comments were noted from various individuals in attendance. In general, the review process was discussed, as well as various design items including building height, building materials, building siting, massing, scale, density, single-family versus multifamily development, and roadway design.

On April 5, 2006, the Historic Landmark Commission held an “Issues Only” hearing to discuss this proposal and take public comment. Attached are the minutes from this hearing (Exhibit A). The primary issues that the Historic Landmark Commission discussed during this hearing were as follows:

1. The height of the proposed dwelling units, particularly those that front West Capitol Street;
2. The proposed materials and design of the dwelling units;
3. The width of the proposed garages.

In summary, comments received from the public included:

1. Building height and retaining wall height along West Capitol Street;
2. Density;
3. Traffic impacts and parking;
4. Impacts on City infrastructure; water and particularly sewer;
5. Design compatibility;
6. Construction impacts;
7. Environmental impacts, particularly on wildlife;
8. Slope stability.

Following this “Issues Only” hearing, the applicant provided revised plans to address the issues and concerns noted. On May 17, 2006, the Historic Landmark Commission held a public hearing (minutes attached – Exhibit B) and denied the applicant’s request noting that the proposed development was incompatible in terms of mass, scale and height, citing Historic Preservation Design Guidelines 11.4, 11.5, and 11.7 as not met in the proposed design. These guidelines are as follows:

- 11.4 – To construct a new building to reinforce a sense of human scale;
- 11.5 – To construct a new building to appear similar in scale to the scale that is established in the block;
- 11.7 – To build to meet heights that appear similar to those found historically in the district.

On August 9, 2006, the Planning Commission heard the request in an “Issues Only” hearing. The Planning Commission provided the following specific direction to the applicant in response to the proposal:

1. Quantify data for the density of the area;
2. Utilize the compatible infill ordinance as a guide for issues such as lot coverage, lot size, setbacks, and building height;
3. Obtain input and attempt to resolve issues raised by the neighbors and the Community Council. Work more effectively with the public;
4. Determine if a traffic study is warranted;
5. Propose an alternate design for the retaining wall, and;
6. Consider the placement of the houses on the street.

On January 31, 2007, with a revised proposal submitted by the applicant for review, a joint subcommittee meeting was again held with members of the Historic Landmark Commission (Paula Carl, Warren Lloyd, David Fitzsimmons, and Scott Christensen) and the Planning Commission (Prescott Muir, Peggy McDonough, and Babs De Lay). The applicant presented materials, including quantified data, to address the issues raised by these Commissions. At the conclusion of this meeting, the applicant received instructions from the representatives of the two Commissions to proceed forward with the revised plans to public hearing.

On June 27, 2007, the Planning Commission approved the Planned Development/Conditional Use and Preliminary Subdivision requests. In its motion to approve the request, the Planning Commission specifically modified three development standards. It granted a reduced width right-of-way for the proposed extension of Darwin Street, reduced side and rear yard setbacks as shown on the attached and approved preliminary plat (Exhibit C), as well as granted approval for an overall gross average lot size meeting the zoning minimum standard. The Planning Commission approved the preliminary plat that specifies where the proposed units will be built on each lot, as well as established specific lot sizes, right-of-way, road width, open space, and the stairway between the extension to Darwin Street and West Capitol Street.

On July 31, 2007, the Capitol Hill Community Council filed an appeal of the Planning Commission's decision to the Land Use Appeals Board, asserting that the Planning Commission approved lot sizes that did not meet the minimum lot size of 5,000 square feet as required by Zone. On October 10, 2007, the Planning Commission reconfirmed the motion and decision that was made to approve the Capitol View Planned Development/Conditional Use & Preliminary Subdivision, understanding and recognizing the density of seventeen (17) single-family dwelling units on the gross project area of 2.81 acres. This included the confirmation and understanding that there are individual lots that are less than 5,000 square feet in size, however the overall gross lot size average, including open or common space, exceeds the 5,000 square foot minimum required by Zone. The overall development density is consistent with the density allowed in the SR-1A Zone for single-family detached dwellings. This motion also included and recognized the approval of the preliminary plat which illustrates the lot, roadway, and common space configuration, as the specific development and density approved by the Planning Commission at its June 27, 2007 public hearing.

PUBLIC COMMENTS:

The project site is located in the Capitol Hill Community Council District. The applicant initially presented the project to this Council on May 17, 2006. Planning Staff was present at this meeting. The applicant indicated that he met with the Community Council on other occasions after this initial meeting and has met with the Community Council Trustees. On January 17, 2007, the applicant presented a revised plan to the Capitol Hill Community Council. Two members of Planning Staff attended this meeting.

The Capitol Hill Community Council provided a letter regarding this proposal dated February 26, 2007 (Exhibit D). The Community Council voted fourteen (14) in favor of the development, twenty (20) opposed to the development, and ten (10) people abstaining. In summary, the three main concerns of the Community Council members were:

1. Increased traffic in the area
2. Increased density in the area
3. Grade and seismic stability of the property

All property owners within four hundred and fifty feet of the subject property, as well as those requesting to be on the project's mailing list, were notified of all public hearings. In addition, all Community Council chairpersons, and all those on the Planning Division's listserve were sent notification of all public hearings. Attached to this staff report are the written comments from the public that have been received regarding the proposal (Exhibit E). In general, the written correspondence that was received reiterate the issues that were raised during public hearings. Again, these issues are as follows:

1. Building height and retaining wall height along West Capitol Street;
2. Density;
3. Traffic impacts and parking;

4. Impacts on City infrastructure; water and particularly sewer;
5. Design compatibility;
6. Construction impacts;
7. Environmental impacts, particularly on wildlife;
8. Slope stability.

Each of these items, with the exception of “Design Compatibility” and “Building Height” which fall under the purview of the Historic Landmark Commission, were addressed by the Planning Commission when it approved the project in June 2007.

PROJECT REDESIGN IN RESPONSE TO THE HISTORIC LANDMARK COMMISSION DENIAL:

As noted previously, on May 17, 2006, the Historic Landmark Commission held a public hearing and denied the petitioner’s request noting that the proposed development was incompatible in terms of mass, scale and height, citing Historic Preservation Design Guidelines 11.4, 11.5, and 11.7 as not met in the proposed design. The main issues that concerned the Historic Landmark Commission at that time were the proposed building heights, massing, and scale, particularly of those proposed units along West Capitol Street. The minutes from this hearing reflect that “Ms. Hammond Heid moved that in Case Number 006-06 at 690 North West Capitol Street, the Commission deny the application based on the two overriding concerns of 1) The height of the houses are still too tall , 2) Characteristics of the Planned Development are not compatible with the unique character of this historic district.”

In response to this denial, the petitioner redesigned the project in a effort to address the concerns of the Historic Landmark Commission. Specifically, six (6) changes and revisions have occurred since the Historic Landmark Commission last acted on this proposal:

1. The overall project density was reduced by 11% through the elimination of two (2) dwelling units from the project. This two unit elimination occurred on the most sensitive portion of the property, along the West Capitol Street frontage. The applicant had originally proposed nine (9) units along this stretch of Street but now proposes seven (7). This reduction of units directly addresses the massing and scale issue noted by the Historic Landmark Commission.
2. A stairway was added connecting West Capitol Street and Darwin Street. This stairway is characteristic of other stairways in the Capitol Hill Historic District. The stairway serves to provide functional pedestrian movement and also breaks the street frontage up along West Capitol Street. The “break” in this frontage directly addresses massing along this sensitive stretch of West Capitol Street.
3. The facades of the proposed homes along West Capitol Street will consist of a minimum of six (6) different designs. In other words, of the proposed seven (7) dwelling units at least six (6) and perhaps all of the housing designs and their related facades will be varied. This design variation is in response to comments made in prior hearings that there was no variation in the streetscape, and the lack of variation would result in a development with a “cookie-cutter” appearance. The variation in design attempts to honor the eclectic housing assortment existing in the Historic District and the immediate adjacent neighborhood.
4. The overall project was first proposed as nineteen (19) single-family dwelling units consisting of six (6) different home designs. This has been revised to seventeen (17) single-family dwelling units comprised of twelve (12) different home plans.

5. On average, building heights for the overall project have come down over two feet eight inches (2'8"). Heights have dropped an average of two feet seven inches (2'7") along the homes that front on West Capitol Street. This redesign in building height is specifically in response to the comments and denial received from the Historic Landmark Commission regarding the original proposal. Since the Historic Landmark Commission acted on the original proposal in May 2007, the petitioner conducted an intensive level study of the building heights of the existing homes in the surrounding neighborhood. A discussion of this study and the proposed building heights for the project follows in detail further in this report.
6. The proposed retaining wall has been redesigned from one continuous wall reaching heights upward of 6 ½ feet, to two (2) separate stepped walls, neither of which would exceed four feet (4') in height. The retaining walls would be separated by a landscaped area of four to five feet (4'-5'). This stepped wall is designed in an attempt to "soften" the necessary retaining wall and to diminish the perceived massing and scale of this design element.

ANALYSIS AND FINDINGS:

MASTER PLAN DISCUSSION

There are several sources to consider when reviewing this project request in terms of goals, objectives, and policies for this area:

- Capitol Hill Community Master Plan (2001)
- Salt Lake City Community Housing Plan (2000)
- Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998)

Capitol Hill Community Master Plan (2001): The subject property is designated as "Low Density Residential (5 – 15 Dwelling Units per Acre)" according to the Capitol Hill Community Future Land Use Map. The applicant's proposal of seventeen (17) dwelling units is consistent with this density. The subject property is approximately 2.81 acres which results in a density range of fourteen (14) to forty-two (42) units. The applicant's proposal of seventeen units (17) is at the low end of the possible density envisioned in the Master Plan.

The Capitol Hill Community Master Plan (2001) specifically addresses residential development in the Capitol Hill Community. The primary planning goal in terms of residential development for this area states, "*Encourage appropriate housing opportunities in the community in appropriate locations through renovation of existing structures and compatible infill development and redevelopment.*" (page 3)

A section of this Master Plan focuses specifically on residential development in the Marmalade Neighborhood in which the subject property is located (pages 5-6). The Plan states:

Overview

The Marmalade Neighborhood is located on the western slope of the hill (200 West to Victory Road/Columbus Street and between 300 North to 800 North.) This is one of the oldest neighborhoods in the State of Utah and is included within the Capitol Hill Historic District. The majority of homes in the Marmalade Neighborhood were constructed prior to 1930 and many were constructed prior to 1900. The neighborhood is characterized by steep narrow streets, irregular shaped lots with a variety of architectural structures which are oriented to the lot rather than the street.

Planning Issues

The neighborhood is a very compact residential neighborhood made up primarily of single family dwellings and duplexes. However, multi-family dwellings are scattered throughout the neighborhood. Some of the multi-family dwelling units were constructed during the historic era. Those that were constructed after 1960, but prior to the historic designation in 1984, detract from the neighborhood because they are not compatible in scale or design to the historic structures which surround them. Most of the neighborhood is zoned SR-1 allowing single family dwellings and duplexes with some pockets of medium density multi-family residential zoning.

Infill: There are a few vacant parcels of land in the Marmalade Neighborhood available for infill development. However, most of the vacant land has limited development potential due to slope, other geologic conditions and irregular shape of parcels.

Density: Most of the Marmalade Neighborhood developed prior to the implementation of zoning in Salt Lake City in 1927. Therefore, the development pattern consists of irregular shaped lots with buildings, in many cases, built close to property lines. This situation has created a very densely populated area. In addition, in the 1940s and 1950s, many of the structures, originally built as single family dwellings were converted to apartments. Two major down-zonings, the first in the mid-1980s and the 1995 City-wide Zoning Rewrite Process, have left the neighborhood zoned low-density with most properties zoned SR-1 (allowing single family and duplex dwellings) except for the few existing medium and high density multi-family structures zoned multi-family. The down-zoning of this area has resulted in many non-conforming converted single-family dwellings which house three or more units. Therefore, as homes are converted back to single-family ownership and structures lose their legal non-conforming status, the density of the area should decrease. Most of the vacant parcels of land in the neighborhood are zoned SR-1. Therefore, any increase in density in the Marmalade Neighborhood will be minimal.

Policies

- *Retain the existing low-density (SR-1) zoning pattern in the Marmalade Neighborhood.*
- *Limit medium and high-density residential development to existing developments zoned for such uses.*

Action Items

- *Provide incentives to encourage nonconforming dwellings to be converted back to single family or duplex dwellings.*

Salt Lake City Community Housing Plan (2000): The goal of this Plan is to enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design. This Plan focuses on concepts for creating a wide variety of housing types across the City and encouraging mixed use and mixed income housing. There are several City Council policy statements in this Plan that lend support for the proposed project. These policy statements are as follows:

- *The City Council supports a citywide variety of residential housing units, including affordable housing, and supports accommodating different types and intensities of residential development (page 8).*
- *The City Council encourages architectural designs compatible with neighborhoods that, make good use of and incorporate open space (even minimal amounts), interface well with public spaces, address parking needs in the least obtrusive manner possible, and are creative, aesthetically pleasing and provide attractive public spaces such as designated common areas, community centers, childcare, resident gathering places, resident gardens, etc. (page 16)*

Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998): In the Executive Summary section of this report it is stated that, *“Salt Lake City Neighborhoods are diverse, exciting, safe, well maintained, and supportive of families and young people. Vibrant neighborhoods are fundamental to the health and vitality of the City and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.”* (page ii)

Discussion: The Capitol Hill Master Plan (2001) specifically addresses residential development in the area, and calls for compatible residential infill development in appropriate locations. Planning Staff finds that the applicant has designed a project that is sensitive to existing residential development, and further is compatible with the immediate surrounding neighborhood. The proposal is therefore consistent with the overall residential policy for residential development outlined in the Capitol Hill Master Plan (2001). Further, the Plan also includes a discussion of the Marmalade Neighborhood in which the subject property is located. The attributes discussed in terms of existing residential development such as steep narrow streets, irregular shaped lots with a variety of architectural structures, building orientation to the lot rather than the street, and structures built close to property lines, resulting in a very densely populated area, are largely characteristic of the proposed development.

The Salt Lake City Housing Plan (2000) provides several City Council policy statements that support the proposed development. These policies relate to creating a variety of housing options to preserve or increase the City’s housing stock, while remaining sensitive to architectural design such that the housing is compatible with the surrounding neighborhood. Because this project is located within a Historic Preservation Overlay District, the Historic Landmark Commission will have final decision making authority regarding the architectural composure of the proposed residences.

The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998), focuses on neighborhoods that are diverse, exciting, safe, and well maintained, realizing that vibrant neighborhoods are fundamental to the health and vitality of the City and its citizens.

Findings: The Capitol Hill Master Plan (2001), the Salt Lake City Housing Plan (2000), and the Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998), all include policies that support residential development in the proposed area. In addition, the proposed site layout is consistent with historic development patterns in the area. Therefore, the proposed residential development is in harmony and compatible with the planning goals and objectives of the City; implementing applicable City Master Plans.

ZONING DISCUSSION:

The project must conform with the base yard and bulk requirements of the SR-1A zone, which includes minimum lot area and lot width, maximum building height, minimum yard requirements and maximum building coverage, maximum lot size, and standards for attached garages. The Planning Commission approved this proposal in terms of minimum lot area and lot width, minimum yard requirements, maximum building coverage, and maximum lot size. The Historic Landmark Commission is tasked with the decisions regarding attached garages and maximum building height.

Section 21A.24.080(H) of the Zoning Ordinance addresses standards for attached garages, specifically the width of an attached garage, and reads, *“The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front façade of the house.”* All proposed units have garages that exceed this width limit. The Historic Landmark Commission has the authority to modify this criteria if it is deemed appropriate given the context of the development in the historic district, and finding that the given design is consistent with Historic Landmark regulations and guidelines. It should be noted that the proposed garages will

face the new street (extension of Darwin Street) which is the internal street proposed for the project. During the April 5, 2006, "Issues Only" hearing before the Historic Landmark Commission, the overall sentiment regarding this issue was that the garages will face internally toward Darwin Street, and therefore the impact will be on those property owners who would own property in this development and not other adjacent landowners. The garage issue was not specifically noted in the Historic Landmark Commission's denial of the project.

Section 21A.24.080(D)(1)(b) of the Zoning Ordinance addresses maximum building height standards in the SR-1A Zone and states that the maximum height is twenty-three feet (23') measured to the ridge of the roof, or the average height of other principal buildings on the block face. Section 21A.24.080(D)(6)(b) goes on to state that requests for additional building height for properties located in an Historic Preservation Overlay District shall be reviewed by the Historic Landmark Commission which may grant such requests subject to the provisions of Section 21A.34.020.

Following the denial of the original proposal by the Historic Landmark Commission on May 17, 2006, the petitioner met with the Planning Commission in an "Issues Only" hearing on August 9, 2006. To address the "compatibility" issues surrounding the proposal, the Planning Commission recommended that the petitioner study the existing neighborhood and design the project based on compatibility of lot size, lot coverage, setbacks, and building height. The petitioner collected data in the surrounding neighborhood to compile a comparison study. Attached is the map of the study area (Exhibit F).

To briefly describe the data collected, the sample gathered includes 70 parcels as shown in study area. Of these parcels, seventeen (17) are vacant and were therefore excluded from the study. Of the remaining 53 parcels, the petitioner drew further distinction between these parcels based on their size; parcels of less than and equal to .25 acres (10,890 square feet) and those that are greater than .25 acres. The petitioner asserts that parcels of less than or equal to .25 acres in size are most similar to the lot sizes proposed in the new development. Of the 53 parcels in the study area that are developed (are not vacant), 44 of these parcels fall into the range of .25 acres in size or less.

In the original proposal seen by the Historic Landmark Commission on April 5, 2006, the applicant was requesting building heights that exceeded the twenty-three foot (23') building height limit allowed in the SR-1A Zone. Proposed maximum building heights for the units ranged from twenty-eight feet (28') to greater than thirty-two feet (32'), based on a measurement of the building foundation at grade to the highest point on the structures. The concern for building height is/was most sensitive for those structures that front on West Capitol Street. As a result of the discussion, the applicant redesigned units along West Capitol Street to remain sensitive to the height issue prior to the hearing before the Historic Landmark Commission on May 17, 2006, when the original proposal was denied. The following table is a summary of the unit styles and heights as they were originally designed and presented to the Historic Landmark Commission on May 17, 2006, and the styles and heights proposed currently:

Previous Proposal				Revised Proposal			
Unit #	Ref #	Highest Ridge Elevation	Averages	Unit #	Ref #	Highest Ridge Elevation	Averages
1	B	28' - 6" - 342"	W Capitol	1	1-B1	29' - 0" - 348"	W Capitol
2	B	28' - 6" - 342"	30.6'	2	2-B2	28' - 0" - 336"	28.0'
3	B	28' - 6" - 342"		3	3-B3	28' - 0" - 336"	
4	B	28' - 6" - 342"		4	4-D2	26' - 3" - 315"	
5	D	32' - 3" - 387"		5	5-D2	26' - 3" - 315"	
6	D	32' - 3" - 387"		6	6-D3	30' - 5" - 365"	
7	D	32' - 3" - 387"		7	7-D4	30' - 5" - 365"	Center
8	D	32' - 3" - 387"		8	8-D4	30' - 5" - 365"	Darwin Top
9	D	32' - 3" - 387"		9	9-B4	28' - 0" - 336"	28.8'
10	A	31' - 6" - 378"		Darwin	10	10-B3	28' - 0" - 336"
11	A	31' - 6" - 378"	30.8'	11	11-C2	24' - 8" - 296"	Darwin Int.
12	A	31' - 6" - 378"		12	12-A2	29' - 2" - 350"	27.3'
13	B	28' - 6" - 342"		13	13-A1	29' - 3" - 351"	
14	B	28' - 6" - 342"		14	14-A1	29' - 3" - 351"	
15	C	31' - 0" - 372"		15	15-A2	29' - 2" - 350"	
16	C	31' - 0" - 372"		16	16-C2	24' - 8" - 296"	
17	C	31' - 0" - 372"		17	17-C1	24' - 7" - 295"	
18	C	31' - 0" - 372"					
19	D	32' - 3" - 387"					
						Denotes latest change in unit mix	
						Denotes heights facing W. Capitol	
						Denotes existing neighborhood data	
Overall Project Average		30.7'	30.7'	Overall Project Average		28.0'	28.0'
Block Face W Cap Average		26.4'	27.3'	Block Face W Cap Average		26.4'	27.3'
Block Face Darwin Average		31.3'	28.1'	Block Face Darwin Average		31.3'	28.1'
Average Facing W. Capitol		30.6'	30.6'	Average Facing W. Capitol		28.0'	28.0'
Lots <= .25 ac				Lots <= .25 ac			

There are several figures in this table of particular significance. First, it is important to note that the overall project average building height was originally thirty feet eight inches (30' 8") and is currently designed for twenty-eight feet (28'); an overall decrease in building height average of two feet eight inches (2' 8"). The petitioner has decreased overall building height, while maintaining the economic feasibility of the project. Second, the average height of the homes along West Capitol Street is twenty-seven feet four inches (27' 4") when comparing lots of similar size that are less than or equal to .25 acres (10,890 square feet) to the proposed project. The proposed development's average height of the six homes directly facing West Capitol Street is twenty-eight feet (28'). This is a difference of eight inches (8") between the existing home and the proposed homes. In other words, when comparing homes on similar sized parcels along the sensitive West Capitol Street frontage, the petitioner's overall building height average exceeds those along this section of street front by approximately eight inches (8"). This is the crux of the Historic Landmark Commission decision relating to height and compatibility.

Since the time of the approval of the preliminary plat by the Planning Commission on June 27 & October 10, 2007, the petitioner has amended the unit style on Lot 4. The Planning Commission approved a B4 unit on this Lot. Subsequently, in preparation for the Historic Landmark Commission, a D1 unit was substituted on Lot 4. The petitioner and architect stated that this was done because of the placement of the stairwell and a resulting shift to the south in Lot 4. This shift resulted in grade issues that precluded a B4 unit being built on Lot 4.

The proposed height of the D1 unit was thirty-three feet three inches (33' 3"). Planning Staff noted that this building height appeared to be incompatible with surrounding building heights and requested that the petitioner reconsider this particular unit. The petitioner's response to this request was to substitute a D2 unit on Lot 4. The height of a D2 unit is twenty-six feet three inches (26' 3") as opposed to the thirty-three feet three inches

(33'3") of a D1 unit. The change of the D1 unit to a D2 unit on Lot 4 means that there will be two D2 units side-by-side south of the proposed stairway. This results in less of a "variety" in unit appearance along this portion of West Capitol Street, but the overall building heights are compatible with the proposed and surrounding units. By substituting the D2 unit for a D1 unit, the building height on Lot 4 decreases by seven feet (7'), and the overall building height for the homes on this section of West Capitol Street decreases from twenty-nine feet two inches (29'2") to twenty-eight feet (28') as reflected in the table above.

Another alternative for consideration is to switch the D1 unit on Lot 4 with the D2 unit on Lot 5. The building envelope on Lot 5 is set back approximately fifteen feet (15') further from West Capitol Street than the building envelope on Lot 4. This increased setback will create the perception that the height on the D1 unit is actually less, as it would be set back further from the street. By switching these two units, the "variety" in the street frontage will remain, however the higher building height average will also remain at twenty-nine feet two inches (29'2").

In summary, Planning Staff is requesting that the Historic Landmark Commission make the decision in this instance regarding proposed building heights on Lot 4, and perhaps Lot 5, based on the above referenced three alternatives. The first alternative is to leave the D1 unit (33'3") on Lot 4. This alternative results in a unit on West Capitol Street that is significantly taller than surrounding units, both existing and proposed. The second alternative is to construct a D2 unit (26'3") on Lot 4. This alternative results in a unit that is more compatible in terms of building height, but decreases the variety or unit mix along this stretch of West Capitol Street. The third alternative is to place the D1 unit on Lot 5 and the D2 unit on Lot 4. This results in variety and unit mix, but does not lower the overall building height average on the new block face.

From an historic preservation perspective, Planning Staff recommends the second alternative; to construct a D2 unit (26'3") on Lot 4. This alternative results in a unit that is more compatible in terms of building height, but decreases the variety or unit mix along this stretch of West Capitol Street. There are numerous examples of homes in this Historic District, and even more specifically along West Capitol Street south of Clinton Avenue, of homes with similar or identical form. In other words, two houses side-by-side of the same architecture, form, scale, or mass is not unusual in this District. Planning Staff contends that the building height is a more sensitive issue along this stretch of West Capitol Street and maintaining a D2 unit on Lot 4 could potentially reduce the building height on this Lot by seven feet (7').

Further in terms of height, Planning Staff notes that the existing residences on the west side of West Capitol Street are typically multistoried with one story in height along the street front and additional floors down the hillside. Several are located below the elevation of the existing street. The proposed residences built on the east side of West Capitol Street will be built above the street level. This pattern is consistent with the existing pattern of homes along West Capitol Street to the south of the project site: houses along the east side of the street are higher in elevation than those homes on the west side due to the steep topography in the area. Planning Staff also notes that there are several retaining walls on properties that are on the east side of West Capitol Street. The retaining wall proposed as part of this project is not out of character on West Capitol Street as this feature is quite common up and down the street, and further is common throughout the Capitol Hill Historic District.

STAFF ANALYSIS AND FINDINGS:

Historic Preservation Overlay Zoning Ordinance and Design Guidelines

Zoning Ordinance:

21A.34.020 H Historic Preservation Overlay District:

H. Standards for Certificate of Appropriateness Involving New Construction or Alteration of a Noncontributing Structure. In considering an application for a Certificate of Appropriateness involving new construction, or alterations of noncontributing structures, the Historic Landmark Commission, or Planning Director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the Historic Landmark Commission and City Council and is in the best interest of the City.

1. Scale and Form.

a. Height and Width. The proposed height and width shall be visually compatible with surrounding structures and streetscape;

b. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;

c. Roof Shape. The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and

d. Scale of a Structure. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

Applicable Design Guidelines:

Mass and Scale

11.4 Construct a new building to reinforce a sense of human scale.

A new building may convey a sense of human scale by employing techniques such as these:

- Using building materials that are of traditional dimensions.
- Providing a one-story porch that is similar to that seen traditionally.
- Using a building mass that is similar in size to those seen traditionally.
- Using a solid-to-void that is similar to that seen traditionally and using window openings that are similar in size to those seen traditionally.

11.5 Construct a new building to appear similar in scale to the scale that is established in the block.

Subdivide larger masses into smaller “modules” that are similar in size to buildings seen traditionally.

11.6 Design a front elevation to be similar in scale to those seen traditionally in the block.

The front shall include a one-story element, such as a porch. The primary plane of the front should not appear taller than those of typical historic structures in the block. A single wall plane should not exceed the typical maximum facade width in the district.

Height

11.7 Build to heights that appear similar to those found historically in the district.

This is an important standard which should be met in all projects.

11.8 The back side of a building may be taller than the established norm if the change in scale will not be perceived from public ways.

Width

11.9 Design a new building to appear similar in width to that of nearby historic buildings.

If a building would be wider overall than structures seen historically, the facade should be divided into subordinate planes that are similar in width to those of the context.

Building form standards

11.11 Use building forms that are similar to those seen traditionally on the block.

Simple rectangular solids are typically appropriate.

11.12 Use roof forms that are similar to those seen traditionally in the block.

Visually, the roof is the single most important element in an overall building form. Gable and hip roofs are appropriate for primary roof forms in most residential areas. Shed roofs are appropriate for some additions. Roof pitches should be 6:12 or greater. Flat roofs should be used only in areas where it is appropriate to the context. They are appropriate for multiple apartment buildings, duplexes, and fourplexes. In commercial areas, a wider variety of roof forms may occur.

Capitol Hill Historic District Architectural Standards

Building form

13.18 Design a new building to be similar in scale to those seen historically in the neighborhood.

In the Marmalade sub-district, homes tended to be more modest, with heights ranging from one to two stories, while throughout Arsenal Hill larger, grander homes reached two-and-half to three stories. Front facades should appear similar in height to those seen historically on the block.

13.19 Design a new building with a primary form that is similar to those seen historically.

In most cases, the primary form for the house was a single rectangular volume. In some styles, smaller, subordinate masses were then attached to this primary form. New buildings should continue this tradition.

DISCUSSION: Nearby buildings in this area are residential structures. Generally, the buildings in the vicinity of the subject property are characterized by a mix of styles, forms, and materials, and vary from single-family houses to multi-family structures (duplexes to apartments). In addition, the styles range from contemporary to traditional.

The eastern boundary of the project is bordered by Victory Road, a State Highway. The western boundary of the project fronts on West Capitol Street. There is a mix of homes along this stretch of roadway; older homes and modern construction. In short, it is difficult to relate the proposed development to any particular development pattern in this area other than the fact that all of the development is residential. There is no one particular residential style or pattern that sets a tone or precedent for new construction.

In terms of the proportion of principal facades and roof shapes, there is such a wide variety of housing types in the vicinity, with no one particular style, type, design predominating, the proposed structures will be in scale with or compatible with surrounding structures. The proportion of the principal facades of the proposed homes and the roof structures will not be out of character in this neighborhood.

One of the main issues with this project is building height, and the subsequent impact the height of the proposed homes may have on existing structures that front West Capitol Street. The developer has redesigned the project to address this issue. It is the Historic Landmark Commission's duty to determine if the proposed building heights are appropriate for the Historic District.

FINDINGS: Due to the wide variety of styles, forms, and materials of the existing residential structures in the vicinity of this proposed project, the proposed development is compatible with surrounding development in terms of scale, mass, and form (height, width, size, and roof shape).

Zoning Ordinance:

2. Composition of Principal Facades.

- a. Proportion of Openings. The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;*
- b. Rhythm of Solids to Voids in Facades. The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;*
- c. Rhythm of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and*
- d. Relationship of Materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.*

Applicable Design Guidelines:

Solid-to-void ratio

11.10 Use a ratio of wall-to-window (solid to void) that is similar to that found on historic structures in the district.

Large surfaces of glass are inappropriate in residential structures. Divide large glass surfaces into smaller windows.

Proportion of building facade elements

11.13 Design overall facade proportions to be similar to those of historic buildings in the neighborhood.

The “overall proportion” is the ratio of the width to height of the building, especially the front facade. See the discussions of individual districts and of typical historic building styles for more details about facade proportions.

Rhythm and spacing

11.14 Keep the proportions of window and door openings similar to those of historic buildings in the area.

This is an important design standard because these details strongly influence the compatibility of a building within its context. Large expanses of glass, either vertical or horizontal, are generally inappropriate on new buildings in the historic districts.

Materials

11.15 Use building materials that contribute to the traditional sense of scale of the block.

This will reinforce the sense of visual continuity in the district.

11.16 New materials that are similar in character to traditional materials may be acceptable with appropriate detailing.

Alternative materials should appear similar in scale, proportion, texture and finish to those used historically. They also must have a proven durability in similar locations in this climate. Metal products are allowed for soffits and eaves only.

13.20 Use building materials that are similar to those used historically.

Appropriate primary building materials include brick, stucco and painted wood.

Architectural Character

11.17 Use building components that are similar in size and shape to those found historically along the street.

These include windows, doors, and porches.

11.18 If they are to be used, design ornamental elements, such as brackets and porches to be in scale with similar historic features.

Thin, fake brackets and strap work applied to the surface of a building are inappropriate uses of these traditional details.

11.19 Contemporary interpretations of traditional details are encouraged.

New designs for window moldings and door surrounds, for example, can provide visual interest while helping to convey the fact that the building is new. Contemporary details for porch railings and columns are other examples. New soffit details and dormer designs also could be used to create interest while expressing a new, compatible style.

11.20 The imitation of older historic styles is discouraged.

One should not replicate historic styles, because this blurs the distinction between old and new buildings, as well as making it more difficult to visually interpret the architectural evolution of the district. Interpretations of historic styles may be considered if they are subtly distinguishable as new.

Windows

11.21 Windows with vertical emphasis are encouraged.

A general rule is that the height of the window should be twice the dimension of the width in most residential contexts. See also the discussions of the character of the relevant historic district and architectural styles.

11.22 Frame windows and doors in materials that appear similar in scale, proportion and character to those used traditionally in the neighborhood.

Double-hung windows with traditional depth and trim are preferred in most districts. (See also the rehabilitation section on windows as well as the discussions of specific historic districts and relevant architectural styles.)

11.23 Windows shall be simple in shape.

Odd window shapes such as octagons, circles, diamonds, etc. are discouraged.

DISCUSSION: In general, a discussion of the compatibility of the composition of the principal facades of the proposed homes is difficult due to the fact that the existing residences on West Capitol Street are so varied. Again, there is no one particular housing style, type, or design predominating.

From the submitted elevation drawings (Exhibit G), it appears that the proposed homes are visually compatible with the surrounding structures and streetscape in terms of Proportion of Openings, Rhythm of Solids to Voids in Facades, Rhythm of Entrance Porch and Other Projections. While it is evident that the configuration and design of the units varies, the materials proposed for construction of each different unit is comprised of a mixture of like materials. It is proposed that all of the homes will have a combination of the following materials:

- Siding: Smooth Lap – Hardiplank
 Staggered Edge Shingle – Hardishingle
 Painted flat cementitious panels
 Painted engineered wood trim
 Stone veneer
 Brick veneer
 Cultured stone
 Stucco
- Windows: Vinyl clad material resembling wood – single or double hung as well as some divided light windows.
- Doors: Entry doors - Fiberglass paneled doors to resemble wood. All the main entry doors have divided light windows at the top of the doors.
- Railings: Pre-finished metal or painted engineered/wood trim railing
- Roof
 Shingles: Low profile architectural shingles
- Exterior
 Lighting
 Fixtures: Unspecified

The proposed windows are appropriate, however Planning Staff does note divided light windows need to be true divided light or the dividing muntin needs to be on the exterior of the window.

The garage doors proposed for this development do not meet the standard for garage width as outlined in Zoning Ordinance Section 21A.24.080H – Standards for Attached Garages. The section reads, *The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front façade of the house.*” In this particular case, all of the garages will face the extension of Darwin Street. The primary intent of this section is to mitigate the impact that a garage may have on the streetscape of an existing residential neighborhood. Because this project will be developed all at once, and the fact that the impact of the proposed garages would only be on the proposed new structures, Planning Staff contends that a relaxation of this standard is warranted. The Historic Landmark Commission has the discretion to make a decision regarding the proposed garages in terms of this standard. This decision can be made under the premise of appropriate and compatible design for the Historic District. Planning Staff does note that all of the garages shown in the attached elevations are a simulated carriage house design. This design does tend to visually “break up” the width of the garages.

The use of sandstone is unusual for Capitol Hill, probably because this has always been a more expensive material than brick, stucco or wood. The Commission has allowed stone veneers on houses recently constructed in the District. Although unusual, Staff does not take issue with the use of stone, as it will be laid in a coursed rubble pattern (stones to be irregular in size and shape, but laid in roughly horizontal courses). Sizes and samples of the stone have not been provided to staff as of this writing, but the Commission should require that the size of the stones will be of a module that is consistent with the masonry patterns seen in the district.

Should the proposed project progress, and as the applicant begins to finalize building materials, Planning Staff suggests that the decision of appropriate materials be delegated by the Historic Landmark Commission to Staff for administrative consideration and approval. Any major deviation from the current proposal in terms of building materials would be deferred to the Historic Landmark Commission for consideration.

FINDINGS: The proposed residential structures are consistent with the Zoning Ordinance and the applicable Design Guidelines given the context of the proposal in the surrounding neighborhood. Specifically, the proportion of openings, rhythm of solids to voids in facades, rhythm of entrance porches and other projections, as well as materials are compatible with surrounding structures and the streetscape. Further, the architectural character and building materials of the proposed structures are appropriate and compatible with surrounding residential development. Regarding the proposed garages, the widths are compatible due to the internal configuration of this element to the new street extension and the impact they would have on the existing neighborhood.

Zoning Ordinance:

3. Relationship to Street.

a. Walls of Continuity. Facades and site structures, such as walls, fences and landscape masses shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;

b. Rhythm of Spacing and Structures on Streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;

c. Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and

d. Streetscape-Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

Applicable Design Guidelines:

Setback

13.15 Maintain the traditional setback and alignment of buildings to the street, as established by traditional street patterns.

Historically, the Marmalade District developed irregular setbacks and lot shapes. Many homes were built toward compass points, with the street running at diagonals. This positioning, mixed with variations in slope, caused rows of staggered houses, each with limited views of the streetscape. Staggered setbacks are appropriate in this part of the district because of the historical development. Traditionally, smaller structures were located closer to the street, while larger ones tended to be set back further.

13.16 Keep the side yard setbacks of a new structure or an addition similar to those seen traditionally in the sub-district or block.

Follow the traditional building pattern in order to continue the historic character of the street. Consider the visual impact of new construction and additions on neighbors along side yards. In response, consider varying the setback and height of the structure along the side yard.

13.17 Orient the front of a primary structure to the street.

Define the entry with a porch or portico.

Landscaping

12.7 Maintain established native or acclimated plantings on site.

Established trees should be preserved on site when feasible. Protect established vegetation during construction to avoid damage. Replace damaged, aged or diseased trees. If street trees must be removed as part of a development, replace them with species of a large enough scale to have a visual impact in the early years of the project.

12.8 Incorporate indigenous plant materials in new landscape designs.

Drought-tolerant varieties that are in character with plantings used historically are preferred. The use of gravel and other inorganic surface materials in front yards is prohibited in the Salt Lake City Zoning Ordinance. A list of drought-tolerant plants is available from the Salt Lake City Planning Division.

12.9 The use of traditional site structures is encouraged.

Constructing retaining walls and fences that are similar in scale, texture and finish to those used historically is appropriate.

DISCUSSION: Planning Staff notes that the proposed houses along West Capitol Street will be arranged so that the wall of continuity and the rhythm of spacing of the structures will be visually consistent and therefore compatible with the streetscape. The proposed homes located between Darwin Street and West Capitol Street have two streets fronts and therefore, these homes should have an orientation to each street. The applicant has designed these homes to be sensitive to this issue, and has proposed a design that orients both facades of these homes in a manner that is interactive with the street and surrounding neighborhood.

The applicant is proposing to widen West Capitol Street (an unimproved street at this section of roadway). Curb and gutter will be provided which will render this portion of the street consistent with West Capitol Street to the south. The extension of Darwin Street with the connection into West Capitol Street is more of an historically sensitive street design than that of a cul-de-sac. This proposed extension will be consistent with the character of streets in the area.

FINDINGS: The proposed structures meet the standards of the Zoning Ordinance in terms of directional expression of the principal elevations, the rhythm of spacing and structures on the street, and the walls of continuity. The proposed siting of the structures is consistent with the Design Guidelines as they are oriented to the streets (Darwin and/or West Capitol).

Zoning Ordinance:

4. Subdivision of Lots. The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

DISCUSSION: The Planning Commission reviewed and approved the proposed subdivision at its June 27, 2007, hearing and again re-confirmed this decision in a public hearing on October 10, 2007. As noted previously, the subdivision that the Historic Landmark Commission originally reviewed in the public hearing was that of a nineteen (19) unit single-family development. The subdivision approved by the Planning

Commission was for seventeen (17) single-family units, with the reduction in units occurring along West Capitol Street. The Historic Landmark Commission has had two opportunities in past public hearings (April 5, 2006 & May 17, 2006) to review and comment on the proposed subdivision in terms of compatibility with the historic character of the district, however no discussion of subdivision layout has ensued. It has been assumed that the subdivision layout is compatible with the Historic District, as it is comprised of lots that are irregular in shape and size just as the existing lots are configured in the surrounding neighborhood, and the roadway is a through street that is consistent with the Historic District.

FINDING: The subdivision approved by the Planning Commission is compatible with the historic character of the surrounding District.

Exhibits:

Exhibit A – HLC Minutes – April 5, 2006

Exhibit B – HLC Minutes – May 17, 2006

Exhibit C – Approved Preliminary Plat

Exhibit D – Capitol Hill Community Council Letter (February 26, 2007)

Exhibit E – Public Comments

Exhibit F – Map of Neighborhood Study Area

Exhibit G – Elevations