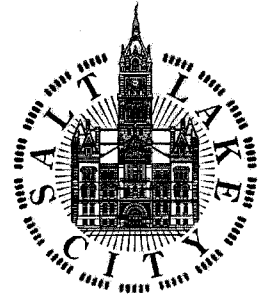


HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning and Zoning Division
Department of Community and
Economic Development

LANDSCAPE ORDINANCE, Text Amendment & PLNPCM2008-00938 City-wide April 1, 2009

Applicant: Salt Lake City
Planning Commission

Staff: Robin Zeigler, 535-7758,
robin.zeigler@slcgov.com

Notification

- Notice mailed on March 17, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites March 17, 2009

Attachments:

- A. Draft Ordinance
- B. Department Comments
- C. Public Comments
- D. Memo

Request

A request by the Planning Commission to consider an amendment to section 21A.34.020 of the zoning ordinance. The amendment would include a definition of historic landscapes (not yards of historic buildings), clarification that existing standards may be applied to landscapes as well as buildings and two new standards for historic landscapes.

Recommendation is based on the analysis and findings presented in the staff report. Staff recommends that the Historic Landmark Commission forward a positive recommendation to the Planning Commission and City Council to amend the historic landscape definition and standards in 21.34.020.

Potential Motions

Approval

I move to forward a positive recommendation to approve Petition PLNPCM2008-00938 to amend section 21A.34.020 of the zoning ordinance as proposed by Planning Staff.

Denial

I move to deny recommendation of the text amendment to the Planning Commission and City Council based on ...

Table

I move to table recommendation of the text amendment to the Planning Commission and request additional information and/or research including...

Background

Project Description

In making decisions, the Historic Landmark Commission uses Section 21A.34.020 of the zoning ordinance and “Design Guidelines for Residential Districts”. Both of these documents assume that historic sites are buildings; however, our historic sites are more than just buildings. They include landscapes such as parks, cemeteries, and natural and built features such as bridges and public sculpture. In addition, these two documents consider landscapes in terms of how they relate to buildings, such as yards and streetscapes, rather than considering them as an historic site on their own.

Because the majority of locally designated landmark sites and historic districts are residential, the ordinance and design guidelines were created to assist with decision making for residential properties. However, recognizing that historic sites are more than just buildings, the Planning Division appreciates the need for additional design guidelines which will provide the Historic Landmark Commission with guidance for making design review decisions for commercial properties, multi-family properties and historic landscapes.

This text change will acknowledge historic landscapes by providing a definition, clarifying that existing standards may be used for landscapes as well as buildings, and by providing two additional standards.

1. The text amendment proposes adding “historic site” wherever the ordinance states “building”.
2. The definition proposed is a nationally accepted one.
Historic Landscapes—A cultural landscape associated with events, persons, design styles, or ways of life that are significant in national or local history, landscape architecture, archaeology, engineering and culture.
3. Two new standards are added to section 21A.34.020 (H), which are:
 5. *Historic Landscapes*
 - a. *New construction shall not significantly alter defining natural or man-made features or pose a hazard to the health or historic integrity of the surrounding features.*
 - b. *A landscape shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the site and environment.*

Current locally designated landscapes include Liberty Park, Memory Grove, Pioneer Park, Washington Square and parks, medians and park strips within historic districts. Historic landscapes should not be confused with yards associated with historic buildings. Yards of residential properties are considered a supporting feature of a residential building and are already stewarded through the existing ordinance and design guidelines.

This text amendment is the first step of a three-pronged approach to meet the needs of the public and the Historic Landmark Commission. Please see Attachment D for more information.

Summary of Proposed Code Changes

This text change will acknowledge historic landscapes by providing a definition, clarifying that existing standards may be used for landscapes as well as buildings, and by providing two additional standards. Exhibit A – Proposed Ordinance Amendments includes a more detailed report on the specific code changes.

1. Section 21A.34.020 (B)

Section H of Chapter 21A.34.020 provides definitions. It is recommended that a definition of “historic landscapes” be added to the list of definitions. A nationally recognized definition of historic landscapes is: *a cultural landscape associated with events, person, design styles, or ways of life that are significant in American history, landscape architecture, archaeology, engineering and culture.*

2. Section 21A.34.020 (C-F)

Sections C through F deal with the criteria for selecting a Landmark site or district, adjustment of boundaries, what is required for the issuance of Certificate of Appropriateness, and issuance of a Certificate of Appropriateness. Since these sections do not deal with standards for review, there are no recommended changes and they are not listed in the attached draft, Attachment A.

3. Section 21A.34.020 (G)

Section G provides standards for alterations to a Landmark Site or a Contributing Structure. Staff finds that this section, as is, works equally well for landscapes and buildings and so does not recommend any changes.

4. Section 21A.34.020 (H)

Section H provides standards for a Certificate Of Appropriateness involving new construction or alteration of a non-contributing structure. For clarity, it is recommended that “landscape” be added in addition to “building” in this section.

A fifth standard is recommended that requires that new construction not “significantly alter defining natural or man-made features or pose a hazard to the health or historic integrity of the surrounding features” and that a “landscape shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the site and environment.”

Comments

Public Comments

An Open House was held on February 19, 2009 in the City and County Building and the draft ordinance has been available online since just before the Open House. At least seven people attended. Public comments are both in support of and not in support of the ordinance change. Please see Attachment C.

Department Comments

Only one department commented and they had no issue with the amendment. Please see Attachment B

Analysis and Findings

21A.50.050 Standards for general amendments. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;

Analysis: The community master plans land use policies generally state that historic structures and neighborhoods should be preserved. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plans of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance. The proposed amendment will help ensure compatibility with the adopted master plans of the City.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;

Analysis: The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties.

C. The extent to which the proposed amendment will adversely affect adjacent properties;

Analysis: The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and

Analysis: The proposed text amendment does not specifically relate, nor impact provisions of any other adopted overlay zone. The proposed text amendment is consistent with the provisions of all applicable overlay zoning districts that may impose additional standards, except for the H Historic Preservation Overlay district. The proposed amendments to this Overlay District are intended to clarify the standards.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

Analysis: The proposed ordinance changes do not relate to provisions governing public facilities and services.

Options

Deny. The HLC may recommend denial of this text amendment. If the Historic Landmark Commission chooses to recommend denial of this petition, the Planning Division will explore, in consultation with the Historic Landmark Commission, other means of providing guidance for design review decisions relating to historic landscapes.

Approve. The HLC may recommend approval of this text amendment to the Planning Commission and City Council. If the Historic Landmark Commission forwards a favorable recommendation, the text amendment will be presented to the Planning Commission who will forward recommendation to the City Council.

Table Decision. The HLC may table acting on this amendment and request additional information or research.

Findings

21A.50.050 Standards for general amendments. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;
- C. The extent to which the proposed amendment will adversely affect adjacent properties;
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and
- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

Findings: Based on the analysis provided, staff finds that the text amendment meets all applicable standards of Section 21A.50.050 of the zoning ordinance.

ATTACHMENT A
Draft Ordinance

Draft Ordinance

21A.34.020 H Historic Preservation Overlay District:

B. Definitions:

1. H Historic Preservation Overlay District: A geographically or thematically definable area which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art, or a combination thereof, that contributes to the historic preservation goals of Salt Lake City.
2. Contributing Structure: A contributing structure is a structure or site within an H historic preservation overlay district that meets the criteria outlined in subsection C2 of this section and is of moderate importance to the city, state, region or nation because it imparts artistic, historic or cultural values. A contributing structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.
3. Noncontributing Structure: A noncontributing structure is a structure within an H historic preservation overlay district that does not meet the criteria listed in subsection C2 of this section. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing structures also include those which are less than fifty (50) years old.
4. Landmark Site: A landmark site is any site included on the Salt Lake City register of cultural resources that meets the criteria outlined in subsection C2 of this section. Such sites are of exceptional importance to the city, state, region or nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.

Historic Landscapes—A cultural landscape associated with events, persons, design styles, or ways of life that are significant in national or local history, landscape architecture, archaeology, engineering and culture.

Note: Standards for decision making are in sections G and H. Sections G work as-is for landscapes or buildings. The following recommendations are made for Section H.

G. Standards For Certificate Of Appropriateness For Alteration Of A Landmark Site Or Contributing Structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;

4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;
9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;
10. Certain building materials are prohibited including the following:
 - a. Vinyl or aluminum cladding when applied directly to an original or historic material, and
 - b. Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;
11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in part IV, chapter 21A.46 of this title;
12. Additional design standards adopted by the historic landmark commission and city council.

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 and/or historic site 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 and/or historic site;

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 and/or historic site;

c. **Roof Shape:** The roof shape of a structure shall be visually compatible with the surrounding structures, and streetscape and/or historic site; 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 and/or historic site.

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.

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.

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).

5. Historic Landscapes:

- a. New construction shall not significantly alter defining natural or man-made features or pose a hazard to the health or historic integrity of the surrounding features.
- b. A landscape shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the site and environment.

ATTACHMENT B
Department Comments

Building Services & Licensing Division, 1/15/09, emailed

The Building Services & Licensing Division has no issues related to the proposed text amendment, recognizing, preserving and protecting culturally significant and historic landscapes.

ATTACHMENT C
Public Comments

Melissa, Barbanell, 2/17/09, email

I am attaching my comments on the proposed changes to the 21A.34.020 H (H). Unfortunately, I can't get into the document to edit it before sending to you so it looks generic. Please include this e-mail as a cover page to the concerns about the ordinance change.

My comments regarding this ordinance are expressed in the attached memorandum. I request that you not proceed in efforts to change the ordinance the way it is here. The proposed changes do not resolve the problem with new construction in landmark site parks. In fact, I believe that they will exacerbate the problems because as written, the ordinance would permit very large structures to be built in parks because it will permit the comparison of the structures to the parks as a whole. As per my conversation with Frank Gray and Wilf Summerkorn last week, I would recommend that this ordinance not be changed until the park plan that is being developed for Liberty Park be completed. It is clear that more specific standards for Liberty Park would be better suited to protect the park. As Frank and I agreed, it is preferable that this done right rather than done quickly.

Liberty Park and the City's other historic parks need to be evaluated thoroughly before more construction is allowed under a new ordinance. The existing ordinance has served well enough for years and most of the projects currently being considered for Liberty Park will meet the elements of the current ordinance.

Please ensure that if this proposed ordinance goes to the Historic Landmark Commission, that these comments are included in the packet.

Attachment:

Concerns over Proposed Language Change to 21A.34.020H (H)

Proposed Language Change will allow new construction within the City's Landmark Site Parks to be Compared to Park as a Whole:

The proposed changes to 21A.34.020H(H) would allow the Historic Landmark Commission or Planning Director to evaluate new construction of principal structures in landmark sites which are also "historic landscapes" by comparing the proposed building to the "historic site" as a whole or surrounding structures or streetscapes rather than what is currently required: a comparison of the proposed building to surrounding structures and streetscapes. The proposed new language will significantly weaken protection for Salt Lake City's historic parks.

The analysis that this language change will allow was expressly disallowed by Judge Fuchs in a case that came before him addressing the construction of a tennis bubble in Liberty Park. In that case, the judge found that the bubble had to be compared to its immediate environment and could not be compared to the park as a whole. By requiring this type of analysis, as required by the current statute, the Court ensured that a new building which dwarfs other buildings located in the same area – that would be seen together – would not be allowed. The proposed language would allow a comparison of a 35,000 square foot building to a 110-acre park. Of course,

under the new language, this would be permissible. Additionally, the new language could be used to permit a building covering 1 acre of land because it would be “able to be absorbed” (as the city has previously argued) by the 110 acre park.

In Petition PLNHLC2008-00774, the Staff suggested that all of the composition of principal facades and the relationship to street requirements were not relevant to a proposed new construction project in Tracy Aviary because it was in Liberty Park and because of the diversity of the structures in the park, these elements of the ordinance were not relevant. With regard to scale and form, the Staff Report recognized that the proposed structure was smaller than most other structures in the park, and specifically that its scale and form was smaller than the nearby buildings. However, the Staff did not analyze the new structure in terms of streetscape with regard to either scale and form requirements or the relationship to street requirement because structures in parks do not relate to streets but to the park as a whole. The Historic Landmark Commission rejected this analysis finding that the main pedestrian way in the park does qualify as a street and structures must be compared to it. The attempt to change the language of the scale and form requirements to allow a comparison to the park as a whole is consistent with the Staff’s attempts to say that structures in parks don’t need to be compared to the streetscape and with the argument that if a structure is small compared to the park as a whole, this is a acceptable.

The Proposed Language Would Make the Standard For New Construction in a Landmark Site Weaker than the Requirements for Alteration of a Landmark Site

The ordinance that limits what is allowed when making an alteration to a landmark site (21A.34.020H (G)) states that “a property shall . . . be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment.” The new language regarding new construction also states that landscapes shall be used for a purpose that requires minimal change to the defining characteristics of the site and environment. However, this language follows proposed new language which states that “new constructions shall not significantly alter defining . . . features” The new language means that when someone seeks to alter a park which is a landmark site, they must show that the alteration requires minimal change whereas when someone seeks to construct a new principal building, they simply “shall not significantly alter” the site’s defining features. It is illogical to allow a lesser standard for new construction than for alterations. Furthermore, the section addressing alterations states: “the historic character of a property shall be retained and preserved.” There is no such statement in the proposed new language about historic landscapes.

The New Language Is Unclear and Needs Further Definition

The proposed new language defines “historic landscapes” as “A cultural landscape associated with events, persons, design styles, or ways of life that are significant in national and local history, landscape architecture, archaeology, engineering and culture.” First, a “cultural landscape” is not defined. It is not clear that a park such as Liberty Park would fall within this category although my conversations with Planning Staff indicate that this is the intent. Furthermore, new language is inserted into the ordinance comparing the new construction to the “historic site.” “Historic site” is nowhere defined in the ordinance. It may be intended to mean a landmark site which is a historic landscape. However, this is not readily clear from the chosen language.

Salt Lake City Intended to Develop a Substantive Standard for New Construction in Historic Parks as Part of 3-pronged Approach – They Should Not Attempt to Enact this Legislation in a Piecemeal Fashion.

According to Pat Comarell, Assistant Planning Director of Salt Lake City, the City is seeking to ensure there things: (1) that landscape is included in the ordinance as a legal foundation of the HLC decisions regarding landscaping; (2) conduct an inventory of historic elements of Liberty Park, Pioneer Park, and Memory Grove to have more detailed descriptions and photographs for the HLC, and (3) hire a consultant to develop guidelines for each of these parks.

The proposed language change is explicitly not directed at landscaping decisions in Liberty Park. If it were, it would have been inserted into subsection (G) – for alterations of landmark sites rather than subsection (H) for new construction or significant alterations. Whenever the City has recommended landscaping changes to Liberty Park, they are considered under subsection (G), not (H). Subsection (H) is reserved for new construction of principal buildings or major alterations. The proposed language would provide a legal basis for the HLC to make determinations about whether new buildings can be absorbed by a landscape, an argument repeatedly tried and failed by the City during the tennis bubble litigation.

Conclusion

It is imperative that the City protect our historic parks. New ordinances which would allow any and all construction in our historic parks should be stopped. The City's obligation to protect and preserve would be diminished by this legislation. Our historic parks serve many purposes in our communities: they give us a place to resonate on the history of our City and state, to relax in open space, to walk, to play with our children, to walk our dogs, and to run and play sports with our friends. By allowing this ordinance change to pass, we will provide developers and the City to build potentially enormous buildings in our historic parks. This simply cannot be permitted.

Jim Jenkin, Greater Avenues Community Council, 2/17/2009, email

Can you elaborate on the purpose of this initiative?

Limiting landscaping to 1900 techniques in the Avenues would be unacceptable.

Much more useful would be a definition of "Historic Vistas" so that the City can't administratively permit a two story ranch house in from on a 1900's bungalow development simply because it's "non-contributing".

Comments from Open House, 2/19/2009, verbal

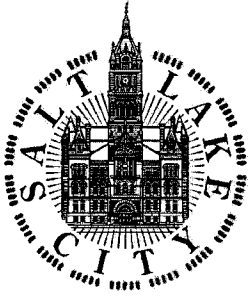
Open House language is unclear and does not distinguish between landscaping in private yards and historic landscapes.

Excited we are adding a definition of historic landscapes to the ordinance and taking such a broad view of historic landscapes with the three step approach.

Two people provided resources for park research.

ATTACHMENT D

Memo



Memorandum

Planning Division
Community & Economic Development Department

To: Wilford Sommerkorn, Planning Director

From: Robin Zeigler

Date: February 2, 2009

CC: Frank Gray, CED Director
Mary DeLaMare-Schaefer, Deputy CED Director
Pat Comarell, Assistant Planning Director

Re: Historic designated landscapes

Issue

The addition of a bubble over the tennis courts at Liberty Park raised the issue whether our design guidelines are sufficient to address the historical significance of our “historic parks,” i.e., Liberty Park, Pioneer Park, Memory Grove, Washington Square. The ordinance and design guidelines, used to make design review decisions for locally designated historic properties, provide more guidance for residential structures than historic landscapes. They also look at landscapes in terms of how they relate to buildings rather than considering them as an historic site on their own. The needs of the HLC, the City and the public would be better served with more complete tools for reviewing historic landscapes.

The Planning Division is proposing a three-pronged approach to answer the concern:

1. Amend the section of the Salt Lake City Zoning Ordinance which relates to historic preservation to insert “landscape” along with historic structures to ensure that parks and other landscapes are seen within the context that landscaping provides.
2. Conduct historic research and an inventory of Liberty Park, Pioneer Park, and Memory Grove beginning in August 2009 to identify the character-defining features, structures, and vistas as well as reviewing existing information about the parks. This

would be used to guide future change in a way that is appropriate for the historic elements and historic development of each park, until more formal guidelines are adopted as a part of a park master plan. (See step three). Inventories of Washington Square were previously completed.

3. Create master plans for each municipal landscape that is more than 1 acre in size. Master plans should include recognition of cultural resources and their management, where applicable. Components of a master plan that has cultural resources or is a cultural resource should include.

- History of the Site
- Contextual Statement
- Inventory of Site Features (natural and constructed) with notations as to which are historic and which are not
- Maps and photographs
- Recommendations for the preservation and maintenance of cultural resources within the park
- Potential financial resources

The reason for creating design guidelines within a master plan and not creating additional design guideline chapters for the historic design guidelines is because each park is unique in history, design and purpose and will need to be evaluated individually. In addition, decisions about changes in parks will be based on future plans for the site so it only makes sense to manage both components—future changes and design guidelines—concurrently.

Background

In looking at possible criteria for the historic park review, we asked several questions:

- How is “historic designed landscape” defined?
- What steps are generally included in a preservation plan for historic landscapes?
- How do we ensure character defining features of historic landscapes (parks) are protected?
- How do we use design criteria to preserve the sense of place of parks such as Pioneer Park where the historic elements have been removed?
- How do we determine what is historically significant and what is not?
- What are those features that make the park historic? Buildings, pathways, pond, bridges, line of certain type of trees, overall feel to it, vistas.

How is historic designed landscape defined?

The Secretary of the Interior defines historic designed landscape this way:

A landscape that was consciously designed or laid out by a landscape architect, master gardener, architect, or horticulturist according to design principals, or an amateur gardener working in a recognized style or tradition. The landscape may be associated with a significant person(s), trend, or event in landscape architecture; or illustrate an important development in the theory and practice of landscape architecture. Aesthetic values play a significant role in designed landscapes. Examples include parks, campuses, and estates. The park's association with broad pattern or its association with an important person or event may also contribute to the historic significance of the park.

What steps are generally included in a preservation plan for historic landscapes?

This approach has been developed by the National Park Service. There may be other approaches the Landmarks Commission wishes to explore.

- Historical research
- Inventory and documentation of existing conditions, including site analysis and evaluation of integrity and significance
- Development of a historic landscape approach and treatment plan, including a development strategy for ongoing maintenance (this may be important as HLC interfaces with the new Parks Commission)

Historical Research

It is essential this research is done before decisions are made about appropriate treatment. This research will help to identify the historic landscape's period(s) of significance and the characteristics and associations which make it historically significant. The research may also indicate the potential for historic archaeology, which could be taken into account if new construction is contemplated. This research informs determinations of significance and provides the foundation upon which the Landmarks Commission can make educated decisions.

Inventory and Documentation

This is the existing physical evidence in the landscape. The goal is to create a detailed record of the landscape and its built features as they currently exist. This may be recorded with photographs, site drawings, etc.

The historic research combined with the inventory and documentation will give the Landmarks Commission good basis to determine which landscape and built features are historically significant, which contribute to the historic character of the historic landscape, and which are non-contributing (has been altered to such an extent the important character defining features are no longer evident) or out-of-period (not within the period(s) of significance previously identified.)

Historic Landscape Treatments

It will be important to determine which type of treatment is desired for each park. The Secretary of the Interior has developed *Standards for the Treatment of Historic Properties* which identifies four primary treatments. These are:

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical and cultural values.

Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time and by means of the removal of features from the other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate with a restoration project.

Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. (This should be based on historic research, rather than conjecture.)

How do we ensure character defining features of historic landscapes (parks) are protected?

The historic research and inventory provide the underpinning needed to develop a historic context or statement of significance for each park. This in turn allows determinations to be made about the significance of each of the landscape and historic features in the park, e.g., do they help tell the story of the period(s) of significance which have been identified. Once these steps have been completed, the next decision is to select a treatment approach. Rehabilitation is the treatment currently used to make most other Landmark determinations. It is also the standard used for the state and federal tax credits. In this case, landscape and character defining features should be preserved whenever possible, when this is not possible the next option is to repair, and final consideration should be given to replacing in-kind missing features (e.g., trees, walkways, roofing material.). When new features are introduced into a historic

landscape they should be compatible with the historic landscape and be products of their own time (i.e., should not create a false sense of history.)

How do we use design criteria to preserve the sense of place of parks such as Pioneer Park where the historic features have been removed?

The historic research may identify more than one period of significance. The inventory may reveal that character defining features of one period no longer exist, but, perhaps they do for another period of significance having to do with the development of urban parks in SLC.

The next question is, are there any character defining features from this period? If the inventory does not identify any remaining character defining features from any of the historic periods, it may be the case that the important historic periods and features can be explained in markers on the site (as is being proposed for Trolley Square) and decisions about future proposed changes to the park are made based on current needs and desires, rather than on the impact to historic features, which no longer exist. Historic research may have revealed the potential for historic archaeology which may be considered if significant ground disturbance is anticipated.

Approach

Zoning Ordinance Amendment

The short term solution is to utilize existing tools until the inventories can be completed. To this end, the Planning Division is recommending minor changes to the standards of the ordinance. The current standards (especially for minor alterations) do apply to historic landscapes even though the standards might not state that specifically, but to those who do not work with preservation, they may not realize landscapes may be considered.

Therefore, it is recommended that "landscape" be added in addition to "building" and that a definition of historic landscapes be added to the ordinance. A nationally recognized definition of historic landscapes is: a cultural landscape associated with events, person, design styles, or ways of life that are significant in American history, landscape architecture, archaeology, engineering and culture. A draft of this proposed recommendation is attached.

Inventory of Historic Parks

The landscapes that are currently undergoing the most alterations are historic parks. Pioneer Park, Liberty Park, Washington Square, and Memory Grove are all Landmark Sites. Pioneer Park, for instance, has no structures. What elements could be added to the park in keeping with its history and the surrounding setting? What alterations to the park would be appropriate?

The survey would also provide information on the significant elements of a landscape. For instance, Liberty Park has many structures, some of which are significant to its history and should be preserved; however, some are not and could be removed or considerably altered without affecting the Park's history. For example, although the Rotary Play Park area is a valuable asset to the park, it is not historically significant and could be removed, if that were the desire of the community, without negatively affecting the historic character of Liberty Park as a whole.

The following parks have adopted master plans that are useful in decision making.

Park	Plan	Presented to HLC	Adopted by City Council
Liberty Park	Landscape Scoping Project	Yes	Adopted
Memory Grove	?	?	?
Pioneer Park	Revitalization Plan	Yes	Phase I Adopted

The Planning Division feels that they could begin the inventory of Liberty Park in August, once the Preservation Plan, zoning ordinance revisions, and boundary changes on some historic districts have been reviewed and recommended by the Historic Landmark Commission and adopted by the City Council.

Revise Plans Once Inventories Are Complete

Once the inventories have been completed, the existing plans for these historic parks should be reviewed to ensure compatibility with information gleaned from the inventories of historic features of these parks. This would give general guidance to HLC and to the newly organized Park Advisory Committee.

The ideal, of course, would be to go one step further to hire a consultant to draft master plans for each park that include design guidelines. The problem with doing only an inventory, is there is not enough context to know "why are these significant."

With the ongoing budget cuts the City is undergoing given the economy, this does not seem a likely possibility in the near future. The Planning Division does have the staff expertise to undertake such a project, but to do this in-house would elongate the completion of the project.

Eventually, there will be a need to conduct an overall inventory of all historic landscapes within the city to gain an understanding of the type of landscapes we have so that designated landscapes can be placed into a larger perspective.

Proposed Changes

21A.34.020 H Historic Preservation Overlay District:

Proposed additions are highlighted.

B. Definitions:

1. H Historic Preservation Overlay District: A geographically or thematically definable area which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art, or a combination thereof, that contributes to the historic preservation goals of Salt Lake City.

2. Contributing Structure: A contributing structure is a structure or site within an H historic preservation overlay district that meets the criteria outlined in subsection C2 of this section and is of moderate importance to the city, state, region or nation because it imparts artistic, historic or cultural values. A contributing structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.

3. Noncontributing Structure: A noncontributing structure is a structure within an H historic preservation overlay district that does not meet the criteria listed in subsection C2 of this section. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing structures also include those which are less than fifty (50) years old.

4. Landmark Site: A landmark site is any site included on the Salt Lake City register of cultural resources that meets the criteria outlined in subsection C2 of this section. Such sites are of exceptional importance to the city, state, region or nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.

Historic Landscapes—A cultural landscape associated with events, persons, design styles, or ways of life that are significant in national or local history, landscape architecture, archaeology, engineering and culture.

Note: Standards for decision making are in sections G and H. Sections G work as-is for landscapes or buildings. The following recommendations are made for Section H.

G. Standards For Certificate Of Appropriateness For Alteration Of A Landmark Site Or Contributing Structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall find

that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;
9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;
10. Certain building materials are prohibited including the following:

a. Vinyl or aluminum cladding when applied directly to an original or historic material, and

b. Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;

11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in part IV, chapter 21A.46 of this title;

12. Additional design standards adopted by the historic landmark commission and city council.

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 and/or historic site 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 and/or historic site;

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 and/or historic site;

c. **Roof Shape:** The roof shape of a structure shall be visually compatible with the surrounding structures, and streetscape and/or historic site; 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 and/or historic site.

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.

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.

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).

5. Historic Landscapes:

a. New construction shall not significantly alter defining natural or man-made features or pose a hazard to the health or historic integrity of the surrounding features.

b. A landscape shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the site and environment.