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JUN 23 2014

June 18, 2014

Salt Lake City Council
451 South State Street Room 304
PO Box 145476
Salt Lake City, Utah 84114-5476

Re: Case Number PLNHLC2013-00816

The Planning Commission is planning to make Harvard Park (1700 East to 1800 East Harvard) a historic district. I desire that you put these objections on your agenda when the issue arises.

I have watched as the historic district issue has torn the Yalecrest area apart, both sides being very emotional. When they put the issue on hold for further review, I was pleased.

I was jolted into reality when I received notice that only one block (1700 East to 1800 on Harvard) is solely being considered as a historic district. It makes no sense given the architectural and historical similarities of this block to the other blocks in the Yalecrest area.

I have attached my objects to the historical district designation.


Ralph Gudmundsen
1777 East Harvard

Objections to the Zoning of the area
Of 1700 East to 1800 Harvard Avenue as a Historical District.

Your card dated June 12, 2014 notes that Planning Commission plans to designate the block 1700 East to 1800 East Harvard as a historic district. That same card (See Attachment A) states that “owner....may file a written objection to the inclusion of their property in the proposal...”. I am confused as Title 21.34.20 offers an owner no such opportunity to opt out of a declared historic area. The language in your card may confuse the owners on Harvard Avenue as to what they must do to properly express their opinions.

The minutes of the June 5, 2014 state that a proposal was made on the Harvard Park historic district. No decision was made. The minutes also note that objections must be filed within 10 days of the meeting. As notice of commission was not received until June 13, 2014 (mailed on June 12, 2014), the period of submitting objections should be, in equity law, extended to 10 days after receipt of the notice. (See Attachment A)

Objections

A. Contributing versus Non-Contributing

Title 21A.34.020.B. Definitions:

2. Contributing Structure: A contributing structure is a structure or site within the H historic preservation overlay district that meets the criteria outlined in subsection C10 of this section and is of moderate importance to the ~~city~~^{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 the H historic preservation overlay district that does not meet the criteria listed in subsection C10 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 may also include those which are less than fifty (50) years old.

The Historic Landmark Commission has designated in their report that of the 28 homes, 15 are rated "A", 8 are rated "B" and 5 are rated "C" (See attached B). This rating system seems odd and not in conformity with the definitions above.

It appears that "C" is non-contributing, while "A" and "B" are variations of contributing. I have researched the definition of contributing homes and have found nothing that denotes a designation within the term "contributing". The classification of "B" then becomes suspect as to whether the home is contributing or non-contributing.

Roofs

Of the eight homes classified by the Commission as "B", two should be changed due to aluminum roofs.

Roof forms, pitch and materials are a vital part of the historical character of the home. (See Attachment C). In the survey provided by the Historic Landmark Commission, two homes (1783 East Harvard and 1771 East Harvard) have aluminum roofs. The material is not original to the home and, in fact, is in extreme opposite to the other homes in the proposed district.

The guidelines state that, alternations that change the contributing nature of the home and can easily be easy reversed, do not change the home to contributory to non-contributory. A reversal of this nature has already been performed at 1765 East Harvard. I am sure that the tearing the roof off and replacing it with shingles was quite expensive.

The two aluminum roof homes do not match the historic nature of the proposed Harvard Park district. To change the material back to material shingles would be quite expensive. Since the roofs are not "easily reversed", they should be classified as C-Non-Contributing.

An interesting note-- if the Historic Landmark Commission demands that these to roofs be classified as a Contributing home, then they are locked in by equity to grant a Certificate of Compliance in the future to owners who may want to change their roofs to aluminum.

Windows

Windows are considered an essential part of an historic home. I quote from the City of Boise, PDS Application #188 (see Attached D).

...the Secretary of Interior recommends against “changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntins configuration; the reflectivity and color of the glazing; or the appearance of the frame. (pg. 81).

The Secretary of Interior recommends “identifying, retaining and preserving windows-and their functional and decorative features-that are important in defining the overall historic character of the building. Such features can included frames, sash, muntins, blazing, sills, heads, hoodmolds, paneled or decorated jambs and moldings and exterior and exterior shutters and blinds”.

...Replacement windows should be congruous, or compatible with the shape, placement and material of the windows historically on the house.

The Commission noted the following as having changed windows and are still marked as contributing “B” (see Attachment E):

1135 S. 1700 East (1704 E. Harvard)
1765 E. Harvard
1771 E. Harvard
1783 E. Harvard

They failed to mention that 1778 E. Harvard has, within the last few years, changed their windows.

They further failed to also mention the following changes:

1709 E. Harvard
Font window divided into three distinct panes
changed to on large window.

1716 E. Harvard
The front long window shown in achieves' picture
has been cut in half. One-half was filled with
bricks and the other half was replaced by a

window. The ivy covering the replaced “long window” now covers the bricks replacing the window. This not only is window change, but is also a structure change.

1730 Harvard

The original windows have been replaced with glass inlaid windows with a flower pattern. I like the new windows, but it is still a major change from the original “historic” house. Contractors are currently making changes to the building—the changes are not apparent at this point.

If the Commission continues to state that the above homes are still contributing after major changes to their windows, then they will be locked into granting Certificates of Appropriateness for similar repairs or replacements to other homes in the proposed district.

Structural Changes

Homeowner at 1741 E. Harvard (see Attachment F) split the home into two apartments, upper and lower. A side door now enters the lower apartment. This door, not shown on the original home, is near the front of the home and is easily seen from the street.

The home at 1716 E. Harvard would classify as a structural change since the front window was cut in half.

The home at 1771 East Harvard also has a structural change to the back of the structure. A separate entrance way for a lower apartment was constructed. A large awning was placed over the stairs and entranceway. The Attached N outlines that rear portions of a structure should be consider in the non-contributing decision.

The Commission decided that the home at 1729 E. Harvard be classified as a Contributory-B even though it has Aluminum/Vinyl siding. There rational is a determination as the material under the new siding cannot be determined, so “let’s leave it a “B””. An enlargement of the house appears to show brick. Why not assume that the covering replaced was brick or stucco, making the structure non-contributing? See Attachment L)

Revised Classification to Non-Contributing

In their report (See Attachment B), the Commission classifies only five structures as non-contributing. By revising some of the “A” and “B” categories to “C”, we get a new total.

Reclassify “B” contributory structures to non-contributory.

1135 S. 1700 East	Windows
1729 E. Harvard	Siding change
1765 E. Harvard	Windows
1771 E. Harvard	Windows/Roof/Back
1783 E. Harvard	Windows/Roof

Reclassify “A” contributory structures to non-contributory.

1709 E. Harvard	Window/construction
1716 E. Harvard	Front window replaced by bricks
1730 E. Harvard	Side door/Apartment

The new total of non-contributory will be 13 (five beginning class “C”, five class “B” reclassified and three class “A” reclassified). The percentage of contributory homes will change from 82% to 54%. Non-contributory homes percentage raised from 18% to 46%.

B. Whether the proposed designation is generally consistent with the purposes, goals, objectives and policies of the city as state through its various adopted planning documents.

- Salt Lake City Preservation Plan-Adopted October 23, 2012 (see Attachment G)

The report attacks the Harvard Park designation directly. On Appendix pg-35-36, the report states that naming too many historic districts will cause a problem. Eventually, the whole city will be named historic. This is emphasized by the fact that several applications for “historic districts” have been submitted to the Commission for streets

surrounding the Harvard Park (1700 East to 1800 East Harvard). Examples include Upper Yale District (1700 block of Herbert), Yalecrest-Princeton Park (1700 block of Princeton), and Upper Harvard (1500 block of Harvard).

Appendix page 22-23 states that the Yalecrest area has been reviewed for listing and recommended that further reviews be made. The proponents of making the Yalecrest area a "historic district" are now discriminating one street at a time, trying to eventually engulf the whole Yalecrest area.

Appendix page 35 states that planning staff have been stifled in regulating permits by the lack of information. With the submittal of the Harvard Park application the staff now has ample information to review permits.

Finally, the report states on page III-12 that criteria for selecting should also focus on protecting the best examples of the city's history. While this may apply to the whole Yalecrest area, it cannot possibly apply to a single street amidst similar streets in the Yalecrest area. It is merely the case of discriminatorily selecting one street in the many available.

- Title 21A.34.120 YCI Yalecrest Compatible Infill Overlay District

This ordinance already addresses the tear down and additions problem in the Yalecrest area. Unfortunately, it is not being enforced. Why create a solution to problem of non-enforcement by adding protected streets on a piecemeal, discriminatory basis

- Title 21A.34. C. Designation Of A Landmark Site, Local Historic District Or Thematic Designation; H Historic Preservation Overlay District:

3.e. Whether there is probable cause to believe that the proposed landmark site, local historic district or thematic designation may be eligible for designation consistent with the purposes and designation criteria in subsection C10 of this section and the zoning map amendment criteria in section 21A.50.050, "Standards for General Amendments", of this title.

- Title 21A.50.070 Amendments to Zoning (see Attached H)

Item A. of this code discusses the factors to consider. Of note is consistency with the goals, objects and policies of the city as related in its various policy documents. The Guidelines for Historical District and the Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City both warn of the danger of overreaching in making historic districts. The making one street in an area of many similar streets is definitely overreaching.

- Title 21A.34.20.C.10 Standards (see Attached I)

The Harvard Park district (one street) meets many of the criteria of this section, as does all the other streets in the Yalecrest area. The issue is not whether one street should be made a historical district, but whether the entire Yalecrest area should be made a historical district.

- Title 21A.34.20.C.13 Boundaries (see Attached J)

Making a one street designation in the Yalecrest area definitely violates b and c.

C. Conservation District

Why not adopt the proposed Harvard Park as a conservation district (See Attachment M)?

This has already been considered for the Gilmer Park and Sugarhouse districts. It would fit the Harvard block with all the restrictions of a historic district.

Conclusion

I have watched with interest the past attempts at making the Yalecrest area a historical district. Tempers have flared on both sides. But solely designating one street in the Yalecrest area a historical district is beyond my understanding. Why is the city attempting to piecemeal an area into a historical district contrary to legislated codes and city approved policy?

I have attached my letter to the homeowners concerning our “illustrious” and “noble” street, expressing my views concerning the issue (see Attachment K).

Attachment A
Notice of Hearing



SALT LAKE CITY PLANNING DIVISION
 451 S STATE STREET ROOM 406
 PO BOX 145480
 SALT LAKE CITY UT 84114-5480

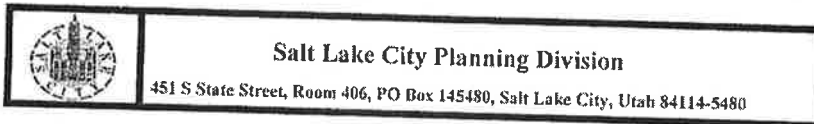
RETURN SERVICE REQUESTED

A



UNITED STATES POSTAGE
 FIFTY DOWNS
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 MAILED FROM ZIP CODE 84114

GUDMUNDSEN, RALPH W JR & IDA L;
 JT
 1777 E HARVARD AVE
 SALT LAKE CITY, UT 84108-1802



Salt Lake City Planning Commission Wednesday, June 25, 2014 5:30 p.m.
 Room 326 of the City and County Building

Harvard Park Local Historic District Designation - Kelly Marinar is requesting that the City designate a new local historic district for the Harvard Park Subdivision which includes all of the properties located on Harvard Avenue between 1700 East and 1800 East. If the proposed local historic district is approved, the Salt Lake City Zoning Map will be amended to include the Historic Preservation Overlay Zoning District for the properties located in the Harvard Park Subdivision. The proposed local historic district regulations can be found in section 21A.34.020. of the Zoning Ordinance (http://www.sterlingcodifiers.com/codebook/index.php?book_id=672%20). Any owner of real property that is proposed to be located within the new local historic district may file a written objection to the inclusion of their property in the proposal within 10 days following the public hearing with the Planning Commission. All written objections will be forwarded to the City Council. The proposed local historic district is located in City Council District 6, represented by Charlie Luke. (Staff contact: Joel Paterson at (801) 535-6141 or joel.paterson@slcgov.com. Case number PLNHLC2013-00816)

Schedule B

Report of Commission on homes, Page 12

Comparison from RLS and Proposed Ratings:

Rating	2005 RLS Contributing Status	Proposed Contributing Status
Rated "A" –	20	15
Rated "B"	4	8
Rated "C"	4	5

Finding: The physical integrity of the homes in the proposed Harvard Park local historic district has been significantly maintained. With the proposed changes to the contributing status of homes within the Harvard Park subdivision, 23 of 28 homes (approximately 82%) would be rated as being contributing building. Of these, 15 homes are rated as "A" which is considered to be architecturally significant. Only five homes would be rated as non-contributing (approximately 18%). The proposed Harvard Park local historic district meets this standard.

- c. **The proposed local historic district or thematic designation is listed, or is eligible to be listed on the national register of historic places;**

Analysis: The Harvard Park subdivision is located within the Yalecrest National Register District that was designated in 2007.

Finding: The proposed Harvard Park local historic district meets this standard.

- d. **The proposed local historic district contains notable examples of elements of the city's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City;**

Analysis: According to the Yalecrest National Register nomination, the highest concentration of Period Revival style homes in Utah is found within Yalecrest. Based on the Staff's recommended contributing status ratings discussed above, 22 of the 27 Period Revival homes in Harvard Park are rated as being contributing buildings and 15 are considered to be architecturally significant.

Finding: The proposed Harvard Park local historic district meets this standard.

- e. **The designation is generally consistent with adopted planning policies;**

Analysis: The City Council adopted the Community Preservation Plan in October 2012. The Plan is the key strategic document that will guide Salt Lake City's preservation efforts into the future. The purpose of the plan is to address the important goals of historic preservation and community character preservation to ensure the continued preservation of the City's neighborhoods. The Plan provides vision and established policies that will help preserve those areas of the City that are uniquely historic and tell the story of the City's historic past.

**COMPARISON: 2005 YALECREST ARCHITECTURAL SURVEY AND
PROPOSED HARVARD PARK CONTRIBUTING STATUS RATINGS**

Address	Yalecrest RLS Rating 2005	Harvard Park Proposed Rating 2014	Comments
1135 S 1700 East	A	B	Change in windows
1703 E Harvard	A	A	
1709 E Harvard	A	A	
1710 E Harvard	A	A	
1715 E Harvard	A	A	
1716 E Harvard	A	A	
1722 E Harvard	A	A	
1723 E Harvard	C	C	
1729 E Harvard	B	B	Aluminum/vinyl siding
1730 E Harvard	A	A	
1733 E Harvard	C	B	2 nd story is original
1734 E Harvard	A	A	
1741 E Harvard	A	A	
1742 E Harvard	C	C	
1747 E Harvard	B	B	
1748 E Harvard	B	C	Addition of flagstone and 2 nd floor cladding, window changes
1753 E Harvard	A	A	
1754 E Harvard	A	A	
1759 E Harvard	A	A	
1760 E Harvard	C	C	
1765 E Harvard	A	B	Change of front windows
1766 E Harvard	A	A	
1771 E Harvard	A	B	Change of windows and roofing material (aluminum shingles)
1772 E Harvard	A	B	Rear addition
1777 E Harvard	B	C	Dormer addition on 2 nd story
1778 E Harvard	A	A	
1783 E Harvard	A	B	Change in windows and roofing material (aluminum shingles)
1784 E Harvard	A	A	

Attachment C

**Roofs are outlined in a Preservation Handbook
For Historic Residential Properties & Districts
in Salt Lake City**

- Retain and repair roof detailing wherever possible.

7.2 The original historic depth of the eaves should be preserved.

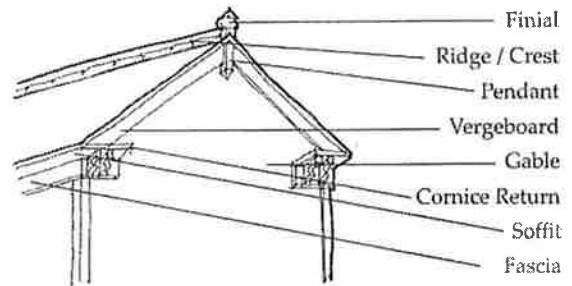
- The shadows created by traditional overhangs contribute to one's perception of the building's historic scale and therefore, these overhangs should be preserved.
- Cutting back roof rafters and soffits or in other ways altering the traditional roof overhang is therefore inappropriate.

Roof Materials

When repairing or altering a historic roof, one should avoid removing historic roofing materials that are in good condition. Where replacement is necessary, such as when the historic roofing material fails to properly drain or is deteriorated beyond use, one should use a material that is similar to the original in style and texture. The overall pattern of the roofing material also determines whether or not certain materials are appropriate. For instance, cedar and asphalt shingles have a uniform texture, while standing seam metal roofs create a vertical pattern.

The color of the repaired roof section should also be similar to the historic roof material. Wood and asphalt shingles are appropriate replacement materials for most roofs. A specialty roofing material, such as tile or slate, should be replaced with a matching material whenever feasible.

Unless the existence of a historic metal roof can be demonstrated, either by existing material or through historic documentation such as photographs, the use of metal shingle or standing seam roofs on contributing structures should be avoided because of their texture, profiles and reflectivity.



Elements of a Roof



Natural slate is rare in the city and is the most durable of traditional roof materials, usually requiring only piecemeal replacement of damaged individual slates.



Gables, deep eave profiles & rafter tails are key elements of the design.

PART III Historic Districts

Building & Roof Materials

Due to the large size of many of the buildings in the district, roof materials are very important visual features. Slate, asphalt, wood, and tile shingles are all materials found on historic buildings. These materials and textures contribute to the character of the district. When roofing must be replaced, using a material similar to the original is preferred. On a new building, using a material similar in color and texture to those seen historically in the block also is appropriate.

16.10 Building materials that are similar to those used historically should be used.

- Appropriate building materials include brick, wood horizontal clapboard and shingles, stucco, smooth-faced stone and river rock.

16.11 Roofing materials that are similar in appearance to those seen historically should be used.

- Asphalt and wood shingles are appropriate for many styles seen historically.
- Clay tile is appropriate to Spanish, Mission and Colonial styles only. Concrete tiles may be appropriate because they often convey a scale and texture similar to materials employed historically.
- Large panelized products, such as standing seam metal, should be avoided.
- Colors should be muted; the overall texture of a roof should be uniform and consistent throughout the building.

Appropriateness of Use

16.12 When adapting a residence to another use, the original design character of the building should be preserved.

- When converted to a new use, a house should retain its residential image.

16.13 If the change from residential to another use requires more parking space, the parking should be located to the rear of the property and provide landscaping as a buffer.

- Landscape design for rear parking areas should help to integrate this use with its context.



Wood shingles help to unify both walls and roofscape, creating visual texture as a background to Classical detail.

Additional Information

Lester, Margaret D. Brigham Street. Published by Utah State Historical Society. 1979

http://books.google.com/books?id=EZhCPOAACAAJ&dq=brigham+street&hl=en&sa=X&ci=plu2Ud_3HonlyAHBoCoAg&ved=0CDAQ6AEwAA

Attachment D
Boise Historic District-Windows

Historic District Windows

PDS

Department Application

#188

Preserving the Charm of Boise's Historic Districts

The windows within historic districts are as varied as the houses themselves. Each architectural style's unique windows are integral to interpreting the style. Altering the windows can potentially change the structure's status from contributing to noncontributing to the historic district. The window type (slider, double hung, single hung, etc.), the material used (wood, vinyl, aluminum, etc.), and the window depth within the wall plane all affect the overall building design.

Whether ornate or plain, windows are an integral part of a building's style, and express its history and architectural style. Although it is easy to see the need to preserve the high-style windows of a Queen Anne mansion, the humbler windows of a small cottage are as important since they may be the building's only stylistic feature. On a simple building, altering the windows' shape or configuration could easily change the structure's entire appearance and historic integrity.

The Secretary of the Interior

The U.S. Department of Interior has written a set of Historic Preservation recommendations titled *Standards for the Treatment of Historic Properties*. These guidelines are widely used by the nationwide preservation community. This resource was used in developing the City of Boise *Design Guidelines for Residential Historic District* document. In this publication, the Secretary of the Interior recommends against "changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame." (pg. 81).

Although a vinyl window with a large sill depth and compatible framing may meet this recommendation, the figures below illustrate the results of using an incompatible material and design when replacing a historic window.

Historic Window Modifications

The Secretary of the Interior recommends "identifying, retaining and preserving windows-and their functional and decorative features-that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, paneled or decorated jambs and moldings and interior and exterior shutters and blinds."

When making decisions regarding renovations in a historic district, first identify these important window features. Consider making small improvements such as removing paint that has sealed the window closed, and weatherproofing by recaulking or installing weatherstripping or storm windows. If elements of the window's structure have rotted, consolidation or in kind replacement of those elements can be an effective way to save an otherwise viable window while retaining the window's character defining elements.

The Secretary of the Interior states that when an entire window is too deteriorated to be saved, the replacement of the window is acceptable. However, it is important that the new window is compatible with the structure and the other windows. For instance, if the historic windows are long, double hung windows, replacing them with short, wide horizontal sliders is inappropriate. Likewise, if a large, multi-paned window has always been on the front elevation of a house, replacing it with two single-hung windows is inappropriate. Replacement windows should be congruous, or compatible with the shape, placement and material of the windows historically on the house.



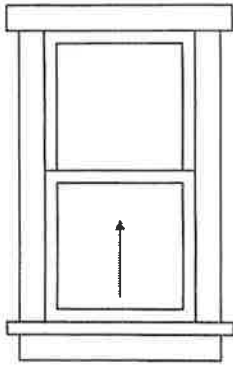
www.cityofboise.org/pds

City of Boise Planning & Development Services

P.O. Box 500 • 150 N. Capitol Blvd • Boise, Idaho 83701-0500

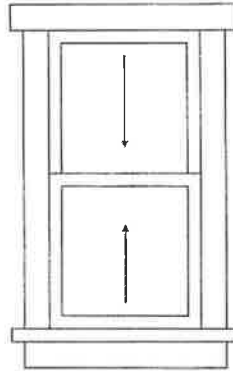
Phone: 208/384-3830 • Fax: 208/433-5688 • TTD/TTY 800/377-3529

Window Information



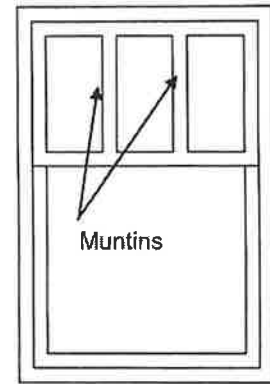
Single-hung

A window whose bottom sash slides along vertical tracks.



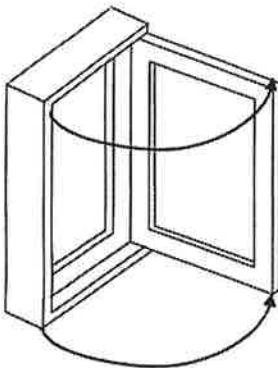
Double-hung

A window whose top and bottom sashes slide along vertical tracks.



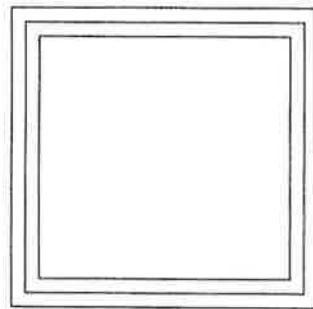
Muntin

A rabbeted member that holds the glass panes in place



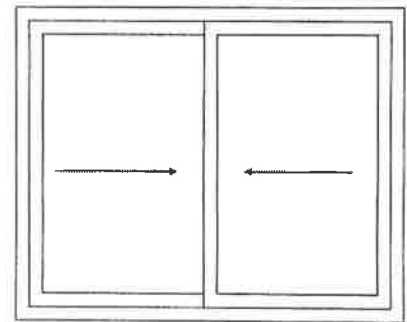
Casement

The sash opens on hinges usually attached to the vertical side of the frame.



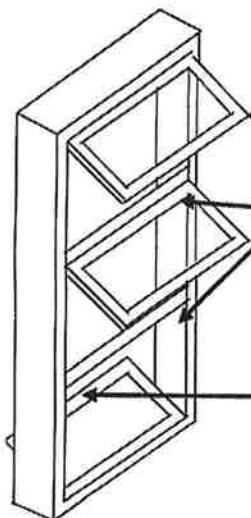
Fixed Pane

A window whose sash does not open.



Horizontal Slider

A window whose sashes slide along horizontal tracks.



Awning

A window whose sashes open on hinges attached to the top of the frame

Hopper

A window whose sash opens on hinges attached to the bottom of the frame.

Sill

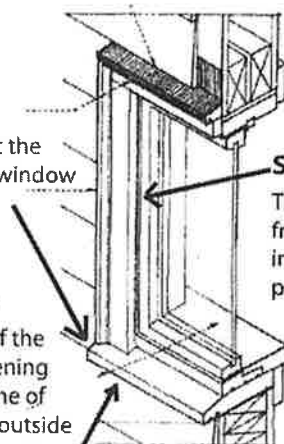
The ledge at the base of the window opening

Sash

The openable framework in which the pane is set

Sill Depth

The depth of the window opening from the pane of glass to the outside wall.



Vinyl vs. Wood: Does it Really Matter?



Vinyl



Wood

These houses are similar in age and sit side by side in the North End. While the house on the right retains its original double hung windows, the one on the left has all new vinyl windows replacements.

The vinyl window's top pane sits flush with the wall, while wood window's top pane is recessed. The difference in sill depth is also easy to see, as the sill on the vinyl window is much shallower than that of the wood window.

This example highlights the difference between the wood window's muntins and the interior grid system of the vinyl window. In this picture, it is almost impossible to see the grid system of the vinyl window, and, while muntins cast shadows and break the reflective surface of the window, an internal grid system allows for an uninterrupted reflective surface.

Inappropriate Windows



This home's replacement windows are inappropriately sized and configured. The window openings were altered and windows were changed from wood, double-hung windows to vinyl horizontal sliders, and the window frames were replaced with simpler, thinner

frames. This alters the building's look so it no longer contributes to the district's architectural or historical characteristics.

Appropriate Materials

Appropriate materials to use are wood, metal clad wood and wood clad composite.

Additional Information

These resources provide more information on windows in historic buildings. They are available online or at the Planning & Development Services Library.

Fisher, Charles Ed. *The Window Handbook: Successful Strategies for Rehabilitating Windows in Historic Buildings.*

McAlester, Virginia and Lee. *A Field Guide to American Houses.*

Myers, John H. "Technical Brief #9 The Repair of Historic Wood Windows." *The National Register of Historic Places.* www.cr.nps.gov/hps/tps/briefs/brief09.htm.

Park, Sharon C. "Technical Brief #13 The Repair and Thermal Upgrading of Historic Steel Windows." *The National Register of Historic Places.* www.cr.nps.gov/hps/tps/briefs/brief13.htm.

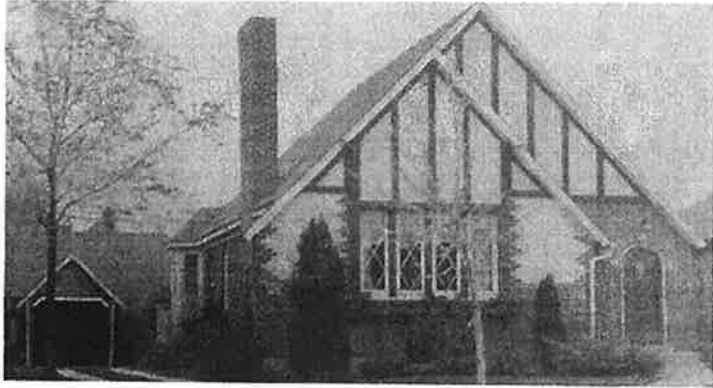
Park, Sharon C. "Technical Brief #24 Heating, Ventilating, and Cooling Historic Buildings: Problems and Recommended Approaches." *The National Register of Historic Places.* www.cr.nps.gov/hps/tps/briefs/brief24.htm.

Smith, Baird M. "Technical Brief # 3 Conserving Energy in Historic Buildings." *The National Register of Historic Places.* www.cr.nps.gov/hps/tps/briefs/brief03.htm

Weeks, Kay D. and Anne E. Grimmer. *The Secretary of the Interior's Standards For the Treatment of Historic Properties with Guidelines for Preserving, Restoring, Rehabilitating and Reconstructing Historic Buildings.* www.cr.nps.gov/hps/tps/standguide/

Attachment E
Pictures of Window Changes

YALECREST - HARVARD PARK



1777



1778



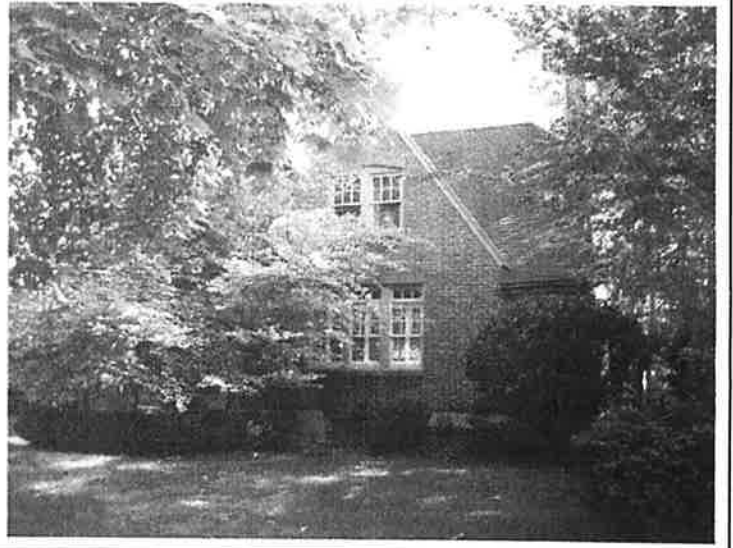
YALECREST - HARVARD PARK



1709



1710



YALECREST - HARVARD PARK



1715



1716



YALECREST - HARVARD PARK



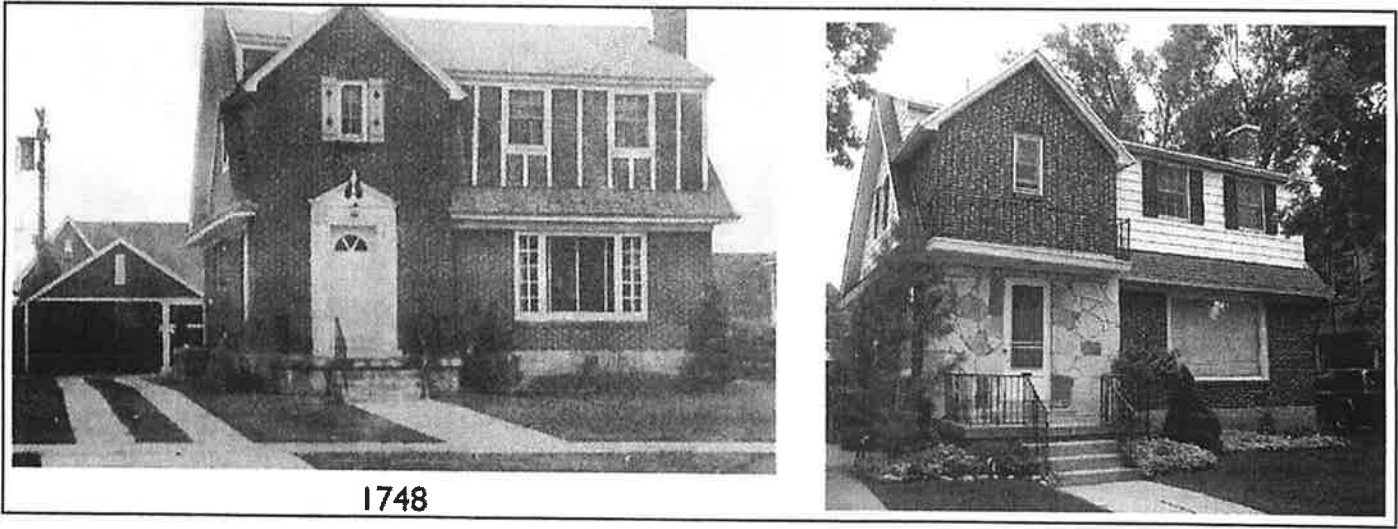
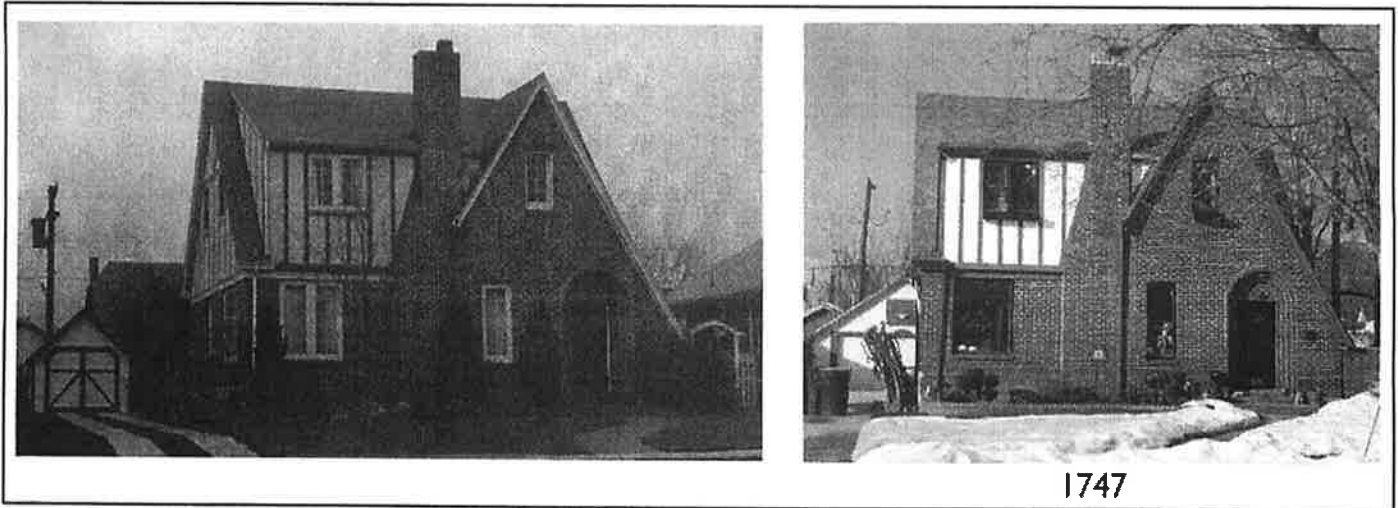
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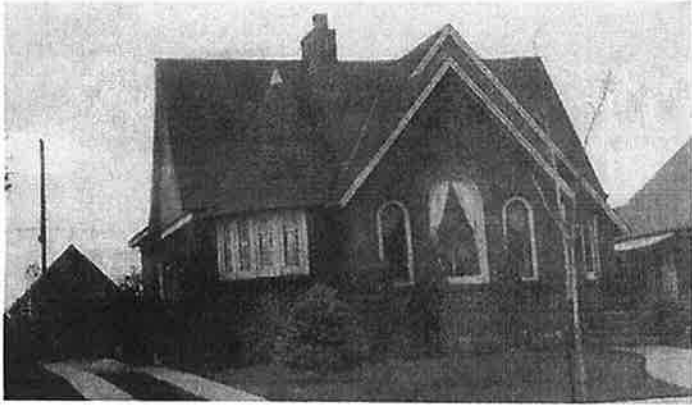
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YALECREST - HARVARD PARK



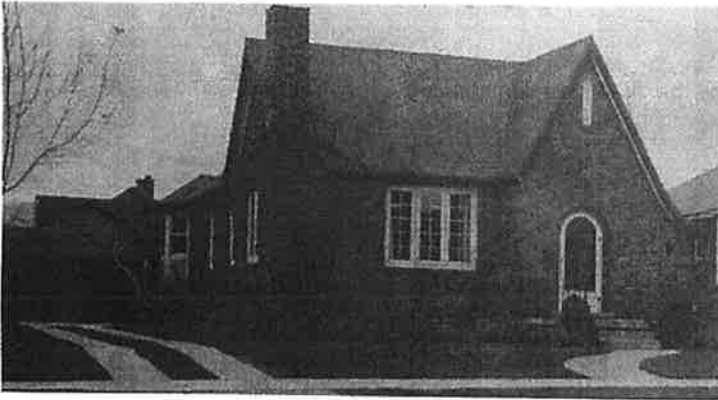
YALECREST - HARVARD PARK



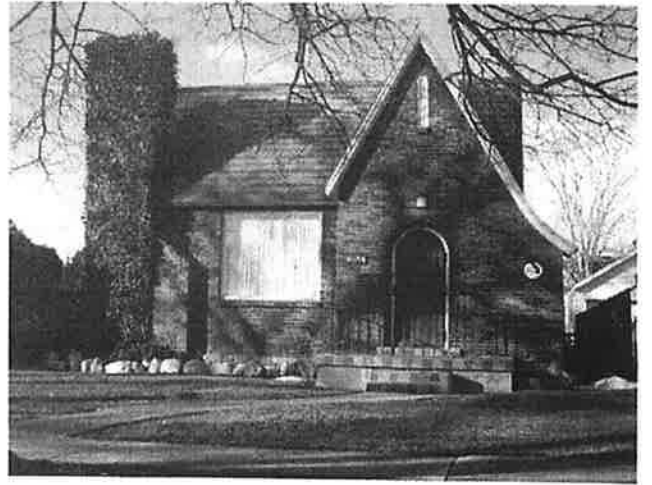
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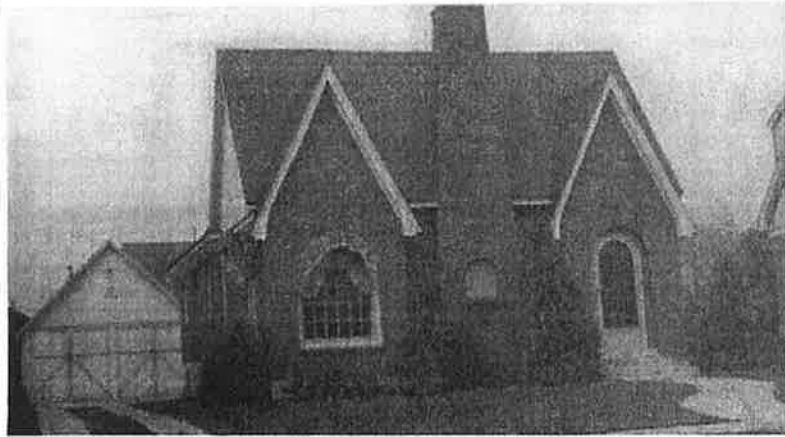


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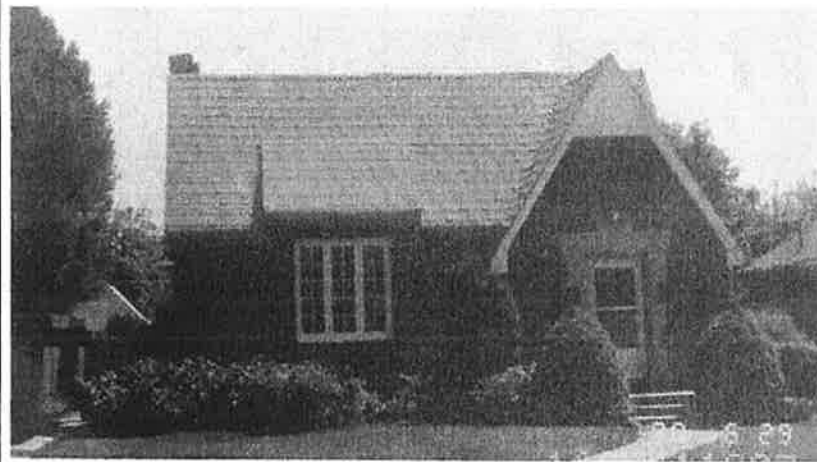
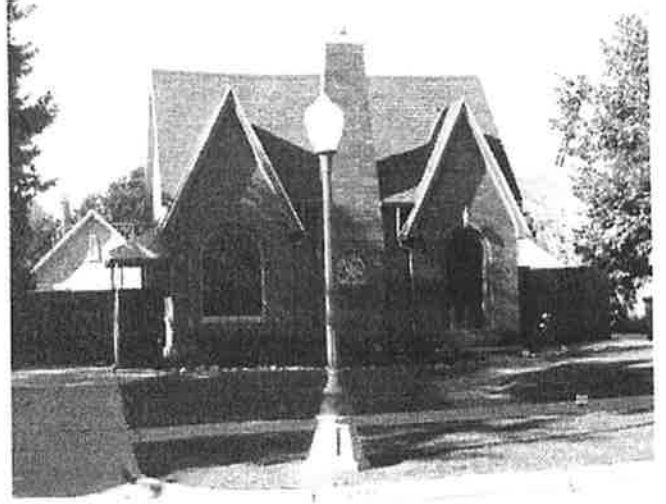


Attachment F
Pictures of Structural Changes

YALECREST - HARVARD PARK



1741



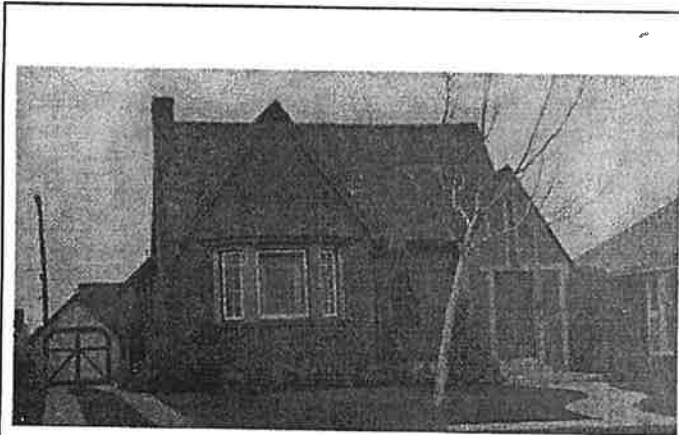
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YALECREST - HARVARD PARK



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Attachment G

Salt Lake City Preservation Plan-Adopted October 23, 2012

City frequently employed the use of reconnaissance surveys to complete a good number of its district documentation projects. Every one of these reconnaissance surveys appears to have resulted directly in the establishment of a historic district.

Reconnaissance level surveys are very useful tools. However, they are not typically employed as an end in themselves. Instead they were conceived of to help communities determine whether additional in-depth survey is merited within a specific area, and to establish geographic boundaries for such projects. In Salt Lake City, reconnaissance surveys were typically used as the basis for the establishment of historic districts, with no intensive-level survey involved. This approach resulted in the creation of many designated historic districts based upon a thin level of documentation, primarily determinations of architectural integrity based upon a cursory field evaluation of each building.

While this method was effective in helping the City to establish historic districts, reliance upon the reconnaissance level of survey alone appears to have resulted in the establishment of a couple of historic districts that may not have merited this status. In one case (the Capitol Hill Historic District Extension), it appears that the historic district route was taken simply to deal with redevelopment concerns that should have been countered through other means. Clearly the City needs other tools, in addition to the establishment of districts, to deal with change in its core areas. In addition, the lack of information about each property has left City planning staff with little to work with when permit requests come up for review. This then requires a slow property-by-property determination of historic and architectural significance at a point when the time and means may not be available and when redevelopment pressures are bearing down on decision-makers. Fortunately, it appears that the City has recently come around to understanding the benefits of intensive-level surveys and they are being employed more often.

*Staff now has
14 for each
on each property*

Over the past three decades, large areas of the City have been surveyed and designated as official historic districts, either on the Salt Lake City or National Register level. Most of these districts abut one another. If this approach continues into the future, the propensity to turn every surveyed area into a district will eventually result in the entire City being listed, with no non-historic areas in-between. In the long run, this is not good for preservation efforts because it raises important questions about

what is truly historic and significant. This muddles public perceptions about what should be preserved. It appears that little distinction has been made in Salt Lake City between what is worthy of district status and what is not. So far, the underlying message coming from the City through its survey and designation process is that every area of the City over fifty years old will be surveyed and designated a historic district. This may not in fact match the City's true goals, but it is the perception that has been created.

Salt Lake City's preservation leadership needs to be engaging in pointed dialogue focused around one question: If everything old is potentially significant and eligible, then what makes each established or potential district in the City special or unique, particularly when compared to other neighborhoods that exhibit the same type of building stock from the same general time period and with the same level of integrity? In other words, how many bungalows and cottages (especially those of poor design and construction and integrity) need to be locally designated before the statement that they are significant becomes meaningless? Designation of historic properties, on any level, must discriminate between those resources that are important and eligible and exhibit characteristics of integrity, and those resources that may be old but do not merit this type of status. If these distinctions are not made, designation eventually loses all meaning and support for historic preservation begins to waver. Then it simply becomes an annoying impediment to property owners wanting to tear buildings down, redevelop sites, or make alterations to their homes.

The same type of careful discussion and planning must occur when establishing or defining district boundaries. Each district must have justifiable, defensible boundaries that match what is found on the ground, not just lines on a map that conveniently follow the courses of major streets. Many of Salt Lake City's established districts were observed to have boundary issues that need to be resolved. In some cases, such as the Bryant Historic District, these involve perimeters (and interior areas) that have experienced attrition of historic resources. Others, such as the Northwest Historic District, include numerous non-historic resources such as commercial and industrial-warehouse buildings that should not be part of the district. The Central City Historic District, possibly a worst-case scenario, has effectively been split in

CAPITOL HILL EXTENSION

The Capitol Hill Historic District Extension was established in 2002 to incorporate additional properties into the Salt Lake City Register district created in 1984. It is located in a Salt Lake City Redevelopment Agency (RDA) target area, allowing property owners to take advantage of both preservation tax credits and RDA funding. This is a five-block-long, one-block-wide district with over 350 buildings, essentially extending the Capitol Hill Historic District by one block toward the west.

The area holds a diversity of housing stock, indicating that it was originally occupied by working class and middle class households. Today the residences vary from poor to good condition with a similar range of integrity. Better conditions are found among the buildings south of 600 North. In this area, the homes along the inner court known as Pugsley Street are of particular note. The two blocks north of 600 North are largely occupied by non-historic properties and this area does not contribute much to the district. Similarly, the southern edge of the district, along 300 North, also contains a series of non-historic properties. The core area of the district with the greatest integrity extends from just north of 300 North (about mid-block) to 600 North.

RECOMMENDATION

This district is threatened by the presence of a good number of non-historic buildings within its boundaries, which have diminished its overall integrity. A conservation district designation may be the most effective tool in an area like this to define parameters for appropriate infill development (keeping the current national district boundaries intact).

YALECREST

The Yalecrest neighborhood was listed as a National Register district in 2007. This area consists of well over 1,300 contributing buildings, most of them residences exhibiting a variety of period revival styles dating to the first few decades of the 20th century. The housing stock, with its architect-designed homes and manicured landscaping, provides evidence of middle class to upper class ownership from the first half of the 1900s.

Several characteristics of note are found in Yalecrest. Bonneville Glen, a deep wooded ravine that is open to the public for hiking,

bisects the neighborhood from northeast to southwest. Shaped by the rolling topography around the ravine, the northwestern half of the district contains curvilinear streets (this is similar to the adjacent Gilmer Park Historic District to the west). Overlooking the ravine is the Bonneville LDS Church and another LDS church is found along Gilmer Drive. Cornell Circle, near the southeastern corner of the district, is lined with an arc of historic cottages. The finest homes in the district are the high-style examples of various architectural styles located along Harvard, Yale and Princeton Avenues between 1300 East and 1500 East. A small neighborhood commercial node is located at the intersection of 1300 South and 1700 East.



RECOMMENDATION

While the Yalecrest Historic District generally continues to exhibit a good level of physical integrity relative to many other neighborhoods in the City, numerous comments received during this planning process expressed concern about teardowns and inappropriate infill. The Yalecrest neighborhood residents are committed to adopting stronger local controls to prevent demolitions of historic resources and to ensure that additions and alterations are sensitive to the local historic character. Active discussions are underway at the time of this planning process to determine the most effective tool.



FOREST DALE (NIBLEY PARK) NEIGHBORHOOD

The Forest Dale neighborhood was established as a National Register Historic District in 2009. This compact neighborhood is located in the southern area of the City, to the west of Fairmont Park. It primarily runs from 2100 South to Ashton Street and from 700 East to 900 East. The neighborhood is occupied by a collection of cottages and bungalows that date from the 1890s to the 1920s. An abandoned Denver & Rio Grande Railroad corridor, running from east to west, bisects the neighborhood and is the corridor for the Sugar House Street Car line. Forest Dale has experienced modest intrusion of modern apartment buildings dating from the 1960s to the 1970s. In addition, the northern area of the district along 2100 South is occupied by non-historic industrial facilities. In the southwest corner of the neighborhood are a large historic LDS

both the local and the National registers. Examples of properties that are listed on both include the Salt Lake City & County Building (451 South State Street), Union Pacific Railroad Depot (South Temple and 400 South) and the Wasatch Plunge (840 North 300 West).

Local Designation Process and Criteria-

The criteria for designation on the local historic register in Salt Lake City, should not only follow best practices for preservation, but should also ensure that local historic designation focuses on protecting the best examples of an element of the City's history, development patterns and architecture. In addition, although time helps to understand historic value and determine whether a property is sufficiently important in the history of the community, some structures may be important in telling the story of Salt Lake City, prior to reaching the national 50 year standard. Local historic districts should also have logical boundaries based on subdivision plats, physical and / or cultural features and significant character defining features where possible.

Even though a property or area may be listed or eligible to be listed in the National Register, it does not mean that it necessarily is eligible for designation on the local register. Various historic preservation programs can be used effectively for implementing historic preservation policies. However, other preservation methods may not be as strong or effective in preserving some important historic resources or areas, and in those instances local designation should be sought.

Due to their importance in telling the story of the historic development of the City for existing and future generations, the overall public interest is weighed more heavily than any one individual's personal property interests. It is appropriate for the City to understand the degree of property owner support for locally designated properties prior to local designation. In addition, because local designation places additional regulation on some property owners for the benefit of the public, the City should provide various incentives that it would not necessarily afford to other owners whose properties are not similarly regulated.

LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Listing in the National Register is honorific. Designation in the National Register does not impose any regulations or restrictions on the owner regarding the maintenance of their property, but does qualify the owner to take advantage of federal and state tax incentives as well as Utah Heritage Foundation's Revolving Loan Fund, if qualified. See Appendix A for the list of National Register Districts and Sites in Salt Lake City as of November 2011. With the available tax credits, the National Register program provides a great opportunity to incentivize property owners to reinvest in their historic homes which results in increased housing rehabilitation of various eligible neighborhoods and structures throughout Salt Lake City.

COMMUNITY CHARACTER CONSERVATION

Salt Lake City, founded in 1847 with the arrival of the Mormon Pioneers, adopted some of the earliest zoning regulations in the State in 1927 and has subdivisions recorded as far back as the late 1800s. Because of its age, the development patterns in the City are somewhat unique to other areas of the Valley and the State. As a city of neighborhoods, Salt Lake generally has very walkable urban neighborhoods with sidewalks, tree lined streets and uniform setback of buildings. Many of the subdivisions and neighborhoods have uniformity of building type as well.

Overtime, as the City has become more desirable for residents interested in traditional neighborhood settings, the value placed on retaining the character of these places has increased. At the same time, the desire for more living space and updates of structures for modern living conveniences has targeted some of these valued neighborhoods for change. In some instances, existing property owners and residents have sought tools to preserve and stabilize the character of these neighborhoods. However, for many years the only such tool the City had was the local historic district regulation.

Various tools are available that the City should adopt to address the different objectives where neighborhood stabilization is desired, without requiring local historic designation. These tools could include Character Conservation Districts, Neighborhood-

based Zoning, Form Based Codes and Base Zoning changes all of which are approaches to zoning regulations aimed at protecting specific bulk, scale or development characteristics.

Character Conservation Districts

The purpose of a Character Conservation District is to preserve community character (the character may or may not have a connection to the area's history). A Character Conservation District is customized for a specific area and the regulations focus on preserving specific character defining features as identified by the property owners of the district. The community is charged with helping the City create the design guidelines and standards for the regulation. Review of demolition may or may not be a component of a Character Conservation District. If it is included, review of economic hardship should also be included as an option to a property owner who is denied the ability to demolish a structure and feels that the denial is in some way a regulatory taking.

Some cities choose to use this tool as a way to protect districts that may not meet the criteria for local historic designation or where there is little support or a finding that it is not in the public's interest for local designation to occur. However, the tool does not necessarily have to be related to older neighborhoods. It could be used in a neighborhood that is relatively new where the property owners desire to ensure the preservation of certain character defining features of the area.

Neighborhood Based Zoning

The goal of neighborhood-based zoning is to ensure that existing development patterns are taken into consideration when constructing a new home or adding onto an existing home. For example, front yard setbacks for new development are calculated from the average of the front yard setbacks of the adjacent homes; additional building height may be obtained if it is consistent with the height of the surrounding structures; and accessory structures may be built as long as the size and location are compatible with the neighborhood.

In other words, neighborhood-based zoning is a tool which generally focuses on dimensional regulations, such as, building setbacks, height, exterior wall height, size, grade level, and lot coverage. This tool can be used, not to preserve historic resources or community character but to maintain consistent development patterns of the neighborhood.

Attached H

Title 21A.50.070 Amendments to Zoning

21A.50.040: PROCEDURE:

An amendment to the text of this title or to the zoning map initiated by any of the methods described in section 21A.50.030 of this chapter shall be processed in accordance with the following procedures:

- A. **Application:** An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information:
1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district;
 2. Street address and legal description of the property;
 3. A complete description of the proposed use of the property where appropriate;
 4. Site plans drawn to scale (where applicable); and
 5. Related materials or data supporting the application as may be determined by the applicant and the zoning administrator.
- B. **Fees:** The application for an amendment shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule. Applications filed by a city council member, a planning commissioner or the mayor shall not require the payment of any fees.
- C. **Determination Of Completeness:** Upon receipt of an application for an amendment, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010, "General Application Procedures", of this title.
- D. **Staff Report:** A staff report evaluating the amendment application shall be prepared by the planning director.
- E. **Planning Commission Public Hearing:** The planning commission shall schedule and hold a public hearing on the completed application in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

F. **Planning Commission Decision:** Following the public hearing, the planning commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the city council.

G. **City Council Hearing:** The city council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

H. **City Council Decision:** Following the hearing, the city council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional land may be zoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restricted classification, without new notice and hearing. (Ord. 62-11, 2011; Ord. 24-11, 2011)

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.

A. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

B. In making a decision to amend the zoning map, the city council should consider the following:

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;

3. The extent to which a proposed map amendment will affect adjacent properties;
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 60-09 § 1, 2009)

21A.50.060: LIMITATION ON AMENDMENTS:  

No application for an amendment to this title shall be considered by the city council or the planning commission within one year of the withdrawal by the applicant or final decision of the city council upon a prior application covering substantially the same subject or substantially the same property. This determination shall be made by the zoning administrator upon receipt of an application pursuant to section 21A.50.030 of this chapter. This provision shall not restrict the mayor, a city council member or a planning commissioner from proposing any text amendment or change in the boundaries of any of the districts in this title at any time. (Ord. 26-95 § 2(25-5), 1995)

21A.50.070: APPEAL OF DECISION:  

Any party adversely affected by the decision of the city council may, within thirty (30) days after such decision, file an appeal to the district court pursuant the municipal land use development and management act, section 10-9-1001, of the Utah Code Annotated. (Ord. 26-95 § 2(25-6), 1995)

Attached I

Standards for Designation of Historic District

10. Standards For The Designation Of A Landmark Site, Local Historic District Or Thematic Designation: Each lot or parcel of property proposed as a landmark site, for inclusion in a local historic district, or for thematic designation shall be evaluated according to the following:

a. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:

(1) Events that have made significant contribution to the important patterns of history, or

(2) Lives of persons significant in the history of the **City**, region, state, or nation, or

(3) The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or

(4) Information important in the understanding of the prehistory or history of **Sal Lake City**; and

b. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the national park service for the national register of historic places;

c. The proposed local historic district or thematic designation is listed, or is eligible to be listed on the national register of historic places;

d. The proposed local historic district contains notable examples of elements of the **City**'s history, development patterns or architecture not typically found in other local historic districts within **Sal Lake City**;

e. The designation is generally consistent with adopted planning policies; and

f. The designation would be in the overall public interest.

Attachment J

Boundries

13. Boundaries Of A Proposed Local Historic District: When applying the evaluation criteria in subsection C10 of this section, the boundaries shall be drawn to ensure the local historic district:

- a. Contains a significant density of documented sites, buildings, structures or features rated as contributing structures in a recent historic survey;**
- b. Coincides with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;**
- c. Coincides with logical physical or manmade features and reflect recognized neighborhood boundaries; and**
- d. Contains nonhistoric resources or vacant land only where necessary to create appropriate boundaries to meet the criteria of subsection C10 of this section.**

Attachment K

Letter to Homeowners

June 9, 2014

Dear Neighbor,

I have always been against selectivity, in whatever form. Hence, I was surprised when the Historical Landmark Commission on June 5, 2014 recommended to the City Council that solely our street (1700 East Harvard to 1800 East Harvard) be named a historic district. Not the Yalecrest area. Not the area 2000 feet in any direction. Just our street was deemed to have enough historical value to be classified as an historic district. I am sure that we are all very proud that our little street has risen to such an accomplishment.

A colleague back east once commented on a ridiculous decision made by management, "We might as well shoot the mice and let the elephants run wild". Although absurd, it points to the proposition that the Landmark Commission is trying to stop contractors' changing the nature of the Yalecrest area (elephant) by shooting out little street (the mice). You may ask how I came to this conclusion. Page 13 of the Historic Landmark Commission Staff Report states:

The Plan (East Bench Community Master Plan (1987)) includes the following in regards to Yalecrest:

"The older Harvard-Yale area contains many buildings of architectural and historic significance. Conditions may warrant creating a conservation or historic district in this area where the city would review all new buildings, additions, or alterations for compatibility with established neighborhood character. The city is in the process of conducting a survey of the potential for establishing a historic district."

It appears the Historical Landmark Commission has fired the first salvo.

The city has already passed Title 21A.34.120: YCI Yalecrest Compatible Infill Overlay District, which establishes standards for new constructional additions and alterations in the Yalecrest area. I do not know why they are imposing more restrictions via an historical district. (I have attached a copy of the ordinance.)

My concern about an historical district can be summed up in two expressions:

- Flexibility in making repairs to my property; and

- **Marketability of my property (selling price).**

Flexibility in making repairs

In a historical district, I am required to get a “Certificate of Appropriateness” from the Historical Landmark Commission before making any of the following repairs to the exterior of my home:

- 1. Any construction needing a building permit;**
- 2. Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;**
- 3. Relocation of a structure or object on the same site to another site;**
- 4. Construction of additions or decks;**
- 5. Alterations or construction of accessory structures, such as garages, etc.;**
- 6. Alteration to windows and doors, including replacement or changes in fenestration patterns (the design and placing of windows in a building);**
- 7. Construction or alteration of porches;**
- 8. Masonry work including, but not limited to, tuckpointing (to finish a wall by sealing the facing joints between the bricks or stones with a thin line of putty or very fine lime-based mortar), sandblasting and chemical cleaning;**
- 9. The construction or alterations of site features including, but not limited to, fencing, walls, paving and grading;**
- 10. Installation or alteration of any exterior sign;**
- 11. Any demolition;**
- 12. New construction; and**
- 13. Installation of an awning over a window or door.**

I have taken these items from Title 21A.34.020.E (see attached). I do not cherish adding a level of government involvement in overseeing my home repairs.

Marketability of my home

The Historic Landmark Commission states in the questions and answers (see attached) that surveys have concluded that historical districts usually stabilizes prices. I take exception to this opinion as it applies to our "historically esteemed" street.

Within a stone's throw of my house there are houses not burdened by repairs being reviewed by the government. If I were selling my house and a similar house was for sale on the 1700 block of Yale, why would a buyer pay the same price for my house as he would for the Yale house?

He would not. He would demand a price discount because of the need for a "Certificate of Appropriateness" before repairs can be made on my house. I would call that a major negative impact on the marketability of my home.

Conclusion

The city will be sending ballots to the owners of the homes on Harvard Avenue. I encourage you to vote your opinion so that the voice of the residents can be heard.

Further, if you have strong opinions as to our street being classified "historical", I recommend that you call members of the city council to personally express these opinions. Do so before the vote is taken.

A handwritten signature in black ink, appearing to read 'R. Gudmundsen', with a long horizontal flourish extending to the right.

Ralph Gudmundsen
1777 East Harvard Avenue

Title 21A.34.120: YCI Yalecrest Compatible Infill Overlay

21A.34.120: YCI YALECREST COMPATIBLE INFILL OVERLAY DISTRICT:

- A. Purpose Statement:** The purpose of the Yalecrest compatible infill (YCI) overlay district is to establish standards for new construction, additions and alterations of principal and accessory residential structures within the Yalecrest community. The goal is to encourage compatibility between new construction, additions or alterations and the existing character and scale of the surrounding neighborhood. The YCI overlay district promotes a desirable residential neighborhood by maintaining aesthetically pleasing environments, safety, privacy, and neighborhood character. The standards allow for flexibility of design while providing compatibility with existing development patterns within the Yalecrest community.
- B. Overlay District Boundary:** The YCI overlay district applies to any residential property zoned residential R-1/5,000 or R-1/7,000 within the area defined by the intersecting centerlines of 1300 East, 800 South, Sunnyside Avenue (840 South), 1900 East and 1300 South Streets.
- C. Building Height:**
1. **Maximum Building Height:** All heights to be measured from established grade.
 - a. **Pitched roofs:** Twenty seven and one-half feet (27.5') measured to the midpoint of the roof (as indicated in section 21A.62.050, illustration B, of this title).
 - b. **Mansard or flat roofs:** Twenty feet (20').
 - c. **Lots with cross slopes** where the topography slopes from one side property line to the other side or corner side property line may increase the maximum building height, as measured from the downhill side face of the building at a rate of one-half foot (0.5') for each one foot (1') difference between average grades of the uphill and downhill faces of the building, up to a maximum height of thirty feet (30').
 2. **Maximum Exterior Wall Height Adjacent To Interior Side Yards:** Eighteen and one-half feet (18.5') for exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.
 - a. **Lots With Cross Slopes:** Lots with cross slopes where the topography slopes from one side property line to the other side or corner side property line, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

- (1) **Gable Walls:** Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.
- (2) **Dormer Walls:** Dormer walls are exempt from the maximum exterior wall height if:
 - (A) The width of a dormer is ten feet (10') or less; and
 - (B) The total combined width of dormers is less than equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and
 - (C) Dormers spaced at least eighteen inches (18") apart.

D. Front Yard Requirements: The minimum front yard shall be derived by measuring the front yards (the open, unoccupied, landscaped space between the front building lines of all developed properties) fronting the same side of the street within three hundred feet (300') of the subject property but in no case shall the measurements extend across intervening streets. The minimum required front yard shall be equal to the average of the smallest fifty percent (50%) of front yards measured. For example, if ten (10) developed properties are located along the same side of the street within three hundred feet (300') of the subject property, the required minimum front yard is equal to the average of the five (5) ($10 \times 50\% = 5$) smallest front yards.

E. Accessory Structures:

1. **Maximum Height For Accessory Structures With A Pitched Roof:** Fifteen feet (15').
2. **Noncomplying Detached Garages:** An existing noncomplying detached garage located in the rear yard may be rebuilt or expanded at its existing location to a maximum size of four hundred forty (440) square feet subject to the approval of the development review team (DRT).
3. **Garages Located In Front Of The House:** No detached garage shall be constructed forward of the "front line of the building" (as defined in section 21A.62.040 of this title), unless a new garage is constructed to replace an existing garage. In this case, the new garage shall be constructed in the same location with the same dimensions as the garage being replaced.
4. **Maximum Garage Door Height:** Eight and one-half feet (8.5').

F. Standards For Attached Garages:

1. **Located Behind Or In Line With The Front Line Of The Building:** No attached garage shall be constructed forward of the "front line of the building" (as defined in section 21A.62.040 of this

title), unless a new garage is constructed to replace an existing garage. In this case, the new garage shall be constructed in the same location with the same dimensions as the garage being replaced.

2. **Width Of An Attached Garage:** The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors up to a maximum of three feet (3').
3. **Maximum Garage Door Height:** Eight and one-half feet (8.5').

G. Special Exception For Garages: A garage built into a hillside and located forward of the front line of the building may be allowed as a special exception granted by the planning commission, subject to the following standards:

1. The rear and side yards cannot be reasonably accessed for the purpose of parking.
2. Because of the topography of the lot it is impossible to construct a garage and satisfy the standards of the YCI.
3. The ceiling elevation of the garage is below the elevation of the first or main floor of the house.
4. The garage meets all applicable yard requirements. (Ord. 82-12, 2012; Ord. 73-11, 2011; Ord. 44-05 § 1, 2005)

Title 21A.34.020.E

Items Requiring Certificate of Appropriateness

E. Certificate Of Appropriateness Required: After the establishment of an H historic preservation overlay district, or the designation of a landmark site, no alteration in the exterior appearance of a structure, site, object or work of art affecting the landmark site or a property within the H historic preservation overlay district shall be made or permitted to be made unless or until the application for a certificate of appropriateness has been submitted to, and approved by, the historic landmark commission, or administratively by the planning director, as applicable, pursuant to subsection F of this section. Certificates of appropriateness shall be required for:

1. Any construction needing a building permit;
2. Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;
3. Relocation of a structure or object on the same site or to another site;
4. Construction of additions or decks;
5. Alteration or construction of accessory structures, such as garages, etc.;
6. Alterations to windows and doors, including replacement or changes in fenestration patterns;
7. Construction or alteration of porches;
8. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning;
9. The construction or alterations of site features including, but not limited to, fencing, walls, paving and grading;
10. Installation or alteration of any exterior sign;
11. Any demolition;
12. New construction; and
13. Installation of an awning over a window or door.

F. Procedure For Issuance Of Certificate Of Appropriateness:

1. Administrative Decision: Certain types of construction or demolition may be approved administratively subject to the following procedures:

a. Types Of Construction: The following may be approved by administrative decision:

- (1) Minor alteration of or addition to a landmark site or contributing site and/or structure;
- (2) Substantial alteration of or addition to a noncontributing site;

Historic Preservation – Designation Questions



Historic Preservation - Designation Questions

Questions about Designation

What are the benefits to me of having my property in a local historic district?

Local historic district designation is the most effective form of protection to maintain the historic character of a neighborhood. Local historic designation helps protect the historic and architectural character of a neighborhood by limiting demolitions and out-of-character alterations, remodeling or additions.

This is accomplished through the review of change. Proposed demolitions and exterior alterations to individual landmarks and historic district properties are reviewed to ensure they will not adversely affect the special historic architectural character of the district. Design review helps to ensure that changes and new construction will be compatible with the historic architectural character of the site and the district in turn helping to retain the most significant or "character-defining" features of the property. Design and demolition reviews encourage stability and investment in historic districts, since current and prospective property owners know that the distinctive historic architectural character of a particular neighborhood will be protected over time.

We already have a National Register Historic District. Why do we need to establish a local historic district?

The National Register Program is an honorary and incentive based program which recognizes the importance of a district or site and encourages preservation through incentives. Listing at the national level does not restrict what a property owner may do with a property unless the owner is seeking federal or state tax credits for the rehabilitation project. It does not protect historic properties from insensitive alteration that is not compatible with the site or district, nor does national register designation protect historic properties from demolition.

Can I make changes to my property if it is in a local historic district?

Yes. Property owners are allowed to make changes to their property. Local historic district designation helps to ensure that any changes to the exterior of a property are appropriate to the historic character of the building and the district. Owners of property in local districts regularly make changes to their properties including repairing porches, building additions, and erecting new fences and garages. These changes are all appropriate as long as the projects are designed to meet the adopted criteria.

Will it cost more to make repairs and changes to my building if it is in a local historic district?

In some cases it may. Best practices in historic preservation encourage maintenance, repair if required and replacement of those features or materials that are beyond repair. In most cases historic construction tends to be sound using traditional durable materials and construction techniques and have stood the test of time. If replacement is necessary, investing in a similar quality of materials up front is often more cost-effective in the long run. After all, the wood windows in an historic home have probably been in service for over 100 years- and that is a pretty good return on the initial investment. When changes are proposed to areas of the building and property that are not readily visible from the street, there is more flexibility in what is allowed.

Does the designation of my property in a local historic district affect how my property can be used?

No. Local historic district designation does not affect the type of use (residential, business, etc) of any property. The zoning of your property regulates the use.

Will local historic designation affect my property values?

Studies across the United States, including a recent study in Utah, have concluded that historic designation and the creation of historic districts usually stabilize and in some cases increase property values at a greater rate than experienced citywide. This is generally true for both national historic districts and local historic districts. In times of recession, studies have shown that home values in historic districts are less likely to fall or typically will fall less than values elsewhere in a community. This is true for all of the historic districts in Salt Lake City as well except for one. In Salt Lake City's Northwest National Historic District located between North Temple and 600 North between 500 West and 1100 West, the property appreciation rate was lower than the citywide average.

Will I be required to restore or make changes to my property?

No. Local historic designation does not require an owner to restore a property or site. Only work that is initiated by the property owner is reviewed. The rules ensure that when changes are made they are appropriate to the historic character of the site and district.

What criteria have to be met to designate a property historic?

Generally the property has to be at least 50 years old but age is just one consideration when determining if a property is historic. An historic resource must also retain its physical integrity which relates to the existence of original materials, design, workmanship, how it's located on the site, the street character and what types of historic structures exist around it. A property is also rated by whether it is associated with a significant person or event, for its design or construction techniques.

Why is Historic Preservation Important to Salt Lake City?

Historic preservation provides opportunities for residents and visitors to experience and learn about the importance of our past, to live and work in surroundings that provide a sense of place anchored by collections of older buildings, residential neighborhoods, commercial areas and landscaped. This sense of place drives community pride, encourages neighborhood and commercial reinvestment and results in a sustainable community with cultural vitality. Historic preservation is also a positive factor in economic development, community revitalization, increased tourism revenue, local job creation and environmental sustainability. When historic resources are lost or allowed to deteriorate, a part of our history and sense of identity disappears.

Are there financial incentives available for my project?

There are several financial incentive programs that owners of property within Salt Lake City can apply for. Tax Credits for appropriate renovation to properties within national register districts is administered by the State Historic Preservation Office. Low interest loans for renovation of historic properties are administered by the Utah Heritage Foundation. The City also offers assistance for housing rehabilitation projects. For more information see our website at

<http://www.slccgov.com/historic-preservation/historic-preservation-incentives> <http://www.slccgov.com/historic-preservation/historic-preservation-incentives>

Does being in a local historic district make it more difficult to make my house safe from natural disasters such as earthquakes?

Building Codes used in Salt Lake City did not include construction requirements for withstanding an earthquake until the 1970s. Therefore, buildings that were built in Salt Lake City prior to that time may be vulnerable to damage during an earthquake. However, there are steps that property owners can take to help minimize damage during an earthquake and most of those changes can be made without affecting the historic character of the structure. Additional information of what you can do to help minimize the damage to your home can be found at these links

www.slccdocs.com/historicpreservation/GuideRes/Ch10.pdf <http://www.slccdocs.com/historicpreservation/GuideRes/Ch10.pdf>

<http://heritage.utah.gov/history/earthquake> <http://heritage.utah.gov/history/earthquake>

Will my taxes go up if I am in a local historic district?

No. The tax rate is based on the use of the property. While property values may increase, the tax rate can only increase in accordance with state law. The use of the property does not change with the designation of a local historic district.

Is it possible to expand or modify a historic district or to remove one once it is created?

Yes. The process to modify, enlarge or remove a local historic district is the same process for creating one.

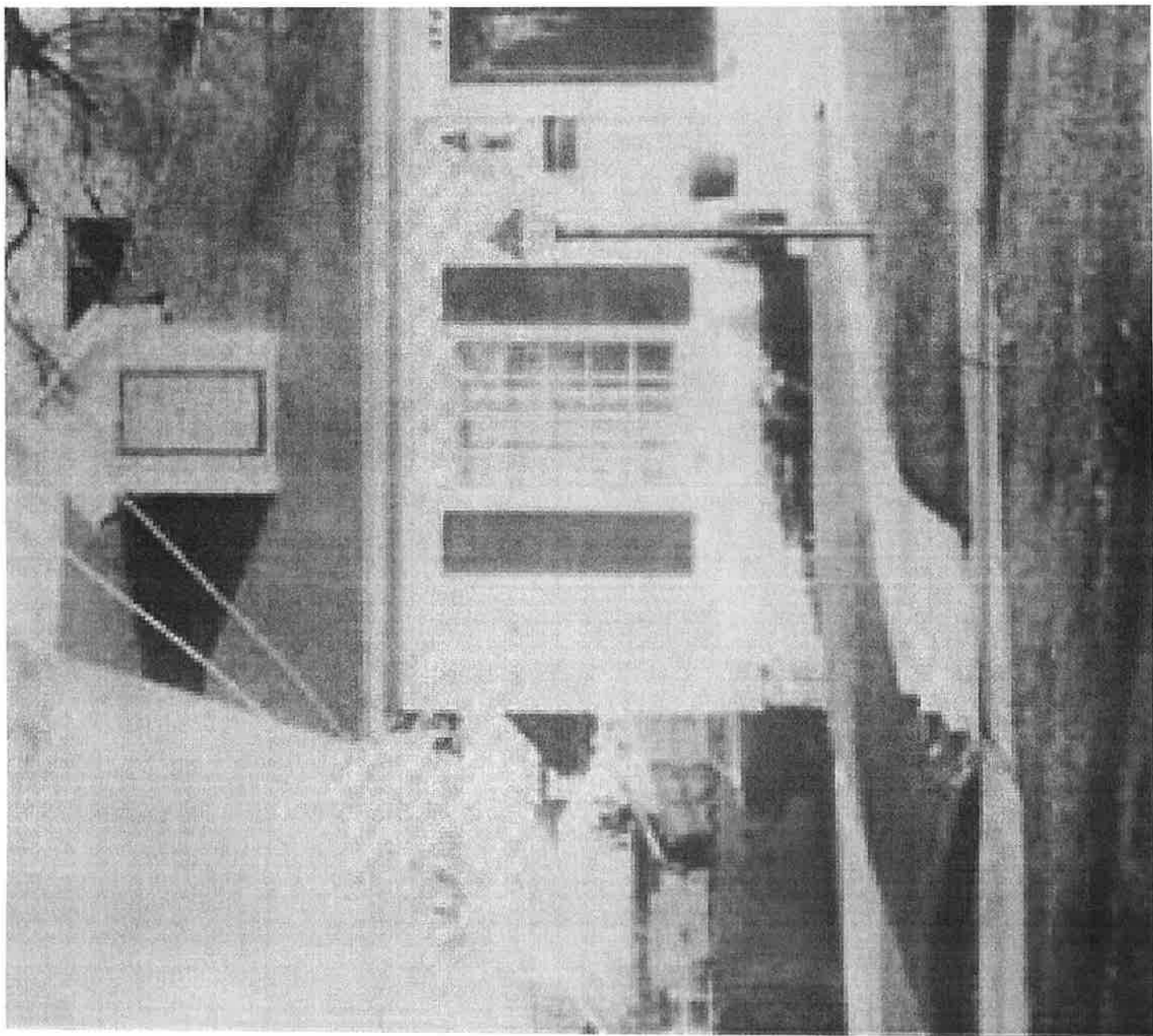
Can a property owner "opt out" of having their property reviewed by the City for historic preservation purposes?

Not if it is within a local historic district. A property owner cannot opt out of having their property reviewed by the City for historic preservation purposes once a local historic district has been designated. The character of an historic district is dependent on the combined character of all the buildings and sites within it. One of the purposes of the local historic district rules is to ensure that every person that owns property in a local historic district follows the same rules relating to changes to the exterior of the properties.

A property owner can submit an application to remove their property from a local historic district once it is created. This process is the same process followed to create a new district and would be considered a modification of the boundaries of the local historic district.

Attachment L

Siding on 1729 E. Harvard



Attachment M
Conservation Districts



Salt Lake City Community Preservation Plan

Adopted October 23, 2012

A citywide guide to guide community preservation efforts in Salt Lake City

APPENDIX I. CONSERVATION DISTRICTS

WHAT IS A CONSERVATION DISTRICT?

New "conservation districts" might be an appropriate tool for protecting some of the communities in Salt Lake that have special attributes that citizens want to protect. Conservation districts are being considered or have been adopted in a growing number of jurisdictions across the country as one alternative to more stringent historic district regulations. Communities as diverse as Dallas, Texas (illustrated on this and the following page); Cambridge, Massachusetts; and Portland, Oregon, all have adopted conservation districts, though each district is unique. (Portland also has "conservation landmark" designation for individual properties.) Most conservation districts are directed at preserving the residential character of a neighborhood, maintaining a unique community center, or emphasizing an important cultural element of a community. Some are intended as buffer, or transition areas immediately surrounding a protected historic district. Sometimes, they are used for areas that fall short of meeting the criteria for a local, state, or national historic designation, but which nevertheless have important cultural, visual, or other significance.

KEY ELEMENTS OF CONSERVATION DISTRICTS

- Design flexibility is an important attribute of conservation districts. Whereas the primary purpose of a preservation district is to protect the historic integrity of an area (usually by preventing demolition and requiring appropriate renovation or highly compatible new construction), conservation districts can, depending on how they are drafted, be much more flexible and can allow design elements that might accent or complement a particular neighborhood feature so long as the general character of the area remains intact. Design guidelines in conservation districts generally are not overly detailed and are developed on the basis of specific neighborhood concerns and features, such as building height, lot size, setbacks, and landscaping. (Historic districts go further to also address more specific elements of the buildings themselves such as windows,



Example of conservation district in Dallas, Texas

decorative elements, materials, and colors.) A conservation district could be an appropriate tool to address concerns such as encroachment of commercial uses into residential areas, by imposing some limited design and development standards designed to preserve the existing character of the area. The conservation district could be a good tool for allowing infill development that is consistent with established neighborhood design (contextual setbacks, shape of building, pitch of roof, etc.).

- The sponsoring group typically develops a plan or study that details the proposed conservation district with a map, neighborhood history, defining characteristics, issues the district is intended to address, and design guidelines to be instituted through the district.
- The process for creating conservation districts can be voluntary. The voluntary nature of the district means that it would be applied in areas where residents care strongly about their neighborhoods, and thus much of the district's provisions would be self-enforced.
- Administration of conservation districts is typically kept as simple as possible – using existing procedures of underlying zoning and allowing staff review of most proposals in conservation districts. This keeps the mechanics streamlined and does not place a review volume burden on official boards and commissions which, over time, could result in an unwillingness or inability to support additional conservation districts.

In Salt Lake, the Sugarhouse and Gilmer Park neighborhoods have been suggested as possible areas to consider conservation districts.



Appendix

Deciding if a Local Historic District is Right For Your Community

As previously noted, local historic districts are the strongest form of protection that can be given to historic properties. The establishment of a local historic district has considerable implications for property owners, so its establishment should not be approached casually. The recommendation of a local historic district is best when part of a comprehensive assessment of the community's historic resources, consideration of threats these resources may face, and a careful examination of appropriate strategies to address these threats. However, sometimes a building, neighborhood or village center is threatened before this planning process takes place. In this case, a more strategic approach to protecting the resources is needed.

While the establishment of local historic districts is perhaps the best known protective strategy to protect historic resources, it is not the sole mechanism available to further historic preservation and protect community character. Other strategies including changes in local zoning and development policy, the implementation of facade, home improvement or other preservation incentive programs, targeted planning efforts, preservation restrictions, demolition delay bylaws, neighborhood conservation districts, technical and design assistance, public investments, etc. can contribute to the goal of furthering historic preservation and preserving community character. Careful consideration should be given to the appropriateness of any mechanism in addressing threats to historic resources. Ideally, the recommendation of a local historic district will be just one component of a much larger and more comprehensive strategy to ensure the preservation of historic resources and community character. To learn more about the range of tools for protecting historic resources, contact the Massachusetts Historical Commission for a copy of *Preservation through Bylaws and Ordinances*.



Winchendon Centre Historic District

The identification and recommendation of areas for local historic districts is sometimes made as part of the community's ongoing process of surveying its historic resources, through the development of a local preservation or master plan, or the findings of special planning or economic development studies. In most instances the recommendation to pursue the establishment of a local historic district evolves from the work of the local

historical commission, which is responsible for community-wide historic preservation planning. The initiation of the formal local historic district process generally begins with a request from the local historical commission (in some communities a petition from residents or property owners has been utilized) to the board of selectmen or city council for the appointment of an historic district study committee.



Cottage City
Historic District
*Old Bluffs Cottage City
Historic District*

If you have decided that a local historic district is needed in your community, the next section of this guidebook will explain the step-by-step process to follow. The Historic Districts Act (Massachusetts General Law, Chapter 40C) provides a specific procedure for the establishment of local historic districts in Massachusetts. This process must be followed for a local historic district to be valid.

Attachment N
Back Side of a Structure

Local Preservation

A service of the National Park Service
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When Preservation Commissions Go To Court A Summary of Favorable Treatment of Challenges To Ordinances and Commission Decisions

Stephen N. Dennis
Executive Director, National Center for Preservation Law
July 1988

A recent study by the National Center for Preservation Law suggests that local preservation commissions are becoming involved in litigation much more frequently than had been previously thought. Seventeen percent (39 commissions) of the 222 preservation commissions responding to a National Center questionnaire stated that they had been involved in a court case within the previous two years. This indicates that it is important for commissions and their staffs to know how commissions and local preservation ordinances have fared in court over the years. This issue of **Local Preservation** briefly summarizes and analyzes preservation commissions' participation in litigation.

Historical Overview of Preservation Commission Litigation

When one looks back over the evolution of American law relating to local preservation commissions, several distinct periods can now be seen. The first of these, a period of early development, lasted from the enactment of the nation's first historic preservation ordinance in Charleston in 1931 until about 1955, when the Massachusetts legislature enacted two special bills creating and protecting historic district on Beacon Hill in Boston and on the Island of Nantucket. These two legislative bills set the stage for statewide enabling legislation for local preservation commissions in a growing number of states.

The second of the periods showed a growth to maturity for local preservation commissions. This period lasted from 1955 until the U.S. Supreme Court decision in the Penn Central case in 1978. During this period, many cases involving local preservation ordinances were decided, almost invariably in favor of a challenged ordinance or a disputed commission decision.

The third period, which may still be underway, has been an aftermath to the Penn Central decision and lasted from 1978 until at least the early 1980s. During this period several important local preservation ordinances were strengthened, most notably those for the District of Columbia, Philadelphia, San Antonio, and Chicago. A strong decision on hardship under the District of Columbia ordinance helped make it clear that a loss in value because of landmarking will seldom be compensable.

The current period is also one of perfecting commission procedures and challenging the regulation of properties owned by charitable (particularly religious) institutions. Cases involving these issues are characterized by: (1) careful attention to the demands of particular preservation ordinances (the search for procedural irregularity); and (2) a persistent questioning of whether

In Faulkner v. Town of Chestertown, 428 A.2d 879 (Md. 1981) the Maryland Court of Appeals stated that:

(T)he whole concept of historic zoning "would be about as futile as shoveling smoke" if because a building being demolished had no architectural or historical significance a historic district commission was powerless to prevent its demolition and the construction in its stead of a modernistic drive-in restaurant immediately adjacent to the State House in Annapolis.

May a community deny altogether demolition permission when an owner wishes to demolish a building?

Courts in several states have now upheld total denials of demolition permission for designated properties. In Maher v. City of New Orleans, 516 F.2d 1051 (5th Cir. 1975), the United States Court of Appeals for the Fifth Circuit stated:

An ordinance forbidding the demolition of certain structures if it serves a permissible goal in an otherwise reasonable fashion, does not seem on its face constitutionally distinguishable from ordinances regulating other aspects of land ownership, such as building height, set back or limitations on use. We conclude that the provision requiring a permit before demolition and the fact that in some cases permits may not be obtained does not alone make out a case of taking.

For similar results, see also Mayor and Aldermen of City of Annapolis v. Anne Arundel County, 316 A.2d 807(Md. 1974); Figarsky v. Norwich Historic District Commission, 368 A.2d 163 (Conn. 1976); First Presbyterian Church v. City Council of City of York, 360 A.2d 257 (Penn. 1976); Lafayette Park Baptist Church v. Board of Adjustment of City of St. Louis (No. 782-3455, St. Louis City Cir. Ct., May 3, 1979).

In the Figarsky case from Connecticut, the court stated:

Whether the denial of the plaintiffs' application for a certificate of appropriateness to demolish their building has rendered the Norwich ordinance, as applied to them, confiscatory, must be determined in the light of their particular circumstances as they have been shown to exist.... In regulating the use of land under the police power, the maximum possible enrichment of a particular landowner is not a controlling purpose.

May a preservation commission review all exterior alterations to a structure or must it confine its jurisdiction to those exterior facades visible from public streets?

Commissions do not have all the same power on this issue. An early New Orleans decision, City of New Orleans v. Impastato, 3 So. 2d 559 (La. 1941), established the principle that in New Orleans the Vieux Carre Commission may regulate all changes to the exterior facades of buildings within its jurisdiction:

The word "exterior" as used in the Constitution cannot be limited to include only the front portion of the building as contended by defendant's counsel. Such a strained interpretation of the language employed in the constitutional amendment would merely serve to defeat the obvious intention of the people... by rendering it