

HISTORIC LANDMARK COMMISSION
STAFF REPORT



Planning Division
Department of Community and Economic
Development

Terrace Falls Sun Deck
PLNHLC2014-00576 & PLNHLC2014-00823
171 East 3rd Avenue
December 4, 2014

Applicant: Fernando Silva

Staff:

Katia Pace (801) 535-6354 or
katia.pace@slcgov.com

Tax ID: 09-31-340-039

Current Zone: RMF-35
Moderate Density Multifamily

Master Plan Designation:
Medium Density

Council District:
3, Stan Penfold

Lot Size:
86,248 sq. ft. (condo complex)
436 square feet (condo unit)

Current Use:
Condominium Complex

**Applicable Land Use
Regulations:**

- 21A.24.130
- 21A.34.020
- 21A.52.060

Attachments

- A. Site Plan & Elevations
- B. Renderings
- C. Photos
- D. Letters

Notification

- Notice mailed on 11/20/14
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites 11/20/14
- Sign posted 11/24/14

Request

A request by Fernando Silva, the owner of unit 601 of the Terrace Falls Condominium, and with consent from the property owner of unit 602, to create a sun deck on units 601 and 602, on the west end of the building. The Terrace Falls Condominiums is located at approximately 171 East Third Avenue and is a noncontributing structure in the Avenues Historic District. This request would require a special exception for additional height because the overall height of the building will need to be raised approximately two feet to create access to the sun deck.

Staff Recommendation

Staff recommends that the Historic Landmark Commission review the application, and approve the sun deck addition and special exception for additional height subject to the findings, analysis and conditions of approval in this staff report.

Potential Motions

Consistent with Staff Recommendation: Based on the analysis and findings of fact in the staff report, testimony and plans presented, I move that the Commission approve the request for a sun deck addition and special exception for additional height for units 601 and 602 at 171 East Third Avenue located on top floor at the west end of the condominium complex. The approval will be subject to the following conditions:

1. That the proposed windows on the north and south elevations should be replaced with similar bay windows that reflect the proportions of the bay windows below.
2. That the work on units 601 and 602 be done simultaneously.

-or-

Not Consistent with Staff Recommendation: Based on the testimony and plans presented, I move that the Commission deny the request for a sun deck addition and special exception for additional height for units 601 and 602 at 171 East Third Avenue based on the following findings (Commissioner then states findings based on the Standards below to support the motion to deny):

Standard 1: Scale and Form

- a. **Height and Width:** The proposed height and width shall be visually compatible with surrounding structures and streetscape;
- b. **Proportion of Principal Facades:** The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;
- c. **Roof Shape:** The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and
- d. **Scale of a Structure:** The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

Standard 2: Composition of Principal Facades

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

Standard 3: Relationship to Street

- a. **Walls of Continuity:** Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;
- b. **Rhythm of Spacing and Structures on Streets:** The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;
- c. **Directional Expression of Principal Elevation:** A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and
- d. **Streetscape; Pedestrian Improvements:** Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

Standard 4: Subdivision of Lots

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

Vicinity Map



Background

The building is located in the Avenues Historic District and was built in 1980; it is considered a noncontributing structure. This building has a Neo-Eclectic style it is seven levels on the west side, where the proposed sun decks are being proposed, and eight levels on the east side, with a total of 82 units. This building was controversial at the time it was built. The main opposition came from property owners on A Street and 4th Avenue because of concerns that the building would obstruct their views and would not fit in with the historic character of the neighborhood. In order to mitigate and lessen concerns about mass, the building was designed with façade modulation and multiple rooflines that cascade down sloping Third Avenue

Initially the applicant requested work on his unit alone, unit 601. The Planning Division raised concerns that the proposed work on one side only would adversely alter the symmetry of the building. Subsequently, the neighbor across the hall (unit 602) decided to add a sun deck as well, thus, making the proposed design more symmetrical in nature which is the current proposal.

The building is a condominium and the proposed changes will change the footprint of units 601 and 602. These changes will trigger a requirement to amend the condominium plat which is a process the applicant is willing to pursue as long as this request is approved by the Historic Landmark Commission in terms of design.

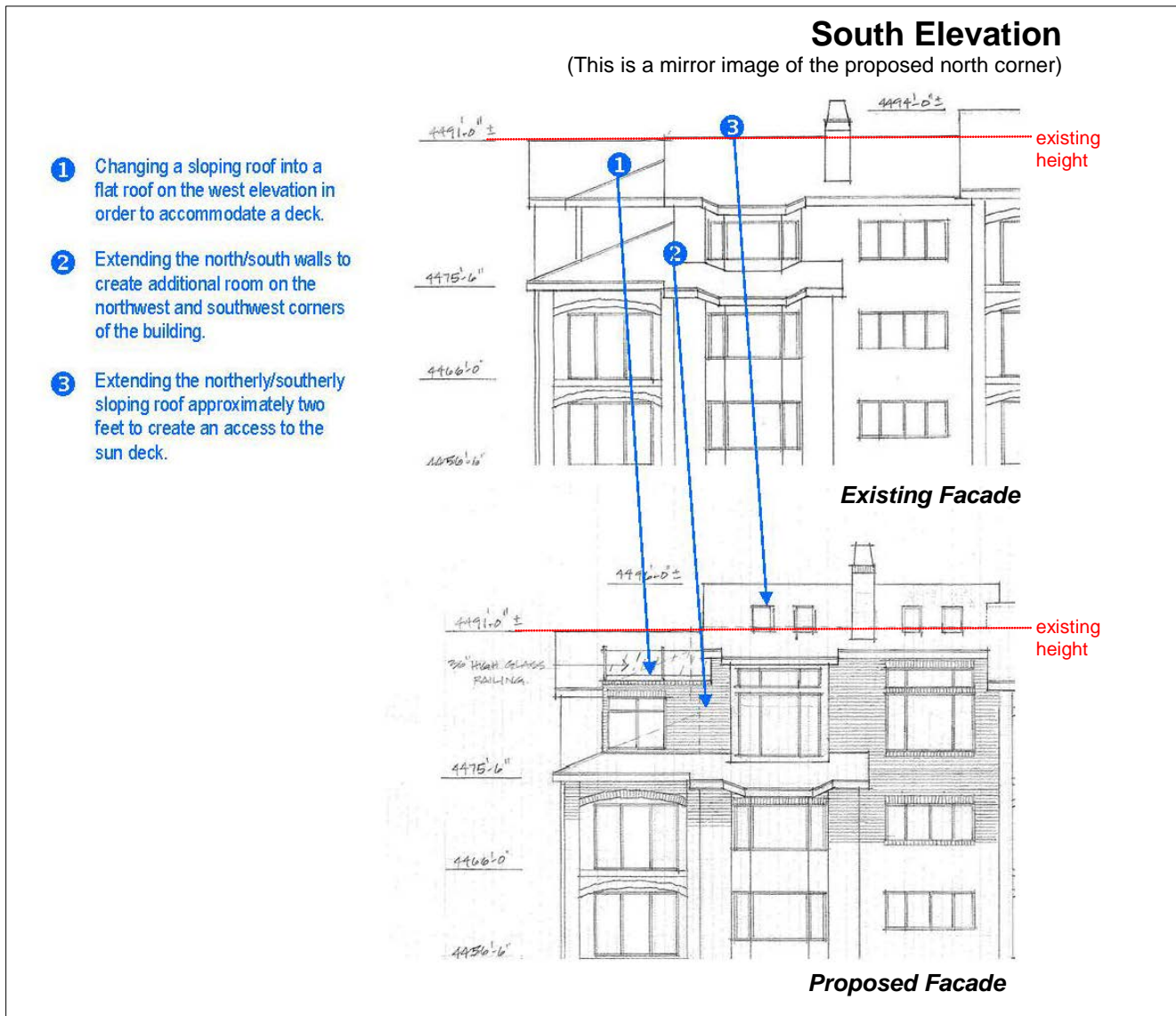
Project Description

The proposed exterior alterations include:

1. Changing a sloping roof into a flat roof on the west elevation in order to accommodate a sun deck.
2. Extending the north/south walls laterally to create additional room on the northwest and southwest corners of the building.
3. Extending the northerly/southerly sloping roof approximately four feet (two feet from the overall height of the building) in order to create access to the proposed sun deck.

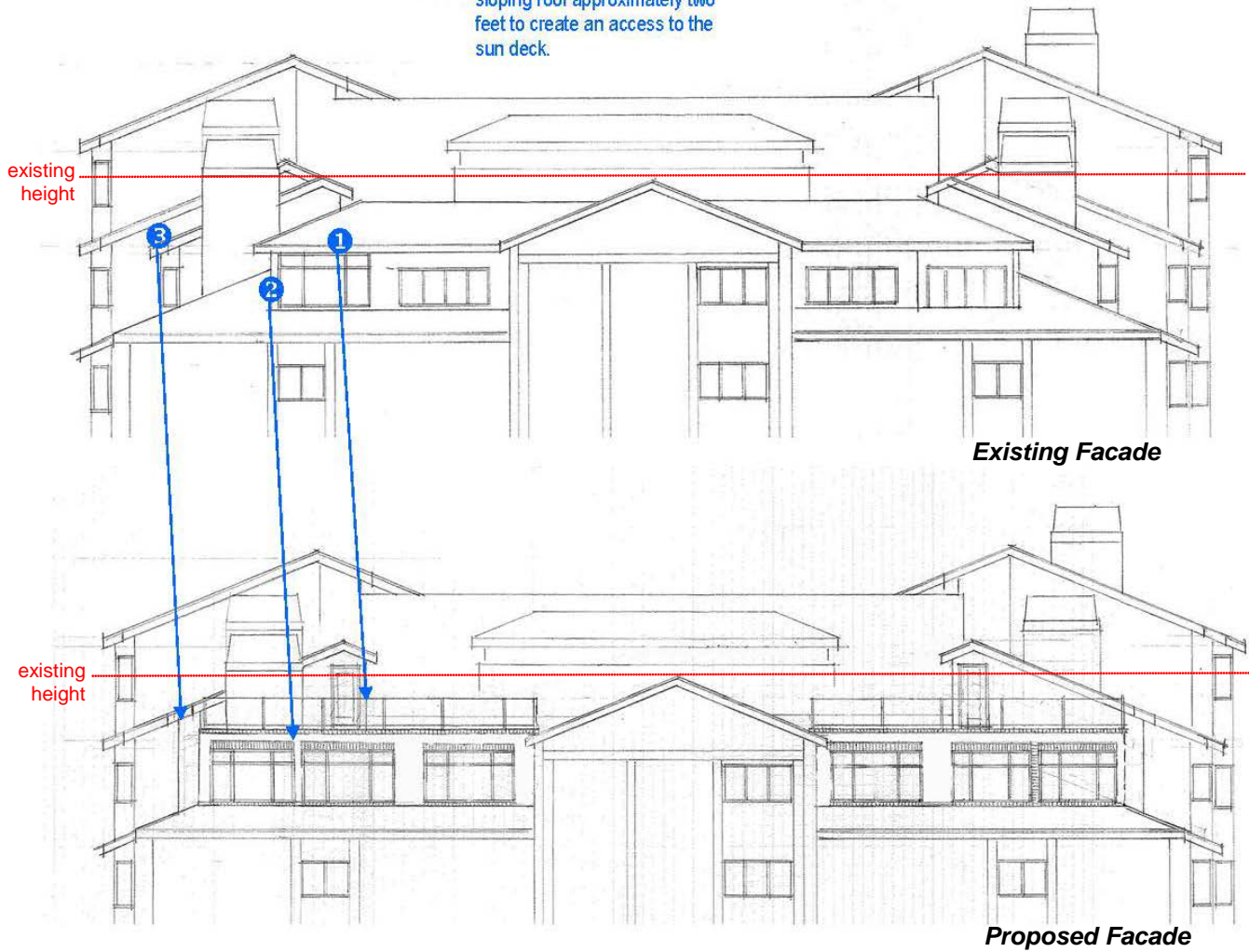
Other minor changes:

4. Adding new windows on the wall under the deck.
5. Adding a new door to the deck.
6. Adding new glass railings for safety and to offer transparency into the rooftop space.
7. Extending the windows on the north/south elevations.
8. Adding new skylights on the north/south roofs.



West Elevation

- 1 Changing a sloping roof into a flat roof on the west elevation in order to accommodate a deck.
- 2 Extending the north/south walls to create additional room on the northwest and southwest corners of the building.
- 3 Extending the northerly/southerly sloping roof approximately two feet to create an access to the sun deck.



The proposed materials for the addition are as follow:

1. New windows will match the existing windows.
2. New skylights will be flush with the roof.
3. New door accessing the sun deck will have a plain glass panel.
4. Roof shingles will match the existing shingles.
5. Soffit and fascia will be metal and will match existing material.
6. The exterior wall additions will be composed of matching brick from Beehive Brick Company.

Public Comments

No comments were received which would preclude the proposed development. The applicant sent out a letter to each of the property owners and did not receive any objections. Also, the HOA of the condominium has written a letter in support of this project (see Attachment D.)

Zoning Considerations

21A.24.130 RMF-35 Moderate Density Multi-Family Residential District: The purpose of the RMF-35 moderate density multi-family residential district is to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and multi-family dwellings with a maximum height of thirty five feet (35'). This district is appropriate in areas where the applicable master plan policies recommend a density of less than thirty (30) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

Analysis: This building is already noncompliant in regards to height; the maximum building height in the zoning district is 35 feet. This building is located on a sloping hill and was designed with multiple varying roof heights that cascade down Third Avenue and modulation of the façade was done due to the building height and scale being greater than some buildings on the street. The project proposes to extend the roof and raise the pitch 4 feet thus adding approximately two feet to the overall height of the building. The approximate building height on this section of the building is 64 feet (the section of the building to the east is 66 feet high.) The proposed new height will be 68 feet. The applicant is requesting that the Historic Landmark Commission approve a Special Exception for additional height which should not change the existing scale of the building. The analysis later in this Staff report discusses mass and scale further.

Finding: The building is already built and the change in roof height would not be readily visible from the street (as seen by the rendering below.) The increase height is a result of the extending roof slope to accommodate access to the roof deck, and works within the architectural design. Staff finds that the additional height will be compatible with the building and preserves the character or the neighborhood as the building is already built.



Rendering of the Proposed Southwest Elevation



Photo of the Southwest Elevation

Analysis and Findings

Standards of Review

For determinations regarding certificates of appropriateness for new construction, the Historic Landmark Commission must base its decision on the Zoning Ordinance criteria found in Section 21A.34.020H.

H. Standards For Certificate Of Appropriateness Involving New Construction Or Alteration Of A Noncontributing Structure: In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape and is in the best interest of the city:

Standard 1: Scale and Form

- a. **Height and Width:** The proposed height and width shall be visually compatible with surrounding structures and streetscape;
- b. **Proportion of Principal Facades:** The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;
- c. **Roof Shape:** The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and
- d. **Scale of a Structure:** The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City

Chapter 12 - New Construction

Design Guideline 12.7 The roof form of a new building should be designed to respect the range of forms and massing found within the district.

Design Guideline 12.11 A new building should appear similar in width to that established by nearby historic buildings.

Design Guideline 12.14 Roof forms should be similar to those seen traditionally in the block and in the wider district.

Analysis: The project as proposed is designed to integrate the architectural composition and language of the building. The building was designed with varying modules with varying roof heights across the façade. It uses symmetry with the arrangement of roof elements including window bays with alternating recessed patterns of fenestration. This is a character defining element of the building. The project should be located, composed, scaled and detailed appropriately in order to maintain or enhance the character of the building.

The top level is already distinct from the levels below. The subject units are substantially setback from the units below and are unique in that they have a covered balcony which on unit 601 the balcony has been enclosed. The proposed change of the roofline will be compatible with and to scale with the existing roofline patterns which are made up of multiple roof heights. The additional roof height will not be readably visible from the street because it will be setback as an extension of a sloping roof.

The distinct top floor units on the end are proposed to assist in terminating the façade, and complement the architectural hierarchy and create coherent visual interest. The proposed project maintains the existing modulation. The proposed deck is a module that will be in scale with the existing modulation of

this building. The modulation of the façade on this building helps reduce the perceived scale of the building.

The railing on the deck will be glass. The transparency of glass will help reduce the impact of the extension of the walls in the corners and avoids the need for a solid balcony component.

Finding: The changes proposed will be visually compatible with the building in terms of mass and scale. Staff finds that the proposed changes meet the standard.

Standard 2: Composition of Principal Facades

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

A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City

Chapter 12 - New Construction

Design Guideline 12.12 The ratio of wall-to-window (solid to void) should be similar to that found in historic structures in the district.

Design Guideline 12.15 Overall facade proportions should be designed to be similar to those of historic buildings in the neighborhood.

Design Guideline 12.17 Use building materials that contribute to the traditional sense of human scale of the setting.

Analysis: The architectural symmetry in this building is important and will be preserved by having both north and south penthouses be changed simultaneously. Additionally, the proposed windows will reflect the characteristic window patterns of the existing architecture. Staff suggested that the current bay windows on the north and south elevations should be replaced with similar bay windows that reflect the proportions of the bay windows below. The applicant has agreed with staff's suggestion.

The materials for the additions will match the existing materials. Although it is important to ensure that new additions are to be read as such, in this case staff finds that the the differentiation occurs as the proposed changes are complimentary and sensitively as designed, will be read as an obvious change from the original design. Thus, like for like material change is not necessary and bricks that match the building are appropriate.

Finding: A condition of approval should be that the proposed windows on the north and south elevations should be replaced with similar bay windows that reflect the proportions of the bay windows below. Staff finds that the proposal meets the standard. The proposal strives to respect, reflect and also compliment the character of the building.

Standard 3: Relationship to Street

- a. **Walls of Continuity:** Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;
- b. **Rhythm of Spacing and Structures on Streets:** The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;
- c. **Directional Expression of Principal Elevation:** A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and
- d. **Streetscape; Pedestrian Improvements:** Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City

Chapter 12 - New Construction

Design Guideline 12.23 Building components should reflect the size, depth and shape of those found historically along the street.

Analysis: The proposed changes will take place on the top end units and the rhythm of spacing and the continuity as read from the street will ensure visual compatibility. There will be no changes to the spacing of structures on the street. The directional expression of the units, towards the street will be similar to the existing design. There are no changes of orientation to the street.

Finding: The proposal will not adversely affect the relationship to the street. Staff finds that this standard is met.

Standard 4: Subdivision of Lots

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

Analysis: The building is a condominium and the proposed changes will change the footprint of units 601 and 602. These changes will trigger a requirement to amend the condominium plat. If the design changes proposed are approved by the Historic Landmark Commission, the applicant will pursue a condominium plat amendment. This process will allow the applicant to change the footprint of the condominium.

Finding: This standard does not apply. The condominium plat amendment is a separate subdivision process and is not related to the design review in the analysis of this report.

Special Exception for Height

The Historic Landmark Commission can review and approve or deny certain special exceptions for properties located within an H Historic Preservation Overlay District. The review and decision of the Historic Landmark Commission must conform to all the procedures and standards found in Chapter 21A.52. The general standards and considerations for special exceptions are found in 21A.52.060.

21A.52.060

A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

Analysis: The purpose of the RMF-35 moderate density multi-family residential district is to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and multi-family dwellings with a maximum height of thirty five feet (35'). This district is appropriate in areas where the applicable master plan policies recommend a density of less than thirty (30) dwelling units per acre. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

The project proposes to extend the roof and raise the pitch 4 feet thus adding approximately two feet to the overall height of the building. The approximate building height on this section of the building is 64 feet (the section of the building to the east is 66 feet high.) The proposed new height will be 68 feet.

Finding: This existing building complies with the intended use of the zoning district. It is already noncompliant in regards to height; the maximum building height in the zoning district is 35 feet. The increase height is caused by an extension of the roof slope that is part of a sensitive architectural change. Staff finds that it meets this standard.

B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

Analysis: The proposed use and development will not diminish or impair the value of property in the neighborhood.

Finding: Staff finds that the project meets this standard.

C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

Analysis: This is an existing building and the change in height as proposed will not have an adverse material impact on the character of the area or the public health, safety and general welfare.

Finding: Staff finds that the project meets this standard. Staff finds that the additional height will not have an undue adverse impact.

D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

Analysis: The surrounding properties are for the most part a mix of uses from historic single-family residences, small multi-family dwellings and a church. The Canyon Road Towers, with 13 levels, is located on the block south of the subject property; it is very visible and compatible with Terrace Falls Condominiums. The special exception for height as proposed is compatible with the architecture of the building and does not increase the overall building footprint. It is arranged to be visually compatible with the existing building thus neighboring properties.

Finding: Staff finds that the project meets this standard. The change in height will not be readily visible from the street and will be compatible with the surrounding development.

- E. No Destruction of Significant Features:** The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

Analysis: This is an existing building. There is no evidence of natural, scenic or historic features on the site.

Finding: Staff finds that the proposed request will not result in the loss of additional significant features.

- F. No Material Pollution of Environment:** The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

Analysis: The proposed development will not cause material air, water, soil, noise or other types of pollution.

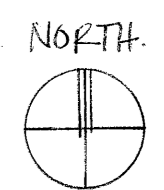
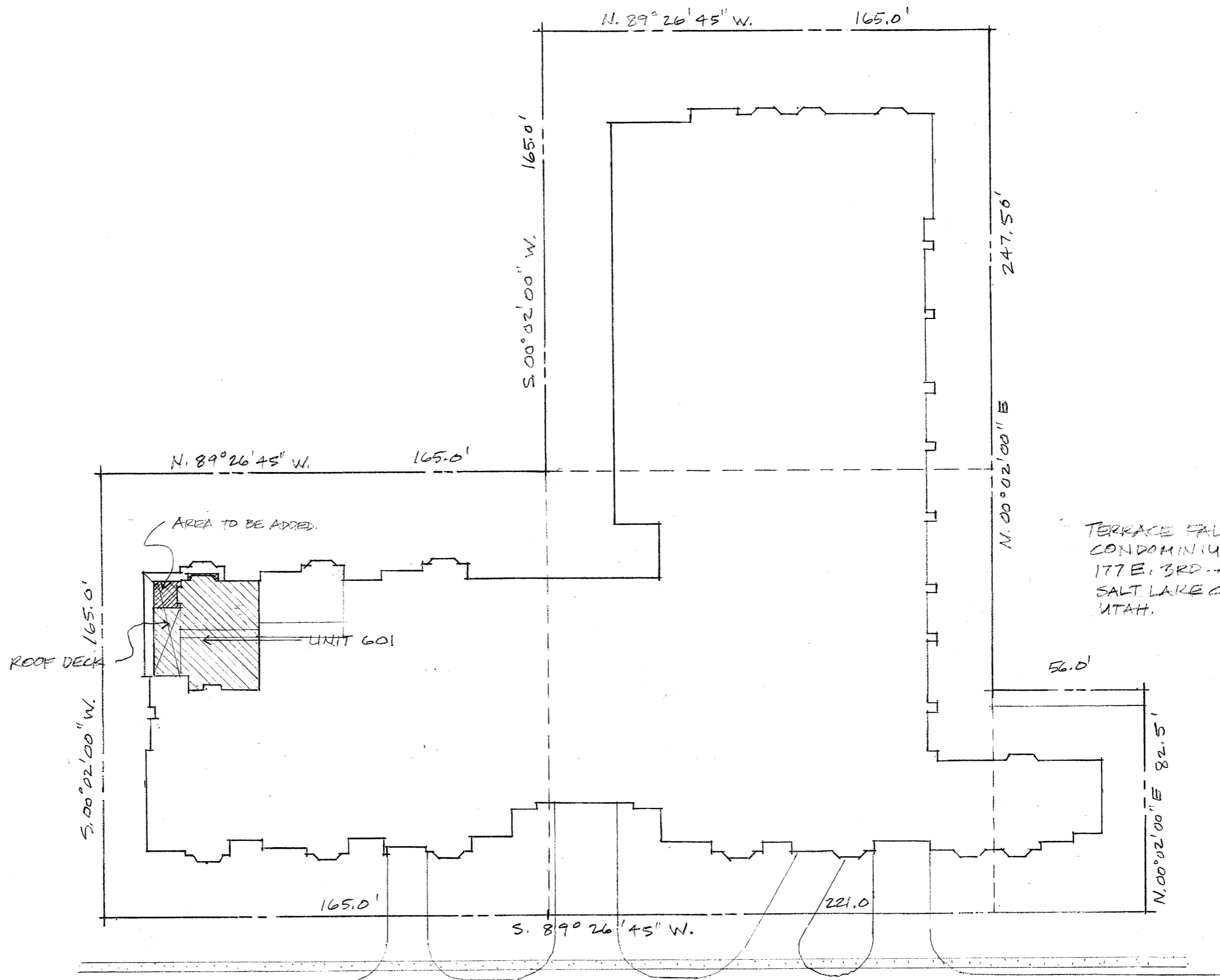
Finding: Staff finds that the project meets this standard.

- G. Compliance with Standards:** The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.

Analysis: Chapter 21A.52 does not include any specific standards to consider when reviewing a request for additional height.

Finding: Staff finds that this standard is not applicable.

Attachment A
Site Plan and Elevations



SITE PLAN

1" = 40'-0"

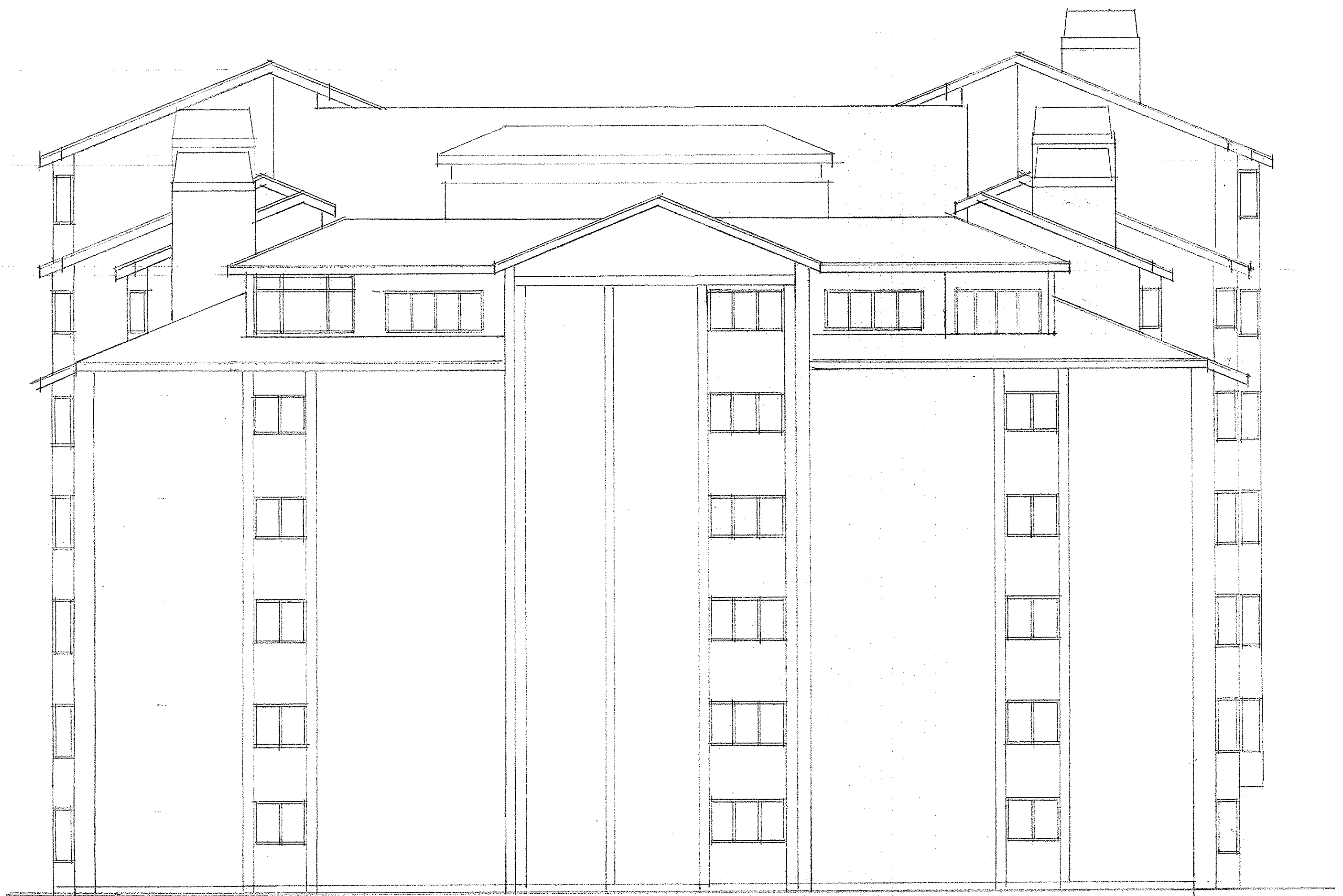
REVISIONS	BY



WEST ELEVATION (PROPOSED)

1/8" = 1'-0"

Date
Scale
Drawn
Job
Sheet
Of
Sheets



WEST ELEVATION (EXISTING)

1/8" = 1'-0"

REVISIONS	BY

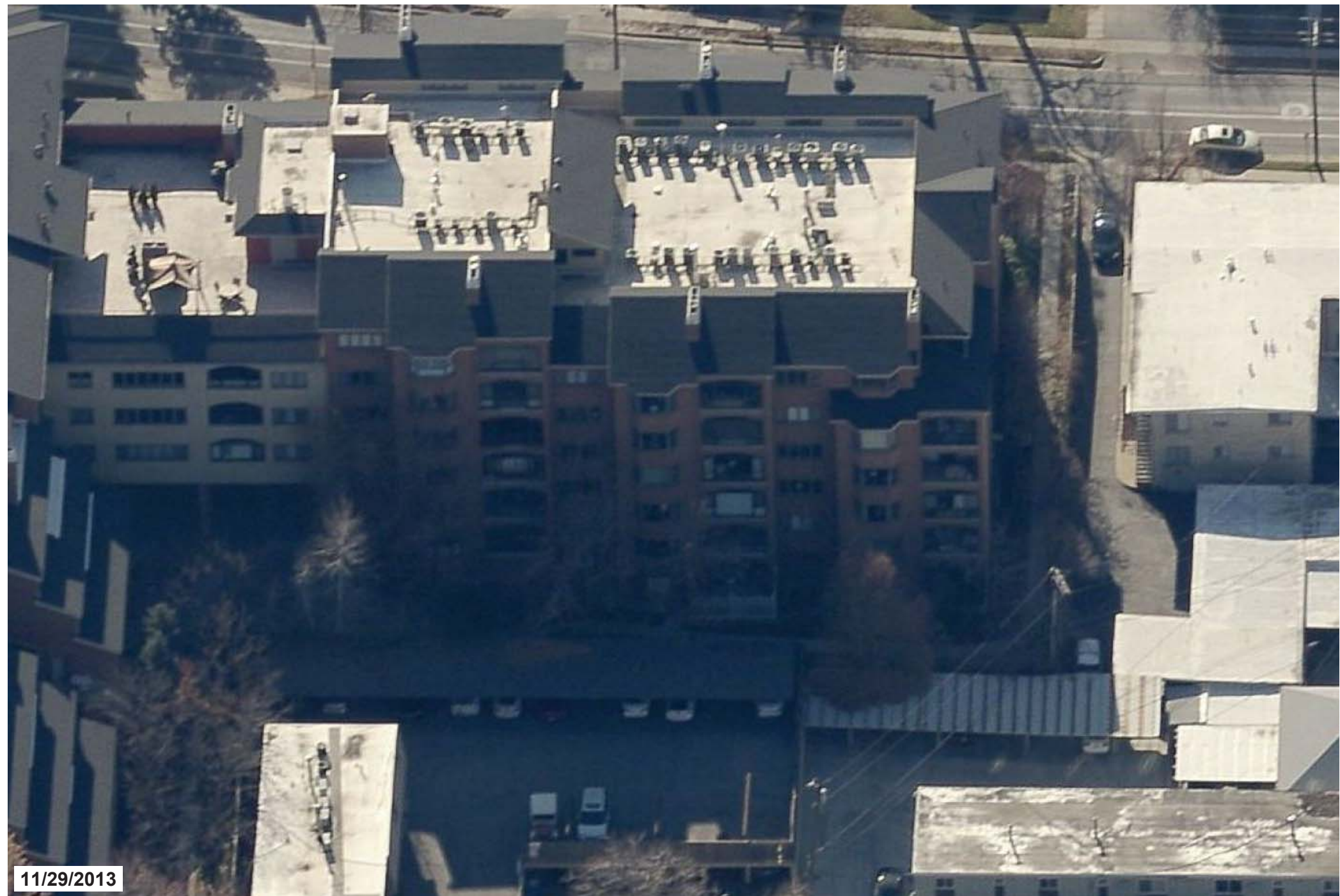
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Attachment B
Rendering



Attachment C
Photos

north elevation



11/29/2013

west elevation



11/30/2013



south elevation

Attachment D
Letters

TERRACE FALLS

August 19, 2014

Dear Homeowners:

Facilitating efforts by homeowners to renovate, improve, and invest in their property is an important priority of the Board. This benefits everyone. To this end, we make recommendations about proven general contractors, renovation techniques that will benefit the building, and also take under consideration unit modifications that are within reason.

The Owners of Unit 601, Monica and Fernando Silva, are undertaking its renovation and are requesting approval of proposed modifications to what is otherwise modest square footage.

They would create an additional room at the northwest corner of the building, converting what is currently a sloping unused attic space roof. They would make a sloping portion of the westerly roof into a flat roof in order to make a sun deck on it. They would extend the northerly sloping roof a few feet to the South in order to permit covered access to a small open loft in their bedroom and a hallway to it and the sun deck.

A copy of the Plans may be viewed in the Board Room.

The Board has agreed with the Silvas on a sale price for their new spaces of \$27,069. Considering the extensive costs of adding such spaces to the Unit, the Board believes that this price is fair to the Association.

The proceeds of this sale (minus any taxes payable) would be added to the Reserve Fund, which, of course, is the property of the Unit Owners, not the Association.

The dues and Reserve Fund assessments and the undivided interest in the Common Areas, of the larger Unit 601, would be proportionately increased.

The Board believes that this transaction will be beneficial to the Association in other ways, including an increase in the overall value, style and appearance of Terrace Falls. None of these improvements would affect any other Units in the building as to access, sound or peaceable occupation. The essential aesthetics of the building will also be preserved. The Board believes that the transaction will not in any way be detrimental to any Owner.

The Board is prepared to approve these Plans, subject to approval by the City.

The Board believes that an expensive and time-consuming written balloting need not be conducted. But any Owner who thinks that there should be a formal vote on the matter should let the Board know in writing, on or before August 26. And if more than, say, twenty Owners do that, we will comply. Otherwise, the transaction will be carried out expeditiously, as planned.

Thank you for your support.

The Terrace Falls Board.

TERRACE FALLS



August 13, 2014

Fernando Silva, as Trustee of the Silva Trust
At TF Unit 505

Acting in accordance with Section 707 of the Terrace Falls Bylaws and having found satisfactory evidence that the proposed modification of your Unit 601 will not in any way alter or impair the soundness, safety, appearance of, or access to, the Terrace Falls structure or a Common Area or facility or of any other Unit, and having reviewed your proposed Plans and Specifications for such modification we hereby approve them, subject to the following requirements:

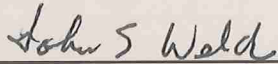
A. You shall obtain written approval of said Plans and Specifications from the Salt Lake City Department of Building Services & Civil Enforcement in accordance with the applicable Salt Lake City Ordinances.

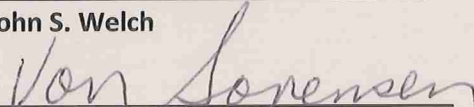
B. You shall then obtain a construction contract with a qualified builder acceptable to TF for said modification.

C. You shall then make a lump sum payment to TF in cash, or by cashier's check, or by wire transfer to TF's account at Wells Fargo Bank, in the amount of \$27,069 for the specified additional space from the Common Areas of Terrace Falls.

Terrace Falls HOA by


S/ _____
Kreg Calder

S/ 
John S. Welch

S/ 
Von Sorensen

As members of the Terrace Falls HOA Managing Board.