

# HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division  
Department of Community  
and Economic Development

## Park Strip Raised Planter Boxes Minor Alteration

PLNHLC2014-00603

163 D Street

Meeting Date: November 6, 2014

**Applicant:** Susana Kinikini

**Staff:** Maryann Pickering at  
[maryann.pickering@slcgov.com](mailto:maryann.pickering@slcgov.com)  
or (801) 535-7660

**Tax ID:** 09-31-412-014

**Current Zone:** SR-1A (Special  
Development Pattern  
Residential District)

**Master Plan Designation:**  
Low Density (4-8 units per  
acre)

**Council District:** District 3 –  
Stan Penfold

**Lot Size:** Approximately 3,485  
square feet

**Current Use:** Single Family  
Residential

**Applicable Land Use  
Regulations:**

- 21A.34.020(G)

**Notification:**

- Notice mailed 10/23/2014
- Sign posted 10/24/2014
- Posted to the Planning  
Division and Utah Public  
Meeting Notice websites  
10/23/2014

**Attachments:**

- A. Site Plan
- B. Photographs
- C. Departmental Comments

### ***Request***

This is a request by Susana Kinikini, the property owner, to allow raised planter boxes in the park strip, at approximately 163 North D Street in the Avenues Historic District.

This type of project must be reviewed as minor alteration by the Historic Landmark Commission as is it for planter boxes located in and visible from the public right-of-way.

### ***Staff Recommendation***

Based on the analysis and findings of the staff report, it is the Planning Staff's opinion that overall the project generally does not meet the applicable standards and therefore, recommends the Historic Landmark Commission deny the request.

### ***Potential Motions***

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report, testimony and plans presented, I move that the Historic Landmark Commission deny the request for a Certificate of Appropriateness for raised planter boxes in the park strip at 163 D Street as requested.

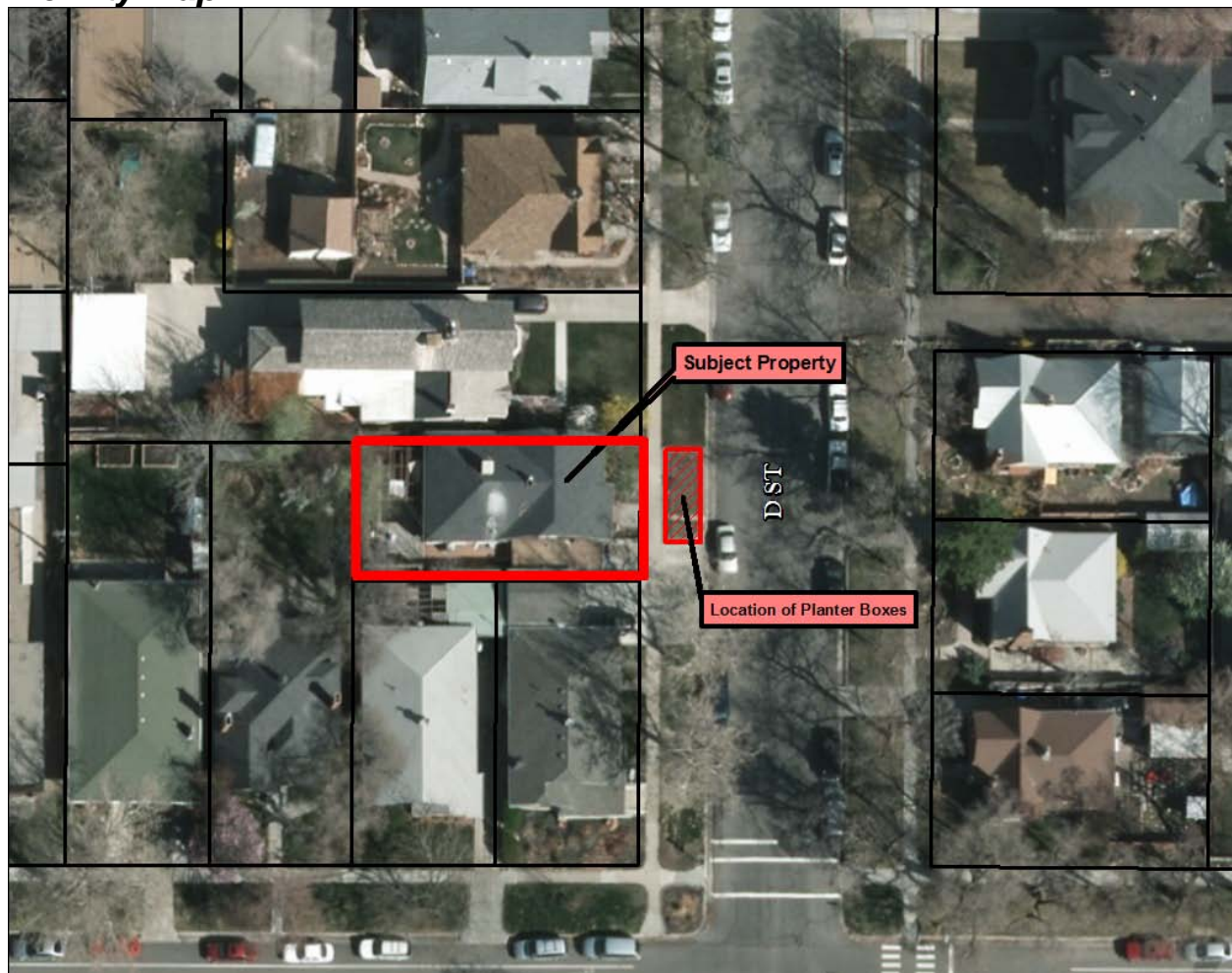
-or-

**Not Consistent with Staff Recommendation:** Based on the testimony, plans presented and the following findings, I move that the Historic Landmark Commission grant the request for a Certificate of Appropriateness to allow raised planter boxes in the park strip at 163 D Street as requested based on the following findings (Commissioner then states findings based on the Standards 1-11, as listed on the following page, to support the motion).

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;

	<ol style="list-style-type: none"> <li>3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;</li> <li>4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;</li> <li>5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;</li> <li>6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;</li> <li>7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;</li> <li>8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;</li> <li>9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;</li> <li>10. Certain building materials are prohibited including the following: <ol style="list-style-type: none"> <li>a. Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material.</li> </ol> </li> <li>11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in chapter 21A.46 of this title.</li> </ol>
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## ***Vicinity Map***



*Looking northwest at the planters*



*Looking southeast at the planters*

## ***Background and Project Description***

The subject property located at 163 D Street is considered a contributing property in the Avenues Historic District. The residence is classified in the most recent survey as a Clipped-Gable Cottage Bungalow that was built in 1922. The property is an interior lot on the block and has a

cobblestone retaining wall in the front that creates a small yard area between the residence and the sidewalk. The property is on the west side of D Street and the front of the property faces east.

The applicant is requesting a Certificate of Appropriateness for three raised planter boxes currently located in the public right-of-way. The planter boxes are specifically located between the park strip and the curb. The park strip in front of the subject property is approximately 300 square feet. The two larger boxes are approximately 9.5 feet by 9.5 feet each (approximately 180 square feet total) and the smaller one is approximately 3.5 feet by 9.5 feet (approximately 33 square feet). The planter boxes cover approximately 71% of the park strip area and the remaining 29% is filled with gravel. All three of the boxes are contained or surrounded by treated wood. Each of the wood beams is approximately six inches in height. The planter boxes vary in height between twelve inches to 36 inches. In between the larger and small boxes, there is a three foot wide gravel walking path that connects the sidewalk to the curb or street.

Currently, City Code is not clear on whether planter boxes are allowed in the park strips, in any location in the City, and decisions relating to them have been made on a case by case basis. The Historic Landmark Commission reviewed a similar case this past August and granted approval. As part of that approval the Historic Landmark Commission identified certain things to look at when analyzing the appropriateness of planter boxes in the park strip within historic districts. These included encouraging urban gardening in the park strips, but discouraging obtrusive structures in the park strips. The Historic Landmark Commission also noted that design guidelines should be developed to address the issue of park strip landscaping.

In the meantime, the City Council asked the Planning Division to make revisions to the Landscaping Chapter of the Zoning Ordinance. As part of that project, the issue of whether planter or garden boxes in the park strip will be analyzed. If the City Council determines that planter or garden boxes should be allowed in the park strip throughout the City, the Planning Staff will work toward developing specific design guidelines for planter or garden boxes in park strips of historic districts. Until that time, when these requests are made, the Planning Staff will forward the matter to the Commission for its review and decision.

### **Current Status**

A code compliance case was opened for the planter boxes in the park strip in June, 2014. The case number is HAZ2014-01812. The case is still open pending the outcome of this Historic Landmark Commission decision. Should the request be approved by the Historic Landmark Commission for the planter boxes in the park strip, the applicant will need to obtain a revocable permit for work in the right-of-way.

### **Public Comments**

The initial complaint was submitted to the City by an anonymous source, resulting in the existing code compliance case. After the site was posted and the notification postcards sent out, staff did receive two telephone calls regarding the notice sent out. One caller noted in his voicemail that he had concerns, but staff was not able to speak with him directly to find out specifically what the concerns are. The other caller was looking for additional information. Any additional comments received will be forwarded to the Historic Landmark Commission.

## **City Department Comments**

All pertinent City Department / Divisions comments can be found in Attachment C. These comments are general in nature and require that various standard City Code items are complied with, should the project be approved.

## ***Project Review***

### **Zoning Ordinance Considerations**

**21A.48.060 Park Strip Landscaping:** The intent of these requirements is to maintain the appearance of park strips, protect the users of park strips by prohibiting the use of materials that may cause harm or injury to pedestrians or vehicles, provide for safe and convenient access across park strips to and from vehicles that may park at the curb, expand landscape design flexibility while not unreasonably inhibiting access for repair and maintenance of public utilities, encourage water conservation through the use of water conserving plants and generally to improve environmental conditions along the city's streets.

#### *21A.48.060.E.7 Prohibited Materials*

- d. Retaining Walls, Fences, Steps, and Other Similar Structural Encroachments: Retaining walls, fences, steps, and other similar structural encroachments in park strips are prohibited unless they are specifically approved through the city revocable permit and review process (not an automatic approval). These structural encroachments are generally prohibited because they limit access from the street to sidewalks and create obstructions to, and increase the cost of, performing maintenance of public improvements and utilities within the park strip.

**Analysis:** Staff has reviewed the zoning requirements for park strip landscaping as they relate to this request. The raised planter boxes are a new structural encroachment in the park strip, which is not allowed unless a revocable permit has been issued. The applicant attended a Design Review Team (DRT) meeting to obtain a revocable permit and received several comments. Overall, the comments were general in nature and state that standard sections of the City Code would need to be complied with should the project be approved. However, it needs to be noted that no revocable permit can be issued until a Certificate of Appropriateness is obtained due to the location of the property within a historic district.

Due to the location of the driveway along the southern edge of this property, the property owner is required to maintain a sight distance area in order to allow for safe movements of vehicles using the driveway. Certain plantings such as annuals and perennial plants are permitted within the sight distance area provided the planting does not exceed 18 inches in height.

Because the lot slopes from the northern edge to the southern edge, the heights of the raised planter boxes vary. Along the northern edge of each box, the frame of the box is almost flush with the sidewalk. As they move south, they get taller in height. Each piece



of the wood frame is approximately six by six inches. The tallest point of the boxes is at the southern edge of the property and with three wood frames stacked on top of each other, the raised planter box is approximately 18 inches in height. Because the tallest portion of the most southern box is 18 inches in height, and it is within the sight distance triangle area, there would not be any plantings permitted in this area unless they are flush with the top of the planter boxes.

Plants up to 36 inches in height may be used as individual specimens or accent plants when not located within sight distance areas. Due to the varied height of the planter boxes, it is possible that some of the plants will need to be removed as they are taller than 36 inches when added to the height of the planter boxes. In addition, the proposed raised boxes and plantings must not be spaced in a way that results in a solid mass, creating a visual barrier between the street and sidewalk.

The applicant has also planted roses within some of the planter boxes. The Park Strip Landscaping ordinance discourages thorn bearing plants for the most part. However, roses can be permitted in the park strip is approved by the Zoning Administrator. Should the application be approved, staff would recommend a condition of approval from the Zoning Administrator is obtained for the rose bushes.

**Finding:** For the reasons outlined in the analysis, the proposal does not meet the standards of the Park Strip Landscaping ordinance. The raised planter boxes are a structural encroachment that limits access to and from the street to the sidewalk. Structural encroachments are prohibited unless they are approved through the city's revocable permit and review process. Revocable permit approval for this project is pending the outcome of Certificate of Appropriateness approval of the raised planter boxes.

## **ANALYSIS AND FINDINGS**

### **Standards of Review**

**21A.34.020.G Historic Preservation Overlay District: Standards for Certificate of Appropriateness for Altering of a Landmark Site or Contributing Structure:** In considering an application for a Certificate of Appropriateness for alteration of a landmark site or contributing structure, the Historic Landmark Commission shall find that the project substantially complies with all of the general standards that pertain to the application and that the decision is in the best interest of the City.

**Standard 1:** A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;

**Analysis:** The use of the structure will remain single family residential. No change is proposed.

**Finding:** The standard is met.

**Standard 2:** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;

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**Design Objective 1.1** Historically significant site features should be preserved.

- Civic maintenance and improvements should identify, recognize and retain important streetscape features such as sidewalks, parkways, planting strips, street trees and lighting.

**Design Objective 1.11** Respect a common historic walkway pattern in form, design and materials wherever possible.

**Design Objective 1.13** Historically significant planting designs should be preserved.

**Analysis:** The Avenues Historic District is characterized by a varied architectural landscape within a strong and consistent grid pattern of small street blocks, park strips, open front lawns, matures, and usually common building setbacks. Park strips play an integral role in the overall streetscape of the Avenues Historic District and should be preserved and maintained. A park strip helps to integrate private and public spaces and enhance the established character of the neighborhood. Many of the park strips in the Avenues Historic District contain mature street trees that provide a sense of visual continuity along the block.

The addition of the proposed raised planter boxes in the park strip along the property's street frontage is contrary to the integral role of park strips as an element of the streetscape, and will alter the open landscape relationship along the blocks. This open relationship is a historic and common characteristic of the Avenues Historic District. This request would adversely affect this character-defining feature in this context. Prior to the installation of these planter boxes, the park strip in this location was grass and had a walkway leading from the sidewalk to the street.

**Finding:** The proposal is not consistent with the objectives of this standard. The installation of raised planter boxes in the park strips would change the historic character of the property and streetscape although there are no historical materials what would be removed as a result of this request.

**Standard 3:** All sites, structure and objects shall be recognized as products of their own time. Alterations that have not a historical basis and which seek to create a false sense of history or architecture are not allowed;

**Analysis:** The proposed raised planter boxes are composed of wood and gravel ground cover. It would be unlikely that this type of construction would be confused with the original form of the site and its neighboring relationships. No conflict with the objectives of this standard is proposed.

**Finding:** The standard is met.

**Standard 4:** Alterations or additions that have acquired historic significance in their own right

shall be retained and preserved.

**Analysis:** This standard does not relate to this proposal. The planter boxes are newly constructed and have not acquired historic significance in their own right.

**Finding:** The standard is met.

**Standard 5:** Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;

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**Design Objective 1.1** Historically significant site features should be preserved.

**Design Objective 1.13** Historically significant planting designs should be preserved.

**Analysis:** This standard relates primarily to site features or the common relationship of open space created by park strips within a street block and the neighboring properties. This relationship is a distinctive site feature of this property and its context along the block. Park strips in the Avenues Historic District are generally landscaped with vegetation planted directly from the existing soil level. The proposed raised planter boxes would introduce a new incompatible structural element that is not historically found there, which could affect the overall historic character of the surrounding streetscape and district.

Last August, the Historic Landmark Commission discussed a similar request elsewhere in The Avenues Historic District. That application was approved noting that the structures should be constructed of wood material, be no more than 12 inches in height and must remain a minimum of 12 inches from the curb and sidewalk. This request is different in that the planter boxes do range in height from zero inches to approximately 15 inches. In addition, the planter boxes are placed right next to the sidewalk and there is no separation between the sidewalk and the planter boxes.

**Finding:** For these reasons noted above, the proposal would conflict with the objectives of this standard because it would introduce incompatible structural features in the park strip which diminish distinctive site features of the historic district streetscape.

**Standard 6:** Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;

**Analysis:** The proposal does not include replacement or repair of deteriorated architectural or existing features. This standard does not relate to this proposal.

**Finding:** The standard does not apply.



**Standard 7:** Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

**Analysis:** The proposal does not include treatments of existing historic materials. This standard does not relate to this proposal.

**Finding:** The standard does not apply.

**Standard 8:** Contemporary designs for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;

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**Design Objective 1.1** Historically significant site features should be preserved.

**Design Objective 1.11** Respect a common historic walkway pattern in form, design and materials wherever possible.

**Design Objective 1.13** Historically significant planting designs should be preserved.

**Analysis:** The proposed alterations to the park strip introduce a structural element to the character of the park strip that historically did not have such a treatment. The raised planter boxes are not a typical site feature in the Avenues Historic District and this type of structural element emphasizes a degree of separation from the shared relationship to neighboring properties, and its role in the streetscape. Plantings are permitted in the park strip up to a certain height and raised planter boxes are not necessary for planting and growing annuals and perennials in the park strip. The proposal adversely affects the character of the property and the historic streetscape pattern.

As noted previously, the Historic Landmark Commission discussed a similar request elsewhere in The Avenues Historic District within the last few months. That application was approved noting that the structures should be constructed of wood material, be no more than 12 inches in height and must remain a minimum of 12 inches from the curb and sidewalk. While those boxes did not alter the existing grade of the site, this request does alter the sloped nature of the park strip. The lot naturally slopes from the north to the south and the planter boxes are designed in such a manner to make level planting areas, rather than following the natural slope of the site.

**Finding:** For the reasons noted above, the proposal would not conflict with the first two objectives of this standard, but would in staff's opinion, be inconsistent with the last objective which relates to character of property and neighborhood. The proposal is incompatible with the character of the property and the overall historic context of the Avenues Historic District because it alters the historic site features and walkway pattern.

**Standard 9:** Additions or alterations to structures and objects shall be done in such a manner that if such additions or alteration were to be removed in the future, the essential form and

integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;

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**Design Objective 1.1** Historically significant site features should be preserved.

**Design Objective 1.13** Historically significant planting designs should be preserved.

**Analysis:** The proposed alterations to the park strip could be reversed and the relationship between this individual park strip and the overall streetscape pattern could be reinstated, but the overall integrity of the park strip, a character defining feature in the Avenues Historic District, would be affected. The introduction of an incompatible structural element to the park strip does not protect the historic integrity of the properties defining key characteristics or the overall streetscape and district.

**Finding:** The proposal is not consistent with the objectives of this standard. The installation of raised planter boxes in the park strip does not protect the historic integrity of the properties defining key characteristics.

**Standard 10:** Certain building materials are prohibited including the following: vinyl or aluminum cladding when applied directly to an original or historic material;

**Analysis:** The proposal does not include the use of vinyl or aluminum cladding applied to original or historic material.

**Finding:** The standard does not apply.

**Standard 11:** Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in part IV, Chapter 21A.46 of this title;

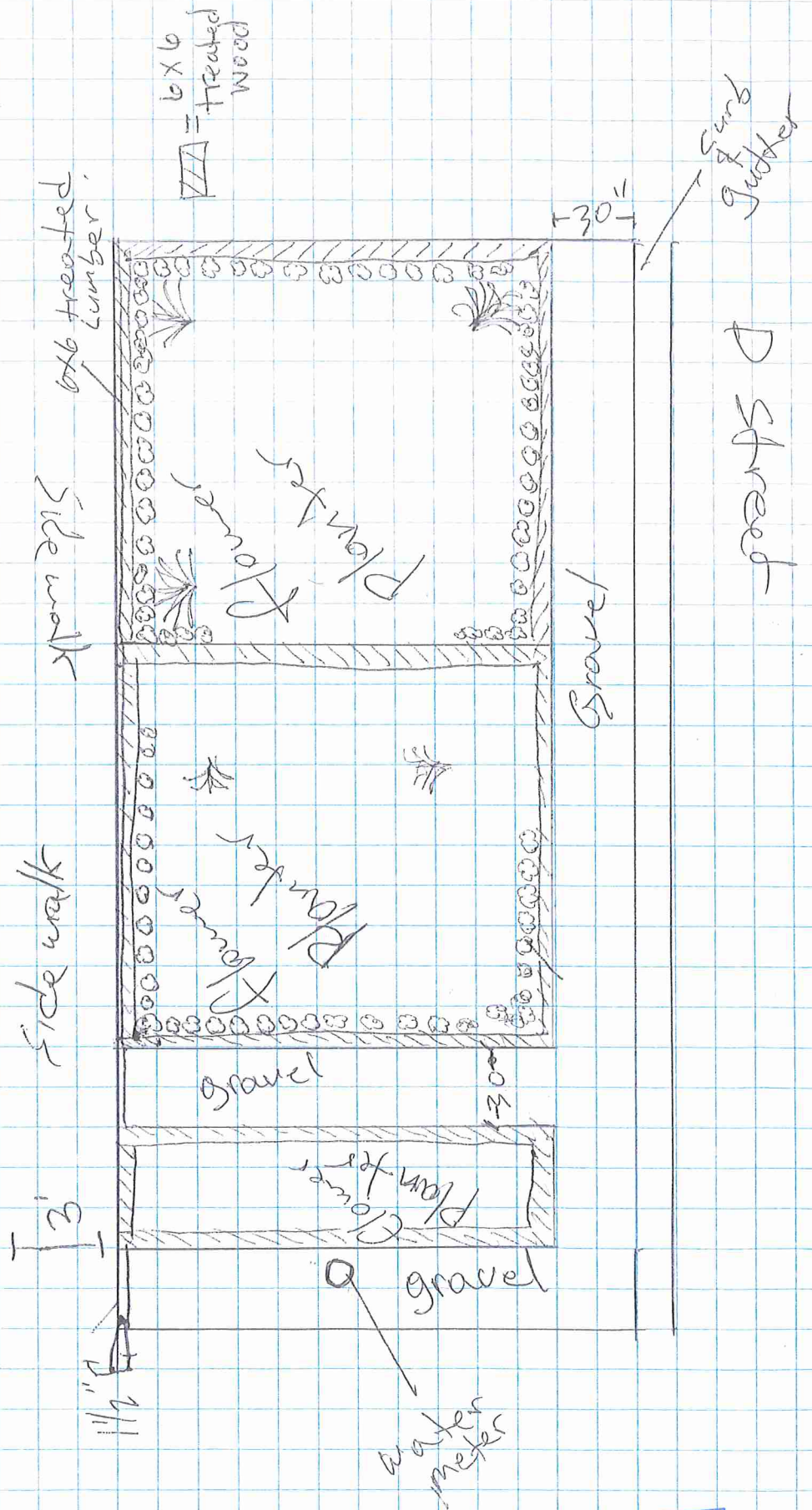
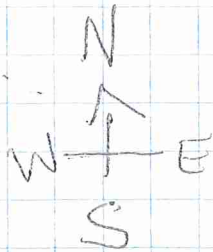
**Analysis:** Signage is not part of this proposal.

**Finding:** The standard does not apply.

# **ATTACHMENT A**

## Site Plan

163 D Street



## **ATTACHMENT B**

### Photographs





*View looking northwest from the street.*

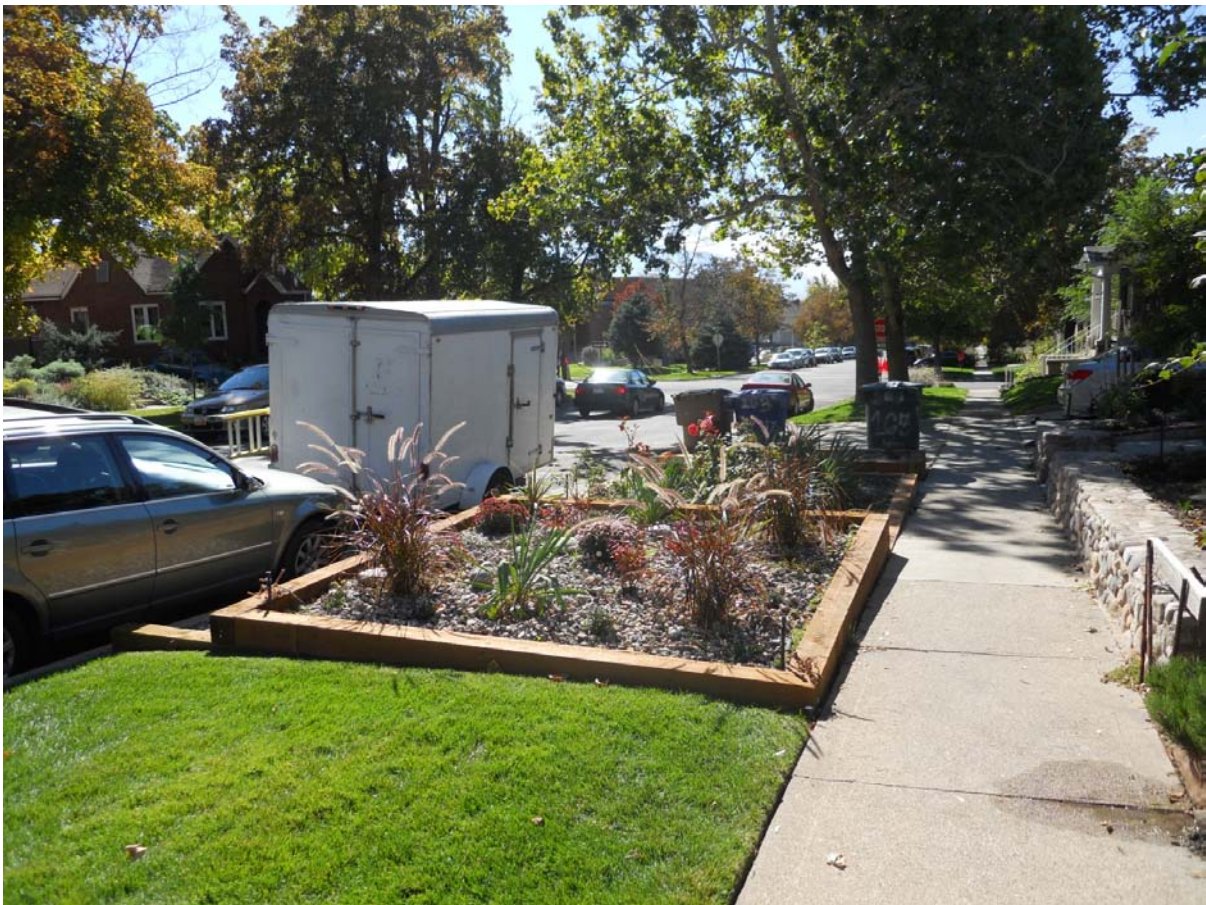


*View looking north from the driveway.*





*Location of planter boxes next to the sidewalk.*



*View from the property located to the north.*

## **ATTACHMENT C**

### Departmental Comments



# Work Flow History Report

## 163 D Street

### PLNHLC2014-00603

Date	Task/Inspection	Status/Result	Action By	Comments
9/30/2014	Admin Decision or Historic Landmark Commission Hearing	In Progress	Pickering, Maryann	September 30 - No comments from Police.
10/2/2014	Admin Decision or Historic Landmark Commission Hearing	In Progress	Pickering, Maryann	<p>Comments from Transportation:</p> <p>October 1, 2014</p> <p>Maryann Pickering, Planning</p> <p>Re: PLNHLC2014-00603</p> <p>Transportation review comment in the DRT meeting recommended approval of transportation issues and addressed the required sight distance and found the proposed planters to be under the required height restriction. The vegetation needs to comply with section 21A.48.060 for added height with in the 10 x 10 CSZ as well. The planter locations also show required opening for pedestrian access from the on street parking to the public sidewalk and the required set back buffer from the curb.</p> <p>Sincerely,</p> <p>Barry Walsh</p>
10/8/2014	Admin Decision or Historic Landmark Commission Hearing	In Progress	Pickering, Maryann	<p>Comments from Alan Hardman, Zoning Review on October 7, 2014:</p> <p>This proposal went to a DRT meeting on September 8, 2014 and the zoning comments are provided in the DRT report DRT2014-00269. In addition to the historic approval, the applicant must complete the revocable lease agreement with the city's Property Management Division.</p>
10/8/2014	Admin Decision or Historic Landmark Commission Hearing	In Progress	Pickering, Maryann	<p>Comments received from Utilities on October 8:</p> <p>I have reviewed the project and found that the public utility mains for the area are running down the middle of the street. The planter boxes located in the park strip do not seem to impact any of our utility mains. We have no objection to proposed application.</p>