

HISTORIC LANDMARK COMMISSION  
STAFF REPORT



Planning Division  
Department of Community and Economic  
Development

**Terrace Falls Sun Deck**  
PLNHLC2014-00576  
171 East 3<sup>rd</sup> Avenue  
February 5, 2015

**Applicant:** Fernando Silva

**Staff:**

Katia Pace (801) 535-6354 or  
[katia.pace@slcgov.com](mailto: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

**Attachments**

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

**Notification**

- Notice mailed on 1/22/15
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites 1/22/15
- Sign posted 1/26/2015

**Request**

A request by Fernando Silva, the owner of unit 601 of the Terrace Falls Condominium, to create a sun deck on unit 601, 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.

**Staff Recommendation**

Staff recommends that the Historic Landmark Commission review the application, and approve the sun deck addition subject to the findings and analysis 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 for unit 601 located on the top floor at the west end of the condominium complex located at 171 East Third Avenue subject to:

1. Retaining and reflecting the existing window patterns on the existing windows and the proposed doors.

-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 for unit 601 located on the top floor at the west end of the condominium complex located 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.

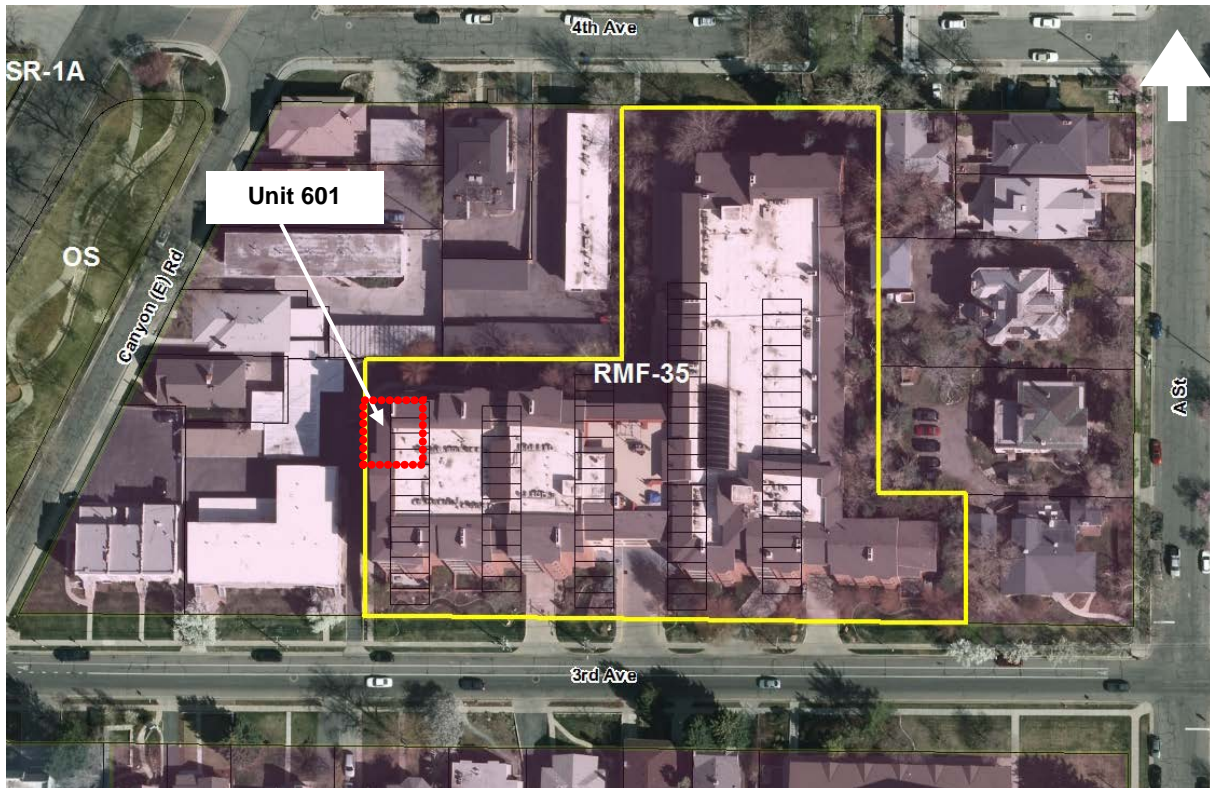
**Standard 3: Relationship to Street**

- 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 deck is 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 4<sup>th</sup> 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, but Planning raised concerns that the proposed work on one side would adversely alter the symmetry of the building. Since the neighbor across the hall (unit 602) showed interest in adding a sun deck to their unit, the initial proposal included both units. The initial request also included increasing the roof height to create an access to the sun deck.

## Work Session

On December 4, 2014 the Historic Landmark Commission held a Work Session and discussed this project. At this meeting the commission found that the symmetry of the west elevation was not a main concern. The commission asked the applicant for an alternative to the glass railing because of the visibility of items on the deck and for more photos of the north elevation.

Since the meeting on December, the applicant has changed the request to include only his unit and has modified the design of the deck so that there will be no need to raise the height of the building. Due to concerns about the visibility of items on the deck with the glass railing, the applicant is now proposing a wrought iron railing.

The building is a condominium and the proposed changes will change the footprint of the unit. 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.

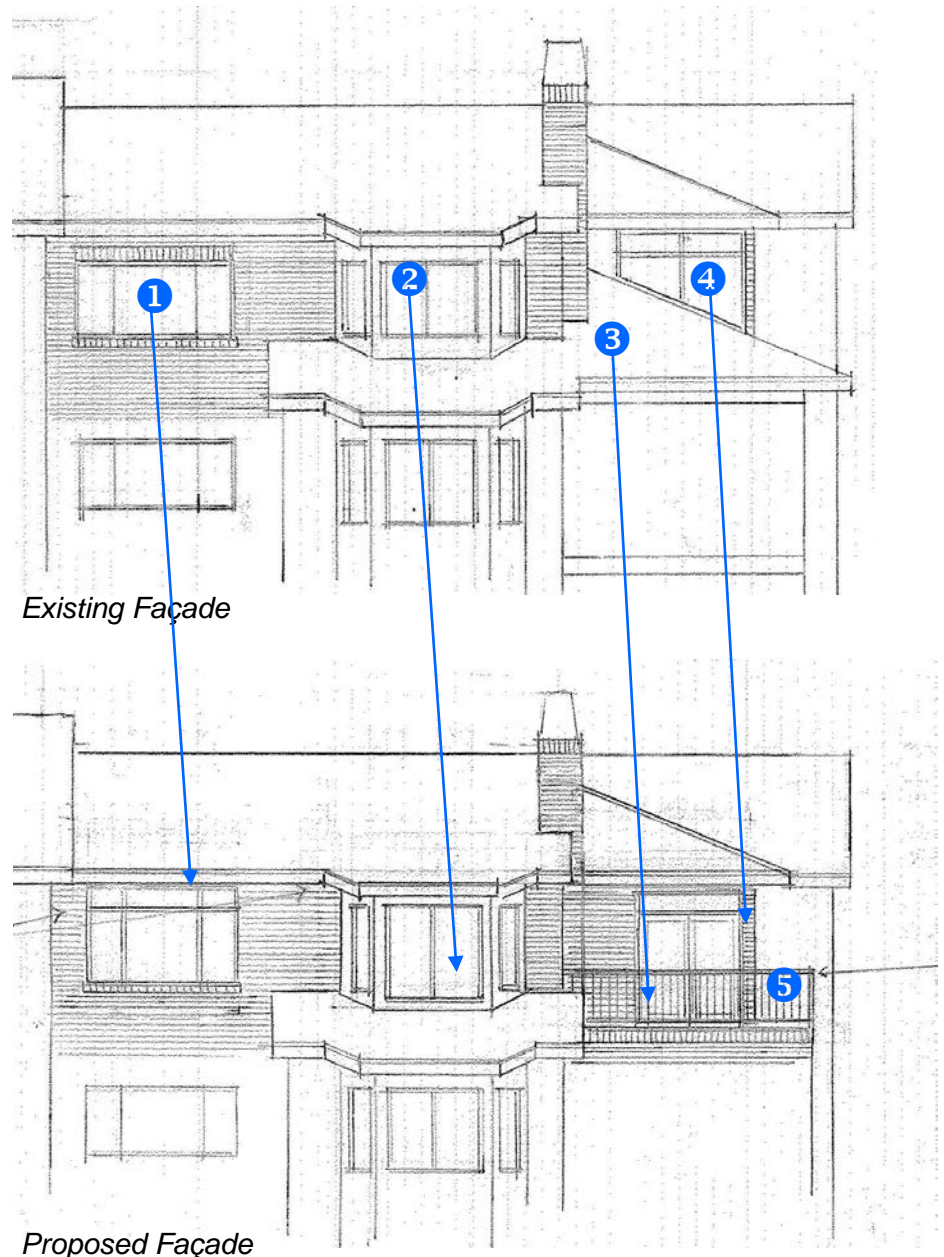
## Project Description

The proposed exterior alterations include:

1. Changing a sloping roof into a flat roof in order to accommodate a sun deck.
2. Extending the north wall laterally to create additional room on the northwest corner of the building.
3. Adding new doors to the deck.
4. Adding new wrought iron railing.
5. Extending the bay window on the north elevation.
6. Extending window on the north and west elevations.

## North Elevation

- 1 Extending the bay window on the north elevation.
- 2 Changing the sloping roof into a flat roof in order to accommodate the sun deck.
- 3 Extending the north wall laterally to create additional room on the northwest corner of the building.
- 4 Adding new railing.
- 5 Adding height to the window.

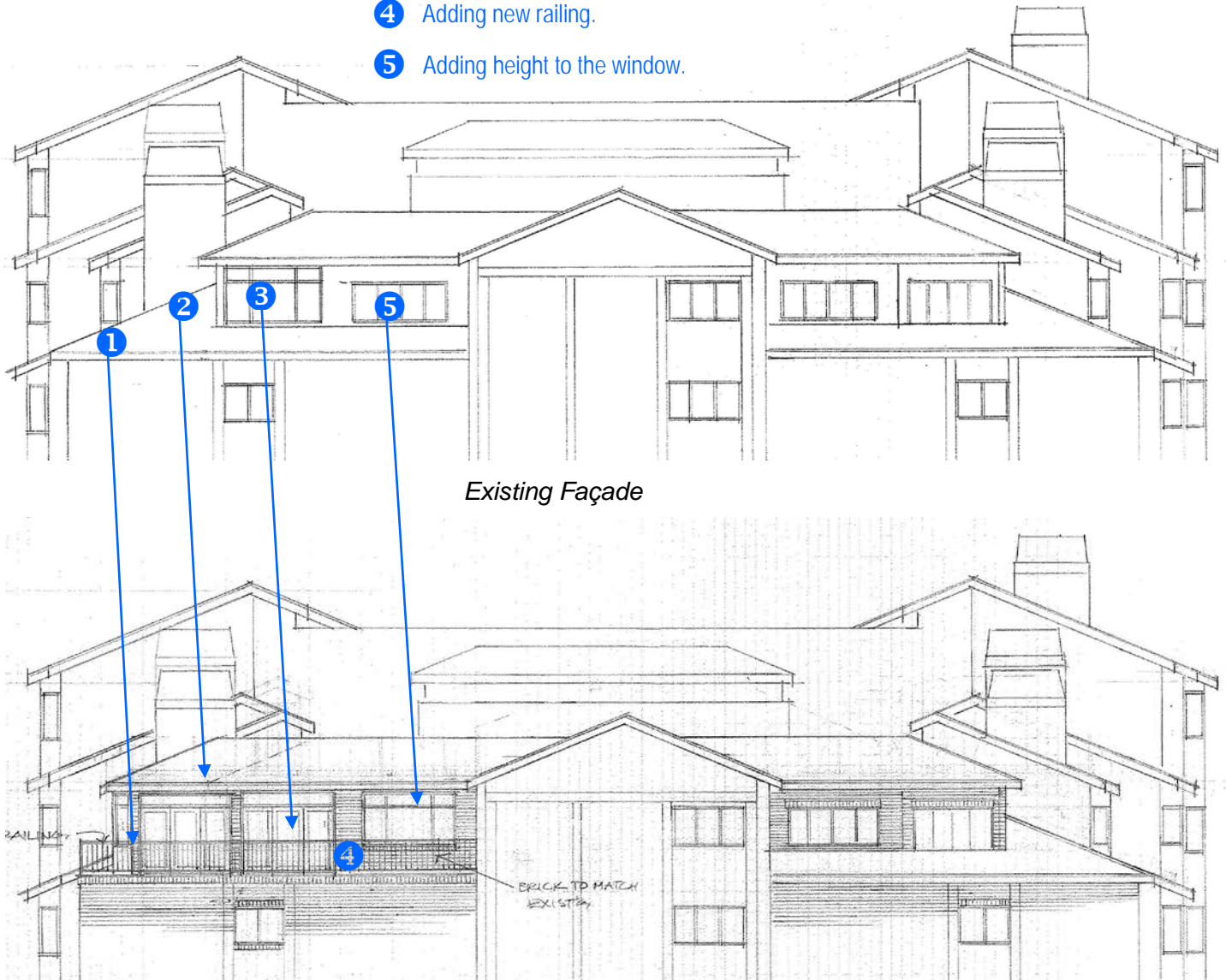


The proposed materials for the addition are as follow:

1. New windows will match the existing windows.
2. New doors to access the sun deck will have a plain glass panel.
3. Roof shingles will match the existing shingles.
4. Soffit and fascia will be metal and will match existing material.
5. The exterior wall addition will be composed of matching brick from Beehive Brick Company.
6. The railings will be wrought iron.

## West Elevation

- 1 Changing the sloping roof into a flat roof in order to accommodate the sun deck.
- 2 Extending the north wall laterally to create additional room on the northwest corner of the building.
- 3 Adding new doors to the deck.
- 4 Adding new railing.
- 5 Adding height to the window.



## **Public Comments**

The applicant sent out a letter to each of the condo 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.) Staff received the following public comments:

1. From three property owners on 4<sup>th</sup> Avenue opposing the additional height. Since the applicant withdrew the request for additional height, this should not be a concern.
2. From a condo resident concerned about this proposal being a piecemeal alteration.
3. From two condo residents concerned about who would be responsible for the expenses if the proposed work caused damage outside of the applicant's unit.

## **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. The modulation of the façade was done to compensate for the height and scale of the building. The project proposes to extend the wall laterally approximately 4 feet and to flatten a sloping roof. The proposal does not change the use or density of the building, only the design of a top unit.

**Finding:** This is an existing building and the change to this unit will not be readily visible from the street. Staff finds that the proposed sun deck will be compatible with the building and will preserve the character of the neighborhood as the building is already built.



Photo of Street View Looking Northeast

## ***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 unit is substantially setback from the units below and is unique in that it has a covered balcony which has been enclosed. The proposed change of the roofline will be compatible with and to scale with the existing roofline.

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 proposed new railing on the deck will be wrought iron similar to the railings on remaining open balconies. The openness of wrought iron railing will help reduce the impact of the extension of the wall in the corner and avoid 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.

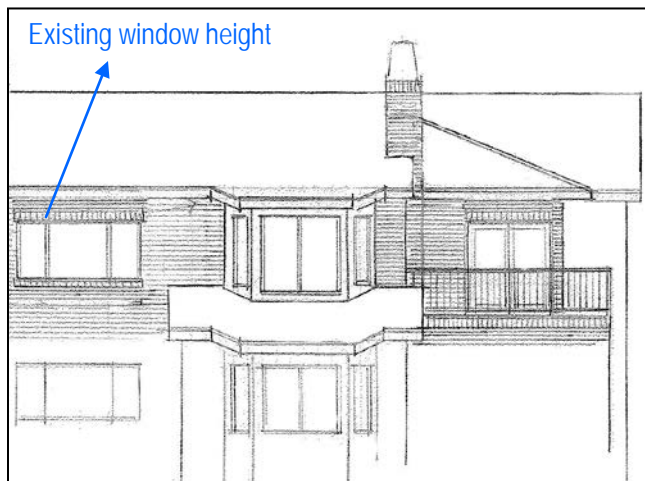
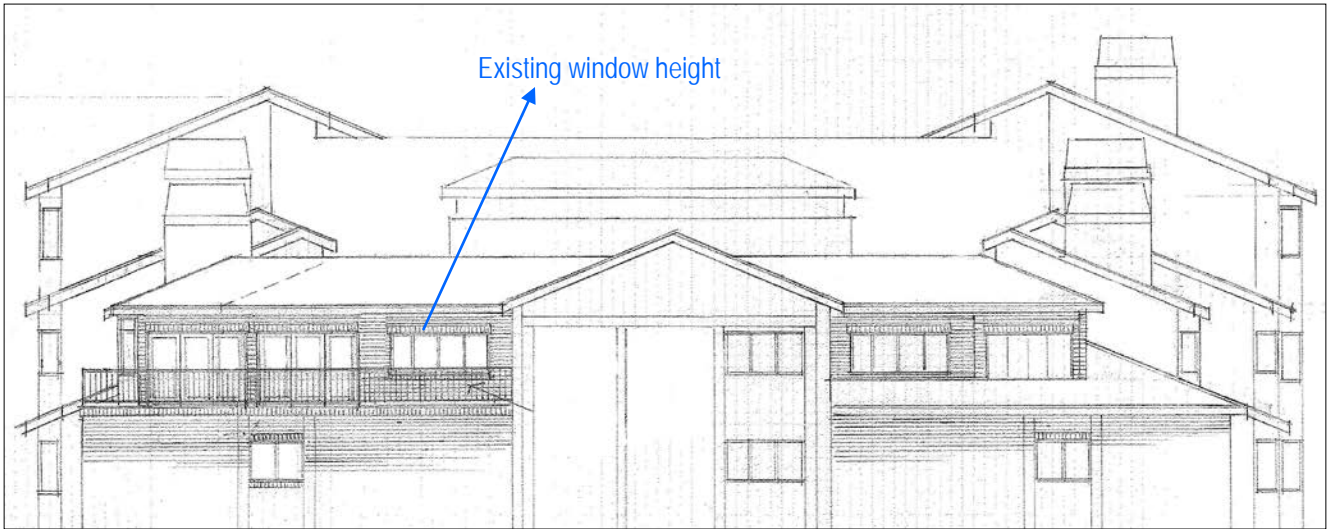
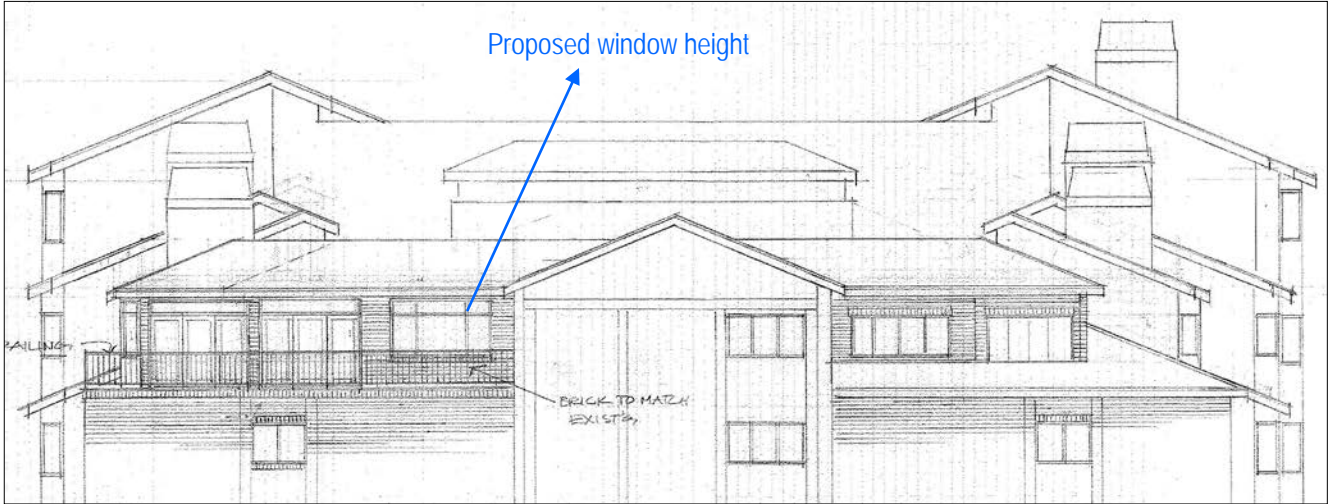
**Design Guideline 12.15** Overall facade proportions should be designed to be similar to those of historic buildings in the neighborhood.

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

**Analysis:** The proposed changes are on the northwest corner of the structure and although they are visible, they are not on the principal façade and will not be readily visible from the street. The applicant is proposing to alter the existing windows by increasing their height. The new doors are proposed to reflect the new design of the windows. Extending the height of the bay window would not alter the character of the window pattern because it would match the existing height of the bay windows below. 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 designed. The proposed changes 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:** Staff finds that proposed materials reflect and compliment the character of the building. However, the proposed window size and detail do not reflect the characteristic window patterns of the existing architecture (see illustration below.) The proposal does not meet this standard.





### 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 unit 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. 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.

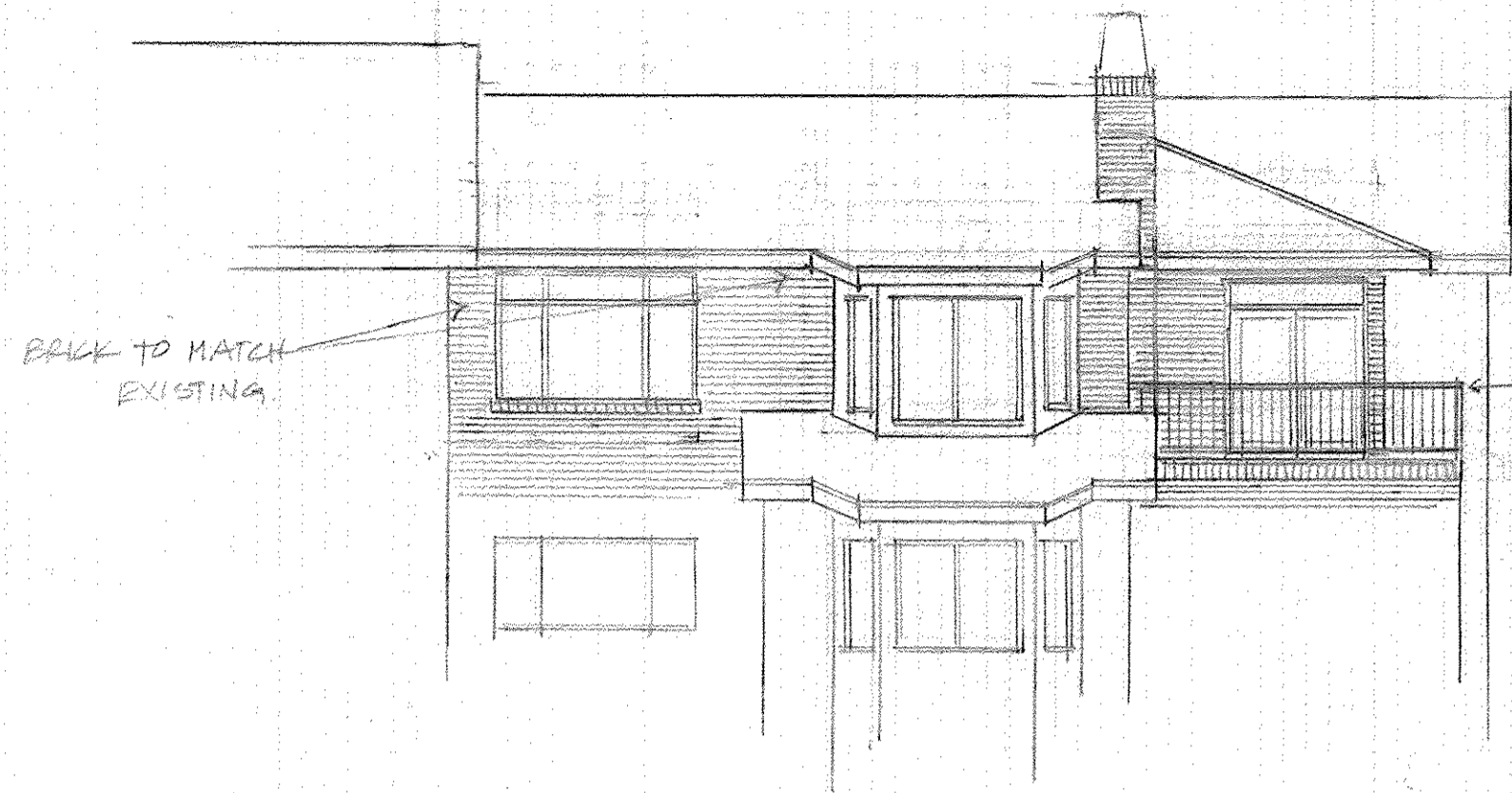
### Standard 4: Subdivision of Lots

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).

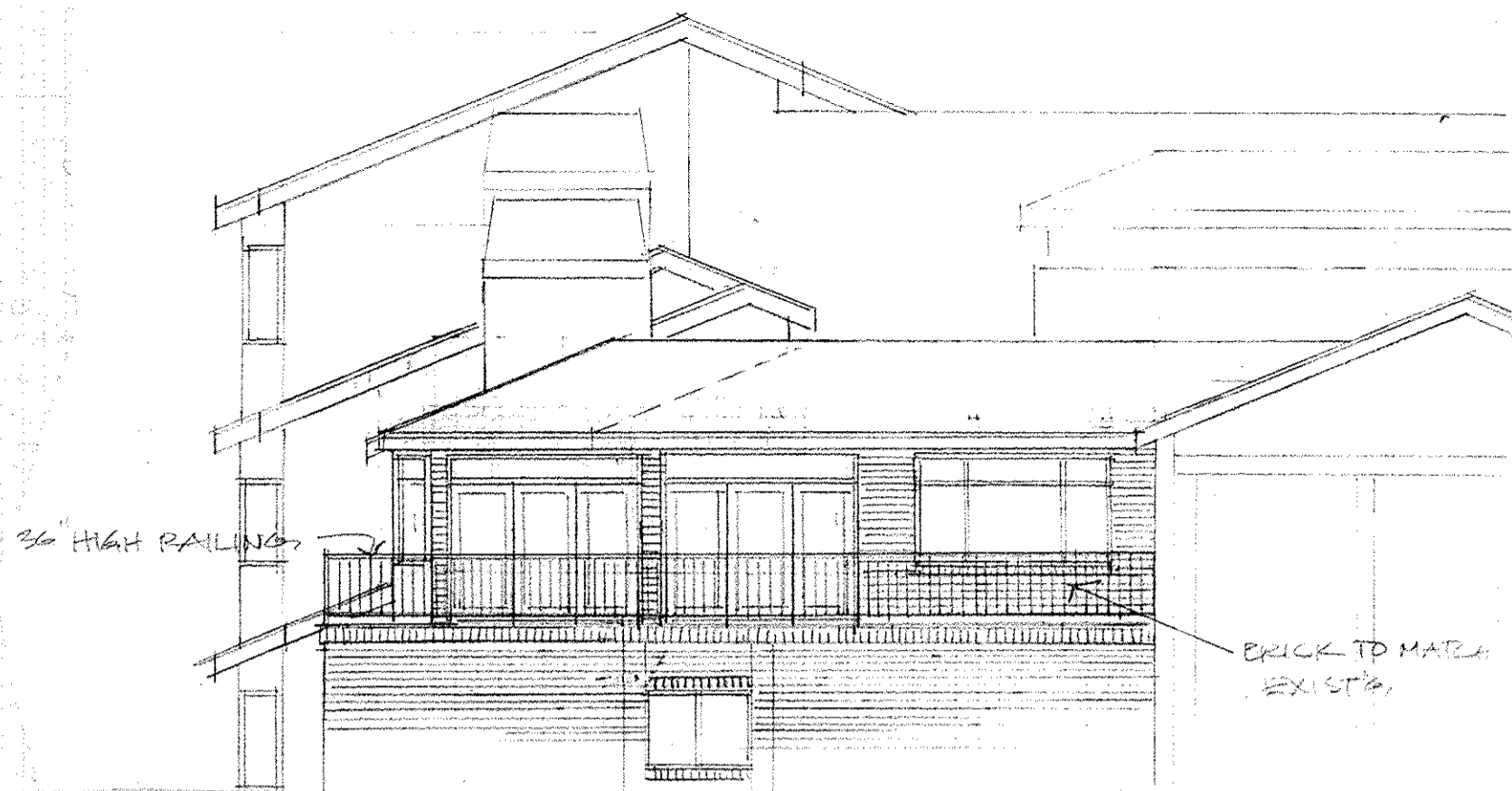
**Analysis:** The building is a condominium and the proposed changes will change the footprint of unit 601. These changes will trigger a requirement to amend the condominium plat. If the design changes proposed are approved by the Historic Landmark Commission, the applicant will pursue a condominium plat amendment. This process will allow the applicant to change the footprint of the condominium unit. The overall configuration of the building and underlying parcel will not change.

**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.

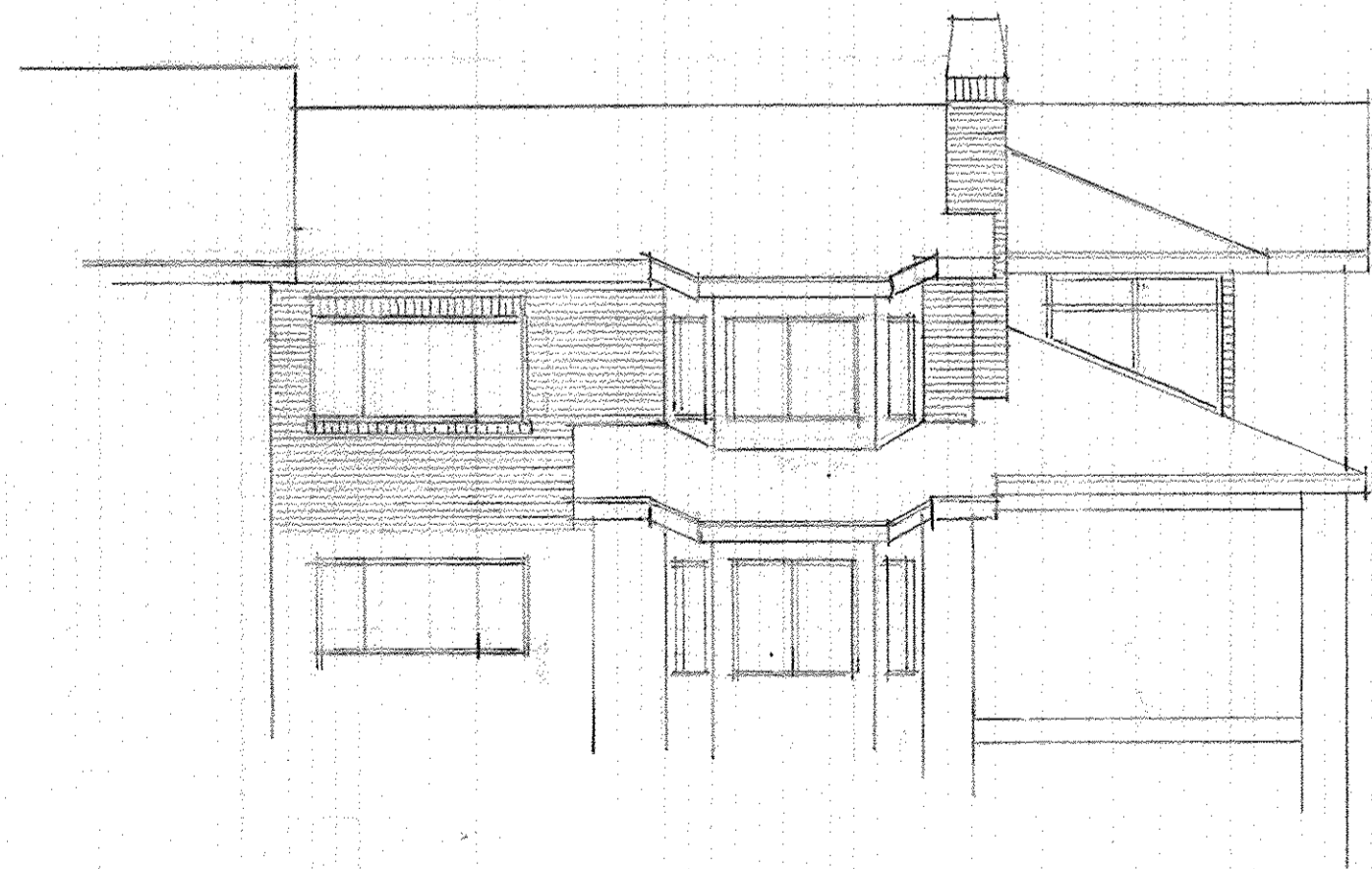
**Attachment A**  
Site Plan and Elevations



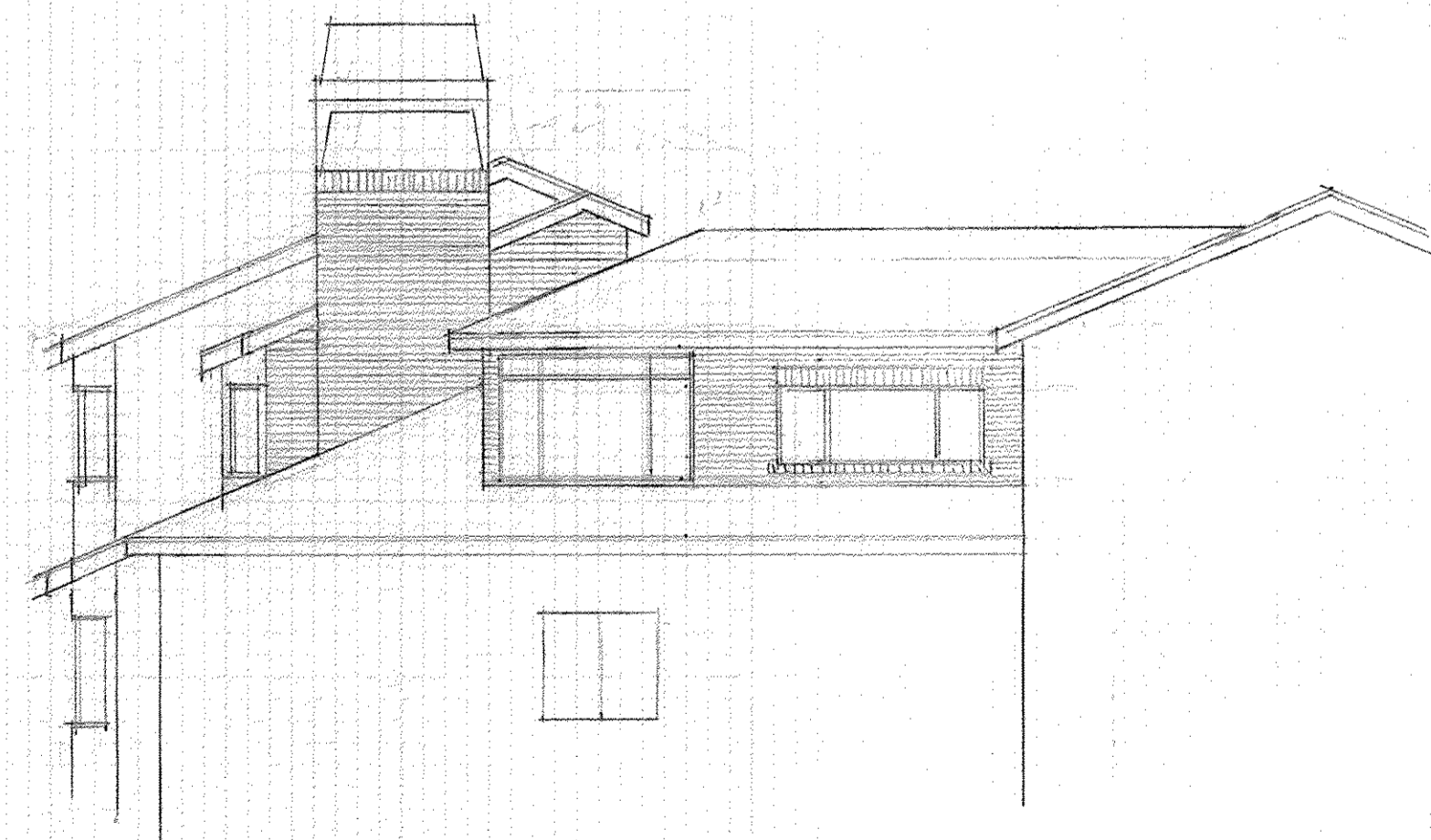
NORTH ELEVATION (PROPOSED) 1/8" = 1'-0"



WEST ELEVATION (PROPOSED) 1/8" = 1'-0"



NORTH ELEVATION (EXISTING) 1/8" = 1'-0"



WEST ELEVATION (EXISTING) 1/8" = 1'-0"

REVISIONS	BY

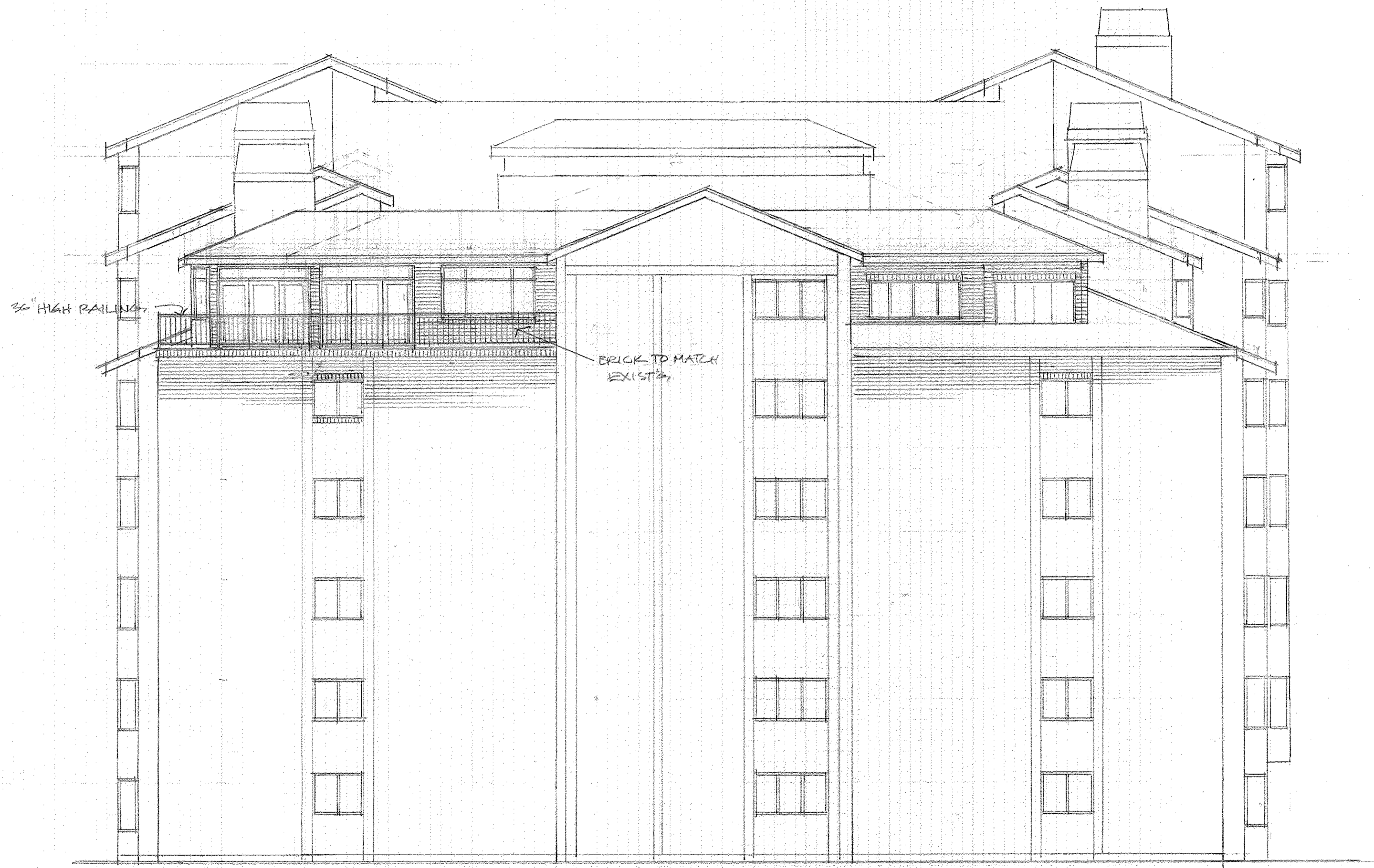
SILVA REMODEL  
171 EAST 3RD AVE. #601  
SALT LAKE CITY, UT. 84103

T.K. Boss, LLC. Residential Design expressly reserves all common law copyright and other property rights in these plans. These plans are not to be reproduced, altered or copied in any way without permission from T.K. Boss, LLC. In the event of unauthorized reuse of these plans by a third party, T.K. Boss, LLC. shall be held harmless and shall retain the right to pursue legal action against the violator. Written dimensions shall take precedence over scaled dimensions. ©2015 T.K. Boss, LLC. Residential Design

989 West 4230 North  
Pleasant Grove, Utah 84062  
Phone: 801-358-5410

**t.k.boss**  
residential design

Date	1/21/15
Scale	1/8"
Drawn	T. Boss
Job	SILVA
Sheet	1
Of	Sheets



WEST ELEVATION (PROPOSED)

1/8" = 1'-0"

REVISIONS	BY

SILVA REMODEL  
171 EAST 3RD AVE. #601  
SALT LAKE CITY, UT 84103

T.K. Boss, LLC. Residential Design expresses its common law copyright and does not purport to make any warranty, express or implied, in this drawing. This drawing is the property of T.K. Boss, LLC. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of T.K. Boss, LLC. Residential Design shall be held harmless. T.K. Boss, LLC. requires written notice of any errors or omissions prior to scaled dimensions. ©2014 T.K. Boss, LLC. Residential Design

989 West 4230 North  
Pleasant Grove, Utah 84062  
Phone: 801-358-5410

**t.k.boss**  
residential design

Date	1/21/15
Scale	1/8"
Drawn	TK
Job	SILVA
Sheet	2
Of	Sheets



**Attachment B**  
Photos



① View from 166 E. 4th Avenue



② View from 180 N. Canyon Road



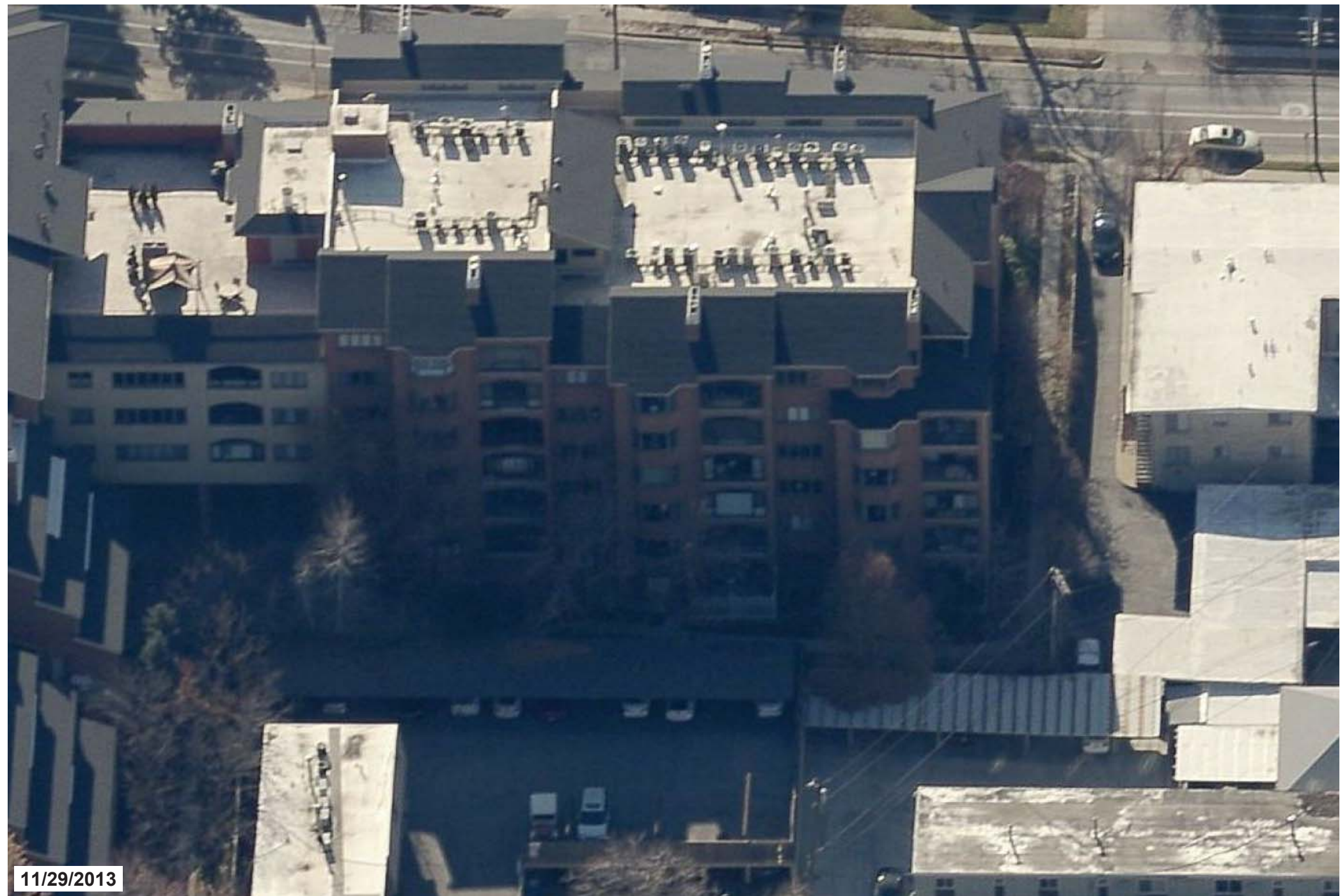
③ View from the rear of 131 E. 3rd Avenue



④ View from 138 E. 3rd Avenue



north elevation



11/29/2013

**west elevation**



11/30/2013



**south elevation**

**Attachment C**  
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:

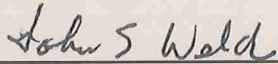
A. You shall obtain written approval of said Plans and Specifications from the Salt Lake City Department of Building Services & Civil Enforcement in accordance with the applicable Salt Lake City Ordinances.

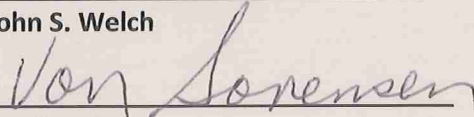
B. You shall then obtain a construction contract with a qualified builder acceptable to TF for said modification.

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.