



MEMORANDUM

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY
and NEIGHBORHOODS

To: Historic Landmarks Commissioners

From: Anthony Riederer, AICP – Principal Planner
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Date: June 1, 2017

Re: Development of Revisions to HLC New Construction Standards and Related
Zoning Code

BACKGROUND:

Salt Lake City has adopted a number of strong policy goals with regards to historic preservation and the support for these goals is reflected through the inclusion of preservation policies in many of the city adopted plans. Recently, there has been increased criticism and concern raised by applicants in reference to new development requests about the role, responsibilities, and transparency of the decision-making process by the Historic Landmark Commission. There have been significant questions raised about the ordinance standards, processes, and relevance of the design guidelines as relate to proposals for new construction in local historic districts.

In mid-2016, Mayor Biskupski initiated a petition requesting that the Planning Division study and make any recommendations to amend the City's zoning ordinance to improve the clarity and predictability of several aspects of the city's preservation program. This study offered a number of recommendations for improving the process of making application for and evaluating development projects.

Among its recommendations, the study suggested that the New Construction standards be clarified and revised to better accommodate for a wide range of project types, particularly large scale infill developments. In late 2016, Mayor Biskupski initiated a petition to amend the zoning code to implement some of the changes identified in the study, including the revisions to the HLC's New Construction Standards.

COURSE OF ACTION:

What follows is a list of topics (in bold) related to the HLC's New Construction Standards along with some associated sections, that relate to the objectives and recommendations identified in the 2016 HLC Process and Recommendations study and the proposed changes at this time. Planning Staff is seeking feedback on these proposed changes, so as to inform the final draft of the ordinance revision.

Standards for New Construction or Alteration of a Non-Contributing Structure

The standards for new construction are fairly general in nature and have not been revisited in a number of years. The research completed as part of the 2016 HLC Process and Recommendations study indicated that some other cities, both in Utah and nationally, have drafted standards in terms that allow them to address broad topics of design with greater predictability.

With this in mind, staff proposes to expand the number of standards so that each can be written in more plain, specific, and focused language. Although the number of standards will likely increase, the intention is not to greatly increase the realm of things being considered, but to address aspects of design already subject to design standards in a more specific and focused way.

Salt Lake City's adopted design guidelines are written such that they are ordered from large-scale considerations (like the block pattern and design of the site) to small-scale elements of design (like placement of windows and selection of façade materials). This mirrors the approach that architects and designers take in creating a proposal and that staff takes in analyzing a project. In their current form, the ordinance standards are not ordered in a way that's consistent with the Salt Lake City's adopted design guidelines.

In revising the text of the standards, staff is proposing to reorganize them so that they follow the pattern established with the design guidelines. This will allow applicants to more directly relate their design process to the ordinance standards, which should result in increased predictability in outcomes.

Use of Design Guidelines to Make Findings

Although projects are evaluated against the standards for new construction, the city's adopted design guidelines provide the foundation of principles of design that inform these evaluations. Reformatting the standards to more directly relate to the design guidelines, as addressed in the previous section, is an important step in strengthening this connection and improving predictability.

Additionally, staff is proposing revising the language describing the role of the design guidelines to make it clear that, in addition to serving as design advice to applicants, the guidelines will be the principal tool in determining whether a proposed design successfully addresses the ordinance standards.

Single and Two-Family New Construction

Frequently, proposals for the new construction of single and two-family homes are less complex and present significantly less impact on their context than larger multi-family or commercial development. These projects are much greater in number than the more complex large scale projects and take a significant amount of the commission's time and energy.

As such, it may be reasonable to allow staff to administratively approve applications that successfully address the standards for new construction. The potential benefit to this is that it would allow the members of the Historic Landmark Commission to focus on the projects that have the most impact on the character of the city's historic districts.

As with other projects with the potential for administrative approval, staff would have the option to refer a project to the Historic Landmarks Commission. This is often the case for projects where there is an unusual amount of complexity, the potential for significant impact on the context, or where staff does not feel that the design successfully meets the standards of approval.

Clarity of Submission Requirements

A number of applicants to various processes pertinent to properties protected by Salt Lake City's historic protection overlay district have expressed concern that the type and extent of documentation required to complete an application is unclear or, at times, varies from project to project.

To remedy this, staff proposes to include a specific list of materials required in order for applications related to projects addressed by the Standards for New Construction or Alteration of a Non-Contributing Structure to be considered 'complete'.

Discussion Questions:

- What challenges have you experienced using the existing standards to evaluate new construction development proposals?
- Are you comfortable with staff being able to approve single and two-family dwellings administratively, when they are found to adequately meet the standards for new construction?
- What information and materials do you need to evaluate a development proposal?
 - Are there things you would add or remove from the proposed submission requirements?
- Do the proposed standards adequately address the issues of design significant in creating projects that are sensitive to their context?
 - Are there things you would add or remove from the proposed standards?

Attachments:

- Draft Revised Ordinance Standards for New Construction

21A.10.020 B

B. Special Noticing Requirements For Administrative Approvals:

1. Conditional Building And Site Design Review: The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:

- a. Notification: The city shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. Recognized organizations are also entitled to receive notice pursuant to [title 2, chapter 2.60](#) of this code by e-mail or other form chosen by the planning director.

At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning director may decide the issue administratively.

2. Determination Of Noncontributing Status Within An H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days of the determination of noncontributing status of the property to all owners of the land and tenants, within eighty five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

3. Notice Of Application For Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in chapter 21A.52 of this title, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.

- a. Contents Of The Mailing Notice Of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title. (Ord. 10-16, 2016: Ord. 58-13, 2013)

4. Notice of Application for New Single and Two-Dwelling Construction Within An H Historic Preservation Overlay District: Prior to the administrative approval of proposed new single and two-dwelling construction as authorized in chapter 21A.34 of this title, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from

the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.

a. Contents Of The Mailing Notice Of Application: The notice for mailing shall generally describe the design of the project, including images, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.

21A.34.020 F

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;
 - (3) Partial demolition of either a landmark site or a contributing structure;
 - (4) Demolition of an accessory structure;
 - (5) Demolition of a noncontributing structure;
 - (6) Construction of a new single or two-family dwelling; and
 - (7) Installation of solar energy collection systems pursuant to section [21A.40.190](#) of this title.
 - b. Submission of Application: An application for a certificate of appropriateness shall be made on a form prepared by the planning director or designee, and shall be submitted to the planning division. The planning director shall make a determination of completeness pursuant to chapter 21A.10 of this title, and shall forward the application for review and decision.
 - c. Materials Submitted With Application: The application shall include photographs, construction drawings, and other documentation such as an architectural or massing model, window frame sections and samples deemed necessary to consider the application properly and completely. Applications for new construction of a single or two-family dwelling shall include the materials indicated in 21A.34.020(F)(2)(d)
 - d. Fees: No application fee will be required for a certificate of appropriateness that is administratively approved, except for those relating to construction of a new single or two-family dwelling. Applications of that type shall be accompanied by the applicable fees shown

on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.

e. Notice For Application For Demolition Of A Noncontributing Structure: An application for demolition of a noncontributing structure shall require notice for determination of noncontributing sites pursuant to chapter 21A.10 of this title. The applicant shall be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.

f. Notice For Application For New Construction of Single or Two-Family Dwelling: An application for new construction of a single or two-family dwelling shall require notice pursuant to 21A.10(B)(4) of this title. The applicant shall be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.

f. Standards For Approval: The application shall be reviewed according to the standards set forth in subsections G and H of this section, whichever is applicable.

g. Review And Decision By The Planning Director: On the basis of written findings of fact, the planning director or the planning director's designee shall either approve or conditionally approve the certificate of appropriateness based on the standards in subsections G and H of this section, whichever is applicable, within thirty (30) days following receipt of a completed application. The decision of the planning director shall become effective at the time the decision is made.

h. Referral Of Application By Planning Director To Historic Landmark Commission: The planning director may refer any application to the historic landmark commission due to the complexity of the application, the significance of change to the landmark site or contributing structure in the H historic preservation overlay district, or the need for consultation for expertise regarding architectural, construction or preservation issues or if the application does not meet the standards of review.

2. Historic Landmark Commission: Certain types of construction, demolition and relocation shall only be allowed to be approved by the historic landmark commission subject to the following procedures:

a. Types Of Construction: The following shall be reviewed by the historic landmark commission:

- (1) Substantial alteration or addition to a landmark site or contributing structure/site;
- (2) New construction of principal building, other than a single or two-family dwelling, in H historic preservation overlay district;
- (3) Relocation of landmark site or contributing site;
- (4) Demolition of landmark site or contributing site;
- (5) Applications for administrative approval referred by the planning director; and

(6) Installation of solar energy collection systems on the front facade of the principal building in a location most compatible with the character defining features of the home pursuant to section 21A.40.190 of this title.

b. Submission Of Application: The procedure for an application for a certificate of appropriateness shall be the same as specified in subsection F1b of this section.

c. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.

d. Materials Submitted With Application: Specific requirements for new construction shall include, at least the following information, unless deemed unnecessary by the planning director. Applications for a certificate of appropriateness for demolition shall also submit a reuse plan for the property.

- 1) The applicant's name, address, telephone number, e-mail address and interest in the subject property; and
- 2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
- 3) The street address and legal description of the subject property;
- 4) A narrative including a complete description of the project and how it meets review standards with citation of supporting adopted city design guidelines;
- 5) A context plan showing property lines, building footprints, front yard setbacks, adjacent streets and alleys, historic district boundaries, contributing/noncontributing structures and landmark sites;
- 6) A streetscape study which includes height measurements for each primary structure on the block face;
- 7) A site plan or drawing drawn to a scale which includes the following information: property lines, lot dimensions, topography, adjacent streets, alleys and walkways, landscaping and buffers, existing and proposed buildings and structures, lot coverage, grade changes, parking spaces, trash receptacles, drainage features, proposed setbacks and other details that may be required for project evaluation;
- 8) Elevation drawings and details for all facades
- 9) Illustrative photos and/or samples of all proposed façade materials;
- 10) Building, wall, and window section drawings;
- 11) 3D models that show the new construction in relation to neighboring buildings and from the pedestrian perspective; and
- 12) Such other and further information or documentation as the planning director may deem necessary or appropriate for a full and proper consideration and disposition of the particular application.

e. Notice: Applications for a certificate of appropriateness shall require notice pursuant to chapter 21A.10 of this title.

f. Public Hearing: Applications for a certificate of appropriateness reviewed by the Historic Landmark Commission shall require a public hearing pursuant to chapter 21A.10 of this title.

g. Standards For Approval: The application shall be reviewed according to the standards set forth in subsections G through L of this section, whichever are applicable.

h. Review And Decision By The Historic Landmark Commission: The historic landmark commission shall make a decision at a regularly scheduled meeting, within sixty (60) days following receipt of a completed application, except that a review and decision on an application for a certificate of appropriateness for demolition of a landmark site or contributing structure declaring an economic hardship shall be made within one hundred twenty (120) days following receipt of a completed application.

21A.34.020 H “New construction”

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 or the construction of a single or two-family dwelling, shall determine whether the project substantially complies with all of the following standards that pertain to the application to ensure that the proposed project fits into the established historic context in ways that respect and contribute to the evolution of Salt Lake City’s architectural and cultural traditions.

1) Settlement Patterns and Neighborhood Character

- a) Block and Street Patterns: The design of the project shall preserve and reflect the historic block, street, and alley patterns that gives the district its unique character.
- b) Lot and Site Patterns: The design of the project shall preserve the pattern of lot and building site sizes that create the urban character of the immediate setting and the block face.
- c) The Public Realm: The design of the project shall frame streets and engage with sidewalks in a manner that reflects the character of the immediate setting and the block face.
- d) Building Placement: The design of the project shall maintain and reflect the historic pattern of setbacks and building depth established within the immediate setting and the block face. Buildings must maintain at least the average setback on that block face.
- e) Building Orientation: The design of the project shall orient principal entrances and pathways such that they address the street in the pattern established in the immediate setting and the block face.
- f) Modifications to Lots: Proposed subdivisions, lot line adjustments, or lot consolidations shall be compatible with the character of the site(s), district and/or setting.

2) Site Access, Parking, and Services

- a) Site Access: The design of the project shall allow for site access that is similar, in form and function, with patterns common in the immediate setting and the block face.
- b) Pedestrian: The design of the project shall provide pedestrian access, through architecturally highlighted entrances and walkways consistent with patterns common in the immediate setting and the block face.
- c) Vehicular: The design of the project shall incorporate vehicular access to the site and building such that it is located to the rear or side of the building, wherever possible.

- d) Site and Building Services and Utilities: The design of the project shall locate utilities and site/building services (such as HVAC systems, venting fans, and dumpsters) that they are to the rear of the building or on the roof and screened from public spaces and public properties.
- 3) Landscape and Lighting
- a) Landscape: The design of the project, through the grade of its landscape, as well as walls, fences, and other landscape structures shall address the public way in a manner that reflects the character of the immediate setting and the block face.
 - b) Lighting: The design of the project shall, where appropriate, incorporate lighting that enhances significant elements of the design and reflects the character of the immediate setting and the block face.
- 4) Building Form
- a) Character of the Street Block: The design of the project shall reflect the historic character of the street façade in terms of scale, shadows and access to light, and privacy.
 - b) Façade Composition, Proportion and Scale: The design of the project shall, through the design of both primary and secondary building facades, reflect the character of the immediate setting and the block face.
 - c) Height: The design of the project, in terms of height buildings, shall reflect the character of the immediate setting and the block face. Projects taller than those existing on the block face shall step back to express a principal volume in scale with the immediate setting and block face.
 - d) Width: The design of the project, in terms of width of buildings, shall reflect the character of the immediate setting and the block face. Projects wider than those existing on the block face shall articulate the façade to express a series of principal volumes in scale with the immediate setting and block face.
 - e) Massing: The design of the project, in terms of the general shape and form of buildings, shall reflect the character of the immediate setting and block face.
 - f) Roof Forms: The design of the project shall incorporate roof shapes that reflect forms found in the immediate setting and block face.
- 5) Building Character
- a) Façade Articulation and Proportion: The design of the project shall reflect patterns of articulation and proportion established in the immediate setting and block face.
 - b) Relief of Façade Articulations: Façade articulations shall have a depth of not less than 8 inches.
 - c) Rhythm, Proportion, Scale, and Volume of Openings: The design of the project shall reflect the rhythm, proportion, scale, and volume of doors, windows, and other openings that is established in the immediate setting and block face.
 - d) Balconies, Porches, and External Stairs: The design of the project shall, as appropriate, incorporate entrances, balconies, porches, stairways, and other projections that reflect patterns established in the immediate setting and block face.
- 6) Building Materials, Elements and Detailing

- a) Materials: The design of the project, other than windows and doors, shall use no less than 80% durable material such as brick, masonry, textured or patterned concrete and/or cut stone. These materials shall reflect those found elsewhere in the district and/or setting in terms of scale and character.
 - b) Material Restrictions: Exterior Insulated Finishing Systems (EIFS) are not appropriate in the Historic Preservation Overlay district.
 - c) Windows: The design of the project shall incorporate windows and other openings in a manner that reflects patterns established in the district and/or setting.
 - d) Architectural Elements and Details: The design of the project shall feature architectural elements and details that reflect those characteristic of the district and/or setting.
- 7) Signage
- a) Signs shall be designed such they are an integral part of the architecture and complimentary to the principal structure.
 - b) Signs shall be constructed of durable materials that reflect those historically used on the site or in the district.
 - c) Signs shall be illuminated such that they are secondary to the design of the building and reflect the character of the context.
- 8) Adopted City Plans
- a) The design of the project supports the implementation of pertinent adopted master plans, goals, and policies of the city.