



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Historic Landmark Commission
From: Kelsey Lindquist, Senior Planner, (801) 535-7930
Date: August 27, 2020
Re: PLNHLC2020-00016

Minor Alteration

PROPERTY ADDRESS: 88 North R Street
PARCEL ID: 09-32-480-001-0000
MASTER PLAN: Avenues Master Plan, 1987
ZONING DISTRICT: SR-1A (Special Development Pattern Residential District)

REQUEST: Byron Cannon, property owner, is requesting a certificate of appropriateness for the replacement of eight windows. The subject property is currently under zoning enforcement, as the windows have already been installed. The property is located at 88 N. R Street and is a contributing structure within the Avenues Local Historic District. The subject property is zoned SR-1A (Special Development Pattern Residential District).

RECOMMENDATION: Based on the analysis and findings, it is Planning Staff's opinion that the proposal does not comply with the applicable standards and therefore recommends that the Historic Landmark Commission deny the request.

ATTACHMENTS:

- A. Vicinity Map
- B. Applicant Information
- C. Historic Photograph and Intensive Level Survey
- D. Current Photographs
- E. Analysis of Standards
- F. Applicable Design Guidelines
- G. Public Process and Comments

BACKGROUND AND PROJECT DESCRIPTION:

The subject property, located at 88 N. R Street, is a contributing property in the Avenues Local Historic District, a status indicated by the city's 1980 intensive level survey of the district, and confirmed via the city's 2007-08 reconnaissance level survey of the same area. The structure is a 2 story Victorian on a corner lot. There have been extensive modifications to the structure throughout the years. The modifications include changes to the porch, and roof line, a side oriented addition and covering of the original materials.



The modification to the windows that placed this property under enforcement, include the replacement of eight original windows on the primary elevation located in the two-story segmental bay. The replaced windows were wood and double-hung in style. The property owner removed these windows and installed vinyl picture windows on the front portion of the bay and single-hung windows on the first and second story sides of the bay.

Archived Photo of 88 R

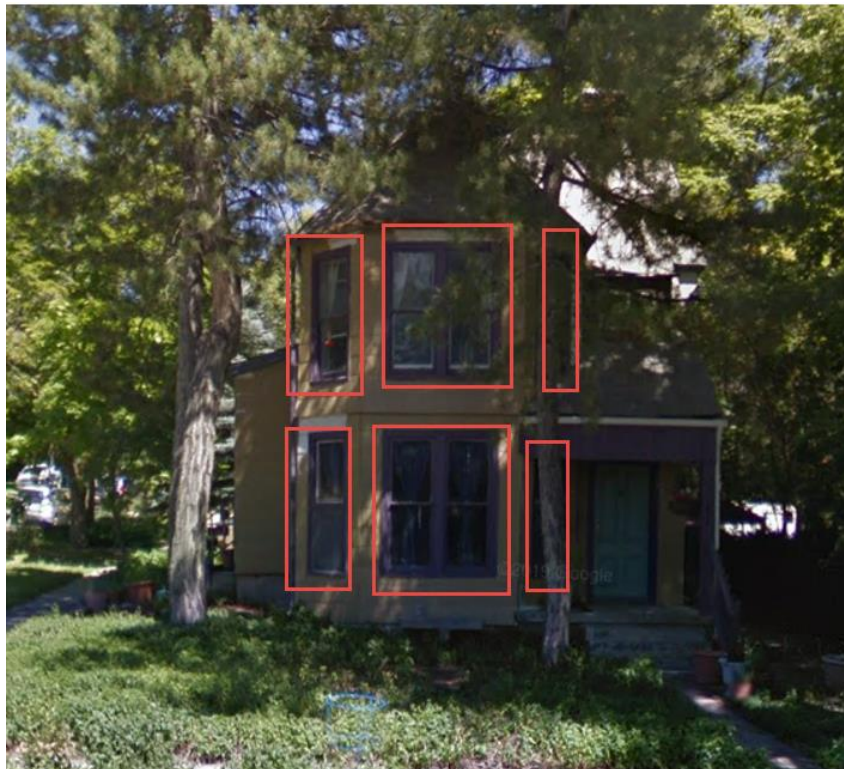


Photo of Windows Prior to Replacement



Image of the Replaced Windows

Previous Window Replacements

The applicant provided information that relates to the windows on the north and south elevations. The windows do not appear to have been recently installed; however, they are not original. The street view from 2011 illustrates two wooden casement windows on the north elevation. This elevation has been significantly modified with the construction of the side addition. Staff does not believe that these previously replaced windows detrimentally impact the character defining features of this structure. This elevation, while it is visible from the public way, has been significantly altered and is still considered a secondary elevation.



Image of North Elevation from 2011



Current Image of North Elevation

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

1. Issue 1. Deterioration of Previous Windows
2. Issue 2. Inappropriate Replacement Windows
3. Issue 3. Loss of Character Defining Features

Issue 1 – Deterioration of Previous Windows

The applicant's supplemental information, regarding the replacement of the windows, suggests that the windows were in disrepair. The applicant claims that the windows were drafty, broken and in need of replacement. Unfortunately, staff was not contacted to conduct a site visit to evaluate the state of the original windows. Staff regularly conducts site visits with concerned property owners to discuss the condition of original windows and various options for restoration, repair or storm window installation. It is difficult to know the condition of the original windows, prior to the removal and replacement.

Issue 2 – Inappropriate Replacement Windows

In the case of original windows that are beyond repair, compatible and appropriate replacements are required. In the case of the subject property, the applicant replaced original double-hung windows with fixed picture windows on the front elevation. The side windows were replaced with single-hung vinyl windows. Additionally, the reveal of the original windows was lost with the removal and replacement. The vinyl windows were installed to be flush with the wall plane of the structure. The window trim has remained.

Issue 3 – Loss of Character Defining Features

The subject windows were character defining features of the subject property. If a window is not a character defining feature, or readily visible from the public way, staff may administratively approve a request for repair or replacement. However, based on information contained within this report, the request to completely remove and replace a character defining feature is not in keeping with applicable standards.

DISCUSSION:

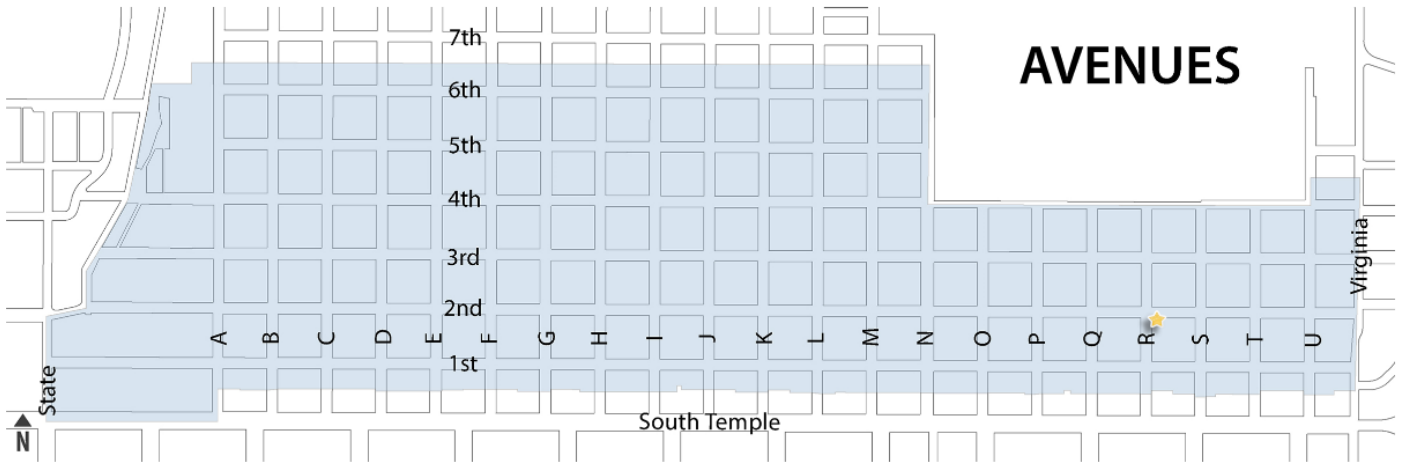
Staff advised the applicant that approval of the certificate of appropriateness of the replaced windows is unlikely, due to the conflict with the adopted standards.

NEXT STEPS:

If denied, the recently installed windows would need to be replaced with windows in the appropriate style and material.

If the certificate of appropriateness is approved, the applicants may proceed with the project and will be required to obtain all necessary permits.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: APPLICANT INFORMATION

● Page 7

Synopsis of the main points presented in this application

I- Owners' Primary Aim: Provide Quality Affordable Housing in the Avenues District

II. Origins of the Problem

III. Owners' Sense of Reasonable Conformity to "Standards for Altering a Contributing Structure"

IV. Existing Cases for Possible Comparison

V - Conclusion: Possible remedy to qualify for Certificate of Compliance

Owners' Statement

My name is Byron Cannon, retired teacher and licensed owner under Salt Lake City's Landlord-Tenant Initiative of the rental property at 88 R Street. This application requests an *ex post facto* certificate of compliance for the window replacement project we undertook through Advanced Window Products. A separate accompanying note explains my delay in bringing this request, now necessarily via virtual technology, to the Historical Landmarks Commission.

Due to ambiguities in our contract with Advanced Windows Products, combined with lack of knowledge on my part, and a

complete lack of communication from AWP at any point between signing and installation, work was completed in November, 2019 without prior obtention of a building permit.

Sometime after receiving notification from the Planning Department, I conferred with another member of the Landlord Tenant Association concerning my error in not being certain that a building permit had been issued for this project. That is when I discovered that actual regulations specify that, in cases of rental properties, owners themselves are not permitted to “pull” building permits; that responsibility rests with the contracting agency undertaking the work.

In support of this request to be allowed to proceed with our belated application for a building permit, we have referenced three published official documents:

- Utah Code, Title 57. Chapter 22: The Utah Fit Premises Act
- Section G of the City’s published “Standards for Altering a Contributing Structure” (SACS in citations below); and
- Part 3.8 of “A Preservation Handbook for Historic Residential Properties and Districts” (HANDBOOK in citations below).

I. Owners’ Primary Aim: To Provide Well Maintained Apartments for Renters Seeking Moderately Priced Housing in the Avenues Area

To make 88 R attractive for persons of modest means needing affordable housing we have invested both time and money to

improve the property's physical and environmental standards. This fact alone responds to one SACS requirement, namely that improvements like those we have undertaken in a neighborhood visibly lacking adequate affordable housing for modest renters "should be in the City's interest."

Rents in this house have been maintained at very reasonable levels. For two bedrooms the current monthly rent is \$740; for one bedroom \$560. All heat costs are paid by the owners, not the renters.

In a little over one year we have obtained two financial loans to cover \$20,000 in basic improvements. These have included complete roof and furnace replacement, landscaping, and the \$5000 project to re- place dangerously obsolete front bay windows. The latter project has enhanced both physical safety and environmental conditions for our tenants.

II. Origins of the Problem

The problem with the deteriorating front windows surfaced when tenants complained of loss of heat through internally rotting window frames and several cracked panes. At that time I investigated the possibility of having a specialist replace thermally ineffective single panes and adding custom built storm windows but found costs to be very high. When two windows nearly became detached from their frames, emergency repairs had to be made to comply with the Utah Fit Premises Act requiring correction of any dangerous conditions in rental units. I sought repair or replacement estimates from several window

specialists. Opinions given by Amsco, Renewal by Andersen and Advanced Window Products indicated that the seriously deteriorated or entirely missing internal working parts (now commercially unavailable) left replacement as the only viable option. The mandate to pursue historic restoration “whenever conditions permit” (HANDBOOK) would have been beyond our means, given the modest rental income earned by this property.

Even with the best of intentions, we could not consider a contract with Andersen Windows. Their estimate was over 18,000, or more than a year and a half of total rents from the house. When I asked the estimators if there would be any problem doing an installation in the Avenues, each said they had done a number similar jobs in the neighborhood.

It is now clear that my mistake, based on earlier roof replacement and installation of a new furnace and water heater, was assuming that any required permit would be obtained by the installing company. Unfortunately, when I signed the AWP bid, my attention was not drawn to a barely visible checkmark that made that the responsibility of the owner. Because no further mention of the question came up between then and the installation date, I proceeded without knowledge of the significance of my oversight. This mistake created the circumstances we now face.

Sometime after receiving notification from the Planning Department, I conferred with another member of

the Landlord Tenant Association concerning my error in not being certain that a building permit had been issued for this project. That is when I discovered that actual regulations specify that, in cases of rental properties, owners themselves are not permitted to “pull” building permits; that responsibility rests with the contracting agency undertaking the work.

III. Owners’ Sense of Reasonable Conformity to “Standards for Altering a Contributing Structure”

Following guidance from the Planning Division and the official sources cited above, I have listed several published guidelines to help evaluate the acceptability of the thermally efficient window replacement at 88R. I refer to each guideline’s “number” where it appears relevant to my sense of reasonable conformity to “Standards for Altering a Contributing Structure.”

- 1) The City requires that there should be “minimal change to the defining characteristics of the building and its...environment.”
- 2) A separate requirement states that “alterations...shall be done in such a manner that “if [they] were...removed in the future, the essential form and integrity of the structure would be unimpaired.”

3)“the historic ratio of solid-to- void is a character-defining feature [in primary facades].

4.”when replacing a historic window, it is important to preserve [as is the case at 88R] the original frame casing whenever feasible.”

5) With respect to financial necessities frequently obliging owners of modest rental properties to resort to custom made vinyl windows, we believe we have adhered to the following guideline in Part 3 of the HANDBOOK:

“A frequent concern is the material [for] replacement.. While wood was most often used historically, metal and vinyl clad windows are common on the market today and sometimes are suggested as replacement options by window suppliers.”

[Then]“....it is possible to consider alternative materials in some ... cases, if the resulting appearance will match that of the original, in terms of the finish of the material, [and] its proportions.” “Non- wood materials, such as vinyl or aluminum, will be reviewed on a case-by- case basis.”

6) Finally, official guidelines discourage any “intention to create a false sense of history or architecture”

Comparison (on **photograph page A**) of much older (before 1939-40, when major alterations transformed the original single family dwelling into rental apartments) and current photos of 88 R suggests that there has actually been only “minimal change to the defining characteristics of the building...”

[Guideline 1]. Certainly there has been no “intention to...create a false sense of history or architecture” [Guideline 6]. One does find a number of such efforts to enhance, through added features, of “historical flavors” on the facades of homes in the Avenues.

The same photographs show that the replacement windows did not alter the original casings [Guideline 4]. There has been exact maintenance of the window spacing ["ratio of solid to void” requirement in Guideline 3] of the original structure. Finally, and very importantly, they comply with] official guideline 2 , which states: ”if [replacements were] removed in the future, the essential form and integrity of the structure would be unimpaired.”

IV. Existing Cases for Possible Comparison

While preparing this application I noted several Avenues window replacements that might be compared to 88 R. I know that HLC decisions are made on a case by case basis. Additionally, it is difficult for me to know if such examples did or did not receive official replacement clearance. The fact that such a variety of cases exists, however, suggests that the City does recognize—within reason—some flexibility for owners who invest in replacements to improve their buildings’ physical and environmental state. I have provided on Photograph Page B

just a few examples in two contrasting categories. More examples and photos not included on Page B are available upon request.

Page B Group or Category 1: Vinyl replacements maintaining, to a reasonable degree, “original character defining features...”

78 Q. (See first photo on Page B). Planning report states that following [earlier] fire damage... inappropriate window replacements were “modified to be closer to the original structure in 1998.”)

84 R (immediately next to 88R; no photo) Search showed record of re- model in the late 1980s, without mention of the vinyl window installation.

232 C (No photo; replacement work done by Advanced Window Products) **1153 3rd Ave** (Careful replication of original façade. No photo)

Page B Group or Category 2: Replacements showing degrees of non- compliance with one or more of the guidelines numbered 1-6:.

77P (Guideline 1 here complete change in window style). **See Photo)** **86 N** (Guideline 3 added modern style window under eaves **See Photo)**

453 6th Ave. (guidelines 2 and 3) **See Photo.** (Note: modern “custom” diagonal angle cuts have been added on both mansard side windows)

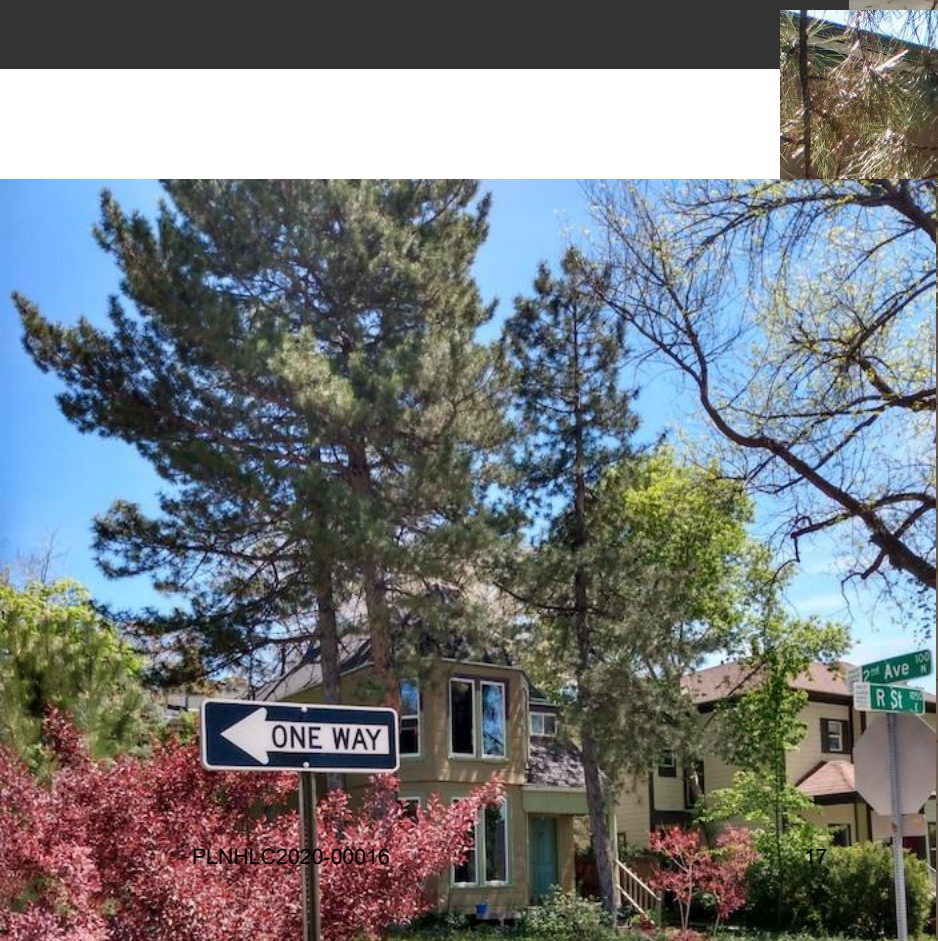
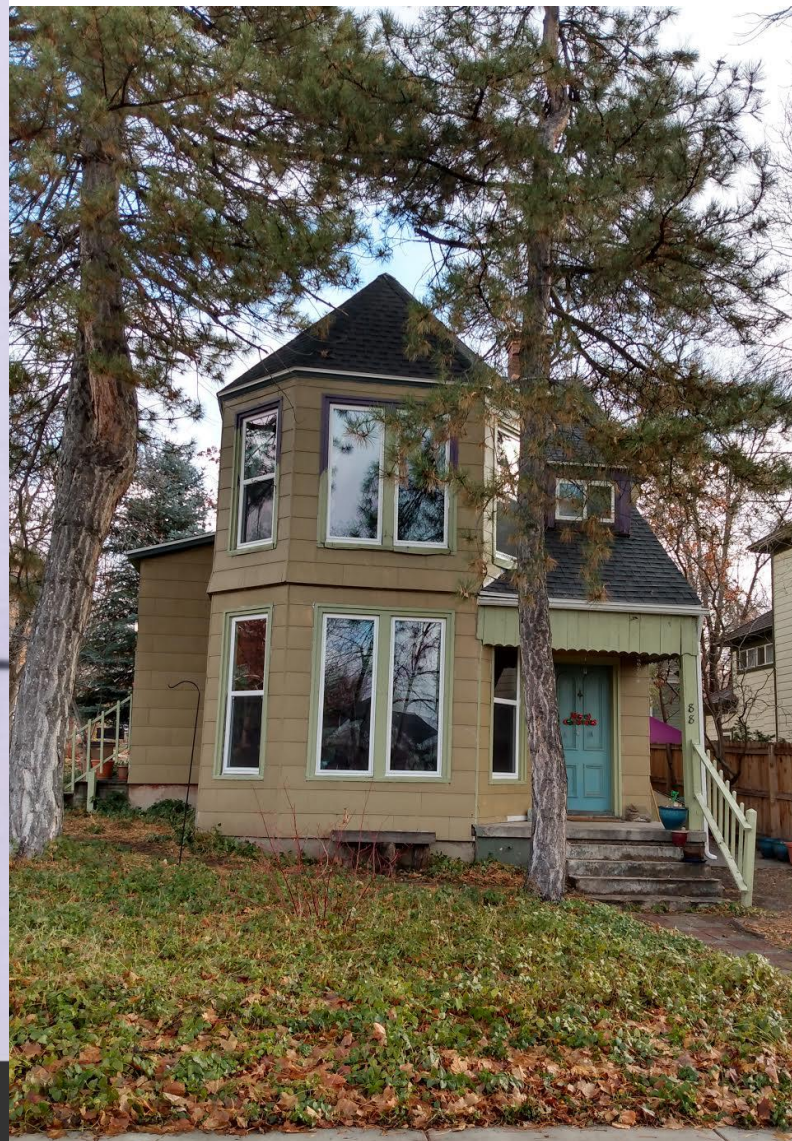
V - Conclusion: Possible remedy to qualify for Certificate of Compliance

The only new feature that might be qualified as “affecting ... defining [historical] characteristics” of 88 R appears in the choice to have a single pane feature in the two center windows of the bay. This option was put actually forward by Advanced Windows Products at the time of the estimate (see photo. Page C).

Use of single pane thermal windows here does change the external appearance slightly. This could be remedied by careful installation on the exterior side of each permanent horizontally dividing cross-members. This would restore the original profile, while retaining the environmental benefit of thermal insulation for the house.



though altered, contributes







Salesman

KOB

FIN	COLOR	Glass Type	Temp	Grid	Operator from inside	Spans	Strength
FF	WHITE	366	2	2	12 [] 12 [] [] = [] [] = [] []	2	2

12 MO
NO + W

TEST
NO

ADDITIONAL COST

	Total	6189
LEAD	Discount	-1200
TEST	Contract Total	4989

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ATTACHMENT C: HISTORIC PHOTOGRAPH AND ILS



Architect/Builder:

Building Materials: asbestos shingle siding Building Type/Style: Victorian eclectic

Description of physical appearance & significant architectural features:
(Include additions, alterations, ancillary structures, and landscaping if applicable)

This is a one-and-one-half-story Victorian home on a corner lot. It has a gable roof with a front (west) dormer window. There is a two-story hip-roofed segmental bay at the north west corner. The house has shingle siding.

--Thomas W



Statement of Historical Significance:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication | <input type="checkbox"/> Military |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Conservation | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Education | <input type="checkbox"/> Minority G |
| <input type="checkbox"/> The Arts | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Industry | <input type="checkbox"/> Recreation |

This one-and-one-half story Victorian home, although altered, contributes to the architectural character of the Avenues.

It was built in 1891 by McGurrin and Darling and bought by William H. Roy. Roy, a commission merchant, later with Salt Lake Fruit and Produce and his wife Annie M. occupied the house from 1891 to 1894. The Rays rented the house thereafter. In 1906, Annie, now widowed, sold the house to Richard D. Millet who held it for rental.

In 1915 William F. Core acquired the house, along with 84 R Street and 76 R Street. Core immediately resold this house to Orson D. and Margretta Laverna Draper Eliason. She was born January 2, 1880, in Moroni, Utah to Riley Newton Draper and Lena Margretta Morley. Eliason was a clerk with the State Board of Land Commissioners. Mrs. Eliason, widowed by the early 1920's, occupied the house until she sold it in 1936. Vacant for a year, the house was resold in 1937 to James A. Brown, a salesman for the Fuller Brush Company.

ATTACHMENT D: CURRENT PHOTOGRAPHS



Image of West Elevation



Image of West Elevation



Image of South Elevation



Image of West and North Elevation



Image of East Elevation

ATTACHMENT E: ANALYSIS OF STANDARDS

H Historic Preservation Overlay District – Standards for Certificate of Appropriateness for Altering of a Landmark Site or Contributing Structure (21A.34.020.G)

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	Finding	Rationale
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;	Complies	The use of the structure will remain multi-family residential. No change of use is proposed.
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;	Does Not Comply	The 8 windows that were replaced are considered to be character defining to the structure. The windows that were removed were original to the property, they were original in style, material and design of the structure. The loss of the windows altered the historic character of the structure.
Standard 3: All sites, structure 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.	Does Not Comply	Planning Staff believes that it was not the intention of the applicant to create a false sense of history with the window replacements. Original windows are to be repaired over replaced. Replacement windows are approved on a case-by-case basis and are required to be the same size and proportion of the historic window opening, should match the original in its design, match the profile of the sash and its components, and use materials that appear similar to the original. That said, the alterations that have occurred do not meet any of the design guidelines above and do not have a solid historical basis and should not be allowed.
Standard 4: Alterations or additions that have acquired historic significance in their own right shall be retained and preserved.	Not Applicable	No additions have recently occurred to the property. This standard does not apply.
Standard 5: Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.	Does Not Comply	The 8 primary elevation wood double-hung windows were distinctive features that are considered to characterize the historic property. The removal and replacement of these features altered the character defining features of the property.

<p>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.</p>	<p>Does Not Comply</p>	<p>Original windows are to be repaired over replaced. Replacement windows are approved on a case-by-case basis and are required to be the same size and proportion of the historic window opening, should match the original in its design, match the profile of the sash and its components, and use materials that appear similar to the original. That said, the alterations that have occurred do not meet any of the design guidelines and conflict with the noted standards.</p>
<p>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.</p>	<p>Not Applicable</p>	<p>The proposal does not include treatments of existing historic materials. This standard does not relate to this proposal.</p>
<p>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.</p>	<p>Does Not Comply</p>	<p>Contemporary windows have been installed on the subject property, which altered the character of the property. The design, size, and material are incompatible with the character of the property and have a negative effect on the historic home.</p>
<p>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 differentiate 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.</p>	<p>Does Not Comply</p>	<p>The alteration of the windows could be reversed. The windows could be replaced with appropriate windows and the historic integrity of the structure reinstated. The current alterations do not protect the historic integrity of the property and are thus inappropriate.</p>
<p>Standard 10: Certain building materials are prohibited including the following: vinyl, asbestos, or aluminum cladding when applied directly to an original or historic material.</p>	<p>Not Applicable</p>	<p>This proposal does not include the use of vinyl or aluminum cladding.</p>
<p>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.</p>	<p>Not Applicable</p>	<p>Signage is not part of this proposal. This standard does not apply.</p>

ATTACHMENT F: APPLICABLE DESIGN GUIDELINES

The following are applicable historic design guidelines related to this request. On the left are the applicable design guidelines and on the right, a list of the corresponding Zoning Ordinance standards for which the design guidelines are applicable. The following applicable design guidelines can be found in *A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City*.

Historic Residential Properties & Districts in Salt Lake City, Chapter 3: Windows

Design Objective

The character-defining features of historic windows and their distinct arrangement should be preserved. In addition, new windows should be in character with the historic building. This is especially important on primary facades.

- 3.1 The functional and decorative feature of a historic window should be preserved.
 - Features important to the character of a window include its frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation, and the groupings of windows.
 - Frames and sashes should be repaired rather than replaced whenever conditions permit.

- 3.2 The position, number, and arrangement of historic windows in a building wall should be preserved.
 - Enclosing a historic window opening in a key character-defining façade would be inappropriate, as would adding a new window opening.
 - This is especially important on primary facades, where the historic ratio of solid-to-void is a character-defining feature. Greater flexibility in installing new windows may be appropriate on rear walls or areas not visible from the public way.

- 3.3 To enhance energy efficiency, a storm window should be used to supplement rather than replace a historic window.
 - Install a storm window on the interior where feasible. This will allow the character of the original window to be seen from the public way.
 - If a storm window is to be installed on the exterior, match the sash design of the original windows.
 - A metal storm window may be appropriate.
 - The storm window should fit tightly within the window opening without the need for sub frames around the perimeter.
 - Match the color of the storm window sash with the color of the window frame; avoid a milled (a silver metallic) aluminum finish, if possible.
 - Finally, set the sash of the storm window back from the plane of the wall surface as far as possible.

Replacement Windows: While replacing an entire window assembly is discouraged, it may be necessary in some cases. When a window is to be replaced, the new one should match the appearance of the original to the greatest extent possible. To do so, the size and proportion of window elements, including glass and sash components, should match the original. In most cases, the original profile, or outline of the sash components, should be the same as the original. At a minimum, the replacement components should match the original in dimension and profile and the original depth of the window opening (reveal) should be maintained.

- 3.4 The size and proportion of a historic window opening should be retained.

- An original opening should not be reduced to accommodate a smaller window, nor increased to receive a larger window, since either is likely to disrupt the design composition.

3.5 A replacement window should match the original in its design.

- If the original is double-hung, then the replacement window should also be double-hung, or at a minimum appear to be so.
- Match the replacement also in the number and position of glass panes.
- Matching the original design is particularly important on key character-defining facades.

3.6 Match the profile of the sash and its components, as closely as possible to that of the original window.

- A historic wood window has a complex profile within its casing. The sash steps back to the plane of the glazing (glass) in several increments.
- These increments, which individually are measured in fractions of an inch, are important details.
- They distinguish the actual window from the surrounding plane of the wall.
- The profiles of wood windows allow a double-hung window, for example, to bring a rich texture to the simplest structure.
- These profiles provide accentuated shadow details and depth to the facades of the building.
- In general, it is best to replace wood windows with wood on contributing structures, especially on the primary facades.
- Non-wood materials, such as vinyl or aluminum, will be reviewed on a case-by-case basis. The following will be considered:
 - Will the original casing be preserved?
 - Will the glazing be substantially diminished?
 - What finish is proposed?
 - Most importantly, what is the profile of the proposed replacement window?

3.7 In a replacement window, use materials that appear similar to the original.

- Using the same material as the original is preferred, especially on key character-defining facades.
- A substitute material may be appropriate in secondary locations if the appearance of the window components will match those of the original in dimension, profile and finish.
- Installing a non-wood replacement window usually removes the ability to coordinate the windows with an overall color scheme for the house.

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

The Historic Landmark Commission Notice was mailed on August 20, 2020.

The subject property was posted on August 18, 2020.

No public comments have been submitted at the time of publication.