



Memorandum

Planning Division
Communities & Neighborhoods Department

To: Historic Landmark Commission

From: Nelson Knight, Senior Planner

Date: February 4, 2021

Re: **Landscape Alterations at approximately 1362 E Harvard Avenue**
Petition PLNHLC2020-00692

MINOR ALTERATION

PROPERTY ADDRESS: 1362 E. Harvard Avenue

PARCEL ID: 16-09-351-006-0000

HISTORIC DISTRICT: Harvard Heights

MASTER PLAN: East Bench Master Plan

ZONING DISTRICT: R-1-7,000 Single-Family Residential District, YCI Yalecrest Compatible Infill Overlay
District & H Historic Preservation Overlay District

DESIGN GUIDELINES: Residential Handbook and Design Guidelines

REQUEST: Annie Schwemmer, Architect, on behalf of the property owners, Joan Hammond and Joseph Dick, is requesting approval from the City of a revised proposal for site grading, landscaping, and a stone veneer wall installed in the front yard without a Certificate of Appropriateness at the above-listed address. **The Commission tabled this item at its November 5, 2020 meeting for the applicant to work with Staff on changes to the proposal.** This type of project must be reviewed as a minor alteration to a property in a historic district. The house is a contributing building within the SLC Harvard Heights Historic District and is zoned R-1-7,000 Single-Family Residential District.

RECOMMENDATION: Based on revised analysis and findings noted in this memo and taking into account the Commission's November 5, 2020 comments, it is the Planning Staff's opinion that the revised proposal now meets the objectives of the applicable standards and mitigates Staff's previous finding that the project does not meet Design Standards 2, 5, 8 and 9. Consequently, Staff recommends that the Historic Landmark Commission approve this Certificate of Appropriateness for the proposed landscaping. Staff further suggests that the Commission delegate administrative approval to Staff for the final design.

ATTACHMENTS:

- A. [November 5, 2020, HLC Staff Report](#)
- B. [November 5, 2020, HLC Minutes](#)
- C. [Revised Application Materials and Drawings](#)
- D. [Public Process and Comments](#)

Photo of Completed Landscaping & Vicinity Map



Background Information

The Historic Landmark Commission tabled this proposal at its November 5, 2020 meeting. The motion asked the applicant to specifically address Design Objectives 1.1 and 1.6 in *A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City*. These design objectives are:

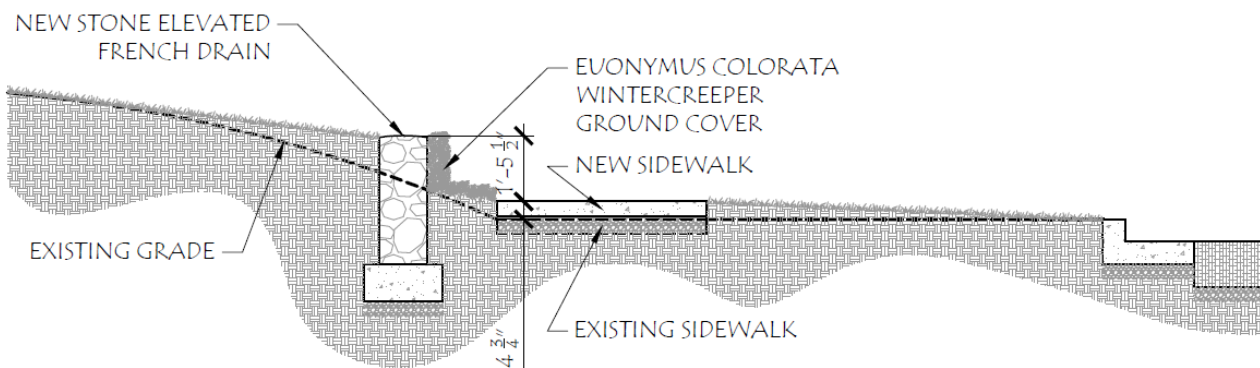
- **Design Objective 1.1** Historically significant site features should be preserved
- **Design Objective 1.6** The historic grading pattern and design of the site should be preserved

The discussion in the meeting primarily focused on:

- The wall's purpose of redirecting water runoff from the applicants' front yard on to the adjacent front sidewalk and neighbor's driveway to the west
- Ways to add landscaping that would not necessitate removing the wall yet acknowledge visual continuity with the landscape.
- Additional discussion (*See Attachment B, Minutes p.5*)

Revised Proposal

- The applicants have returned with more explanation for the original alterations as well as a proposal to address the recommendation for denial in the initial staff report (*See Attachment C-Applicant's Statement and Proposal* for more detail):
- The wall/ "stone elevated French drain" will remain. Raising the sidewalk (detailed below) will allow the grade in front of the wall to be raised by approximately six inches.
- They will plant ground cover "Euonymus Colorata Wintercreeper," which will grow roughly 6" thick up the wall so that it will soften its visual effect from the street. Several Euonymus Greens Spire Shrubs will be planted on the west end of the wall. They will be maintained at a 2'-6" to 3'-0" maximum height to further screen the wall from the west, where it is most visible.
- In front of the property, the sidewalk will be raised to remove a low spot created as the nearby tree grew and caused the sidewalk to heave. Water pools (and freezes) there and creates a hazard.



SECTION 1

Discussion

Taking into account the Commission's November 5, 2020 comments, it is clear that the drainage issues both inherent to this lot and as created by work previously approved by Planning Staff are a key consideration in this proposal. The applicants are addressing water pooling on the sidewalk by raising it. That also lowers the height of the wall to a small degree. Other drainage issues, particularly those affecting the neighbors to the west, are addressed by the wall at issue.

Staff evaluated the previous findings that the landscaping as constructed would disrupt the historic district's established streetscape pattern and would adversely affect the historic spatial relationship and character. While the Harvard Heights Historic District's streetscape remains a character-defining feature intentionally designed by the district's 1926 developers, the revised proposal will mitigate this project's adverse effect to an acceptable degree.

Next Steps

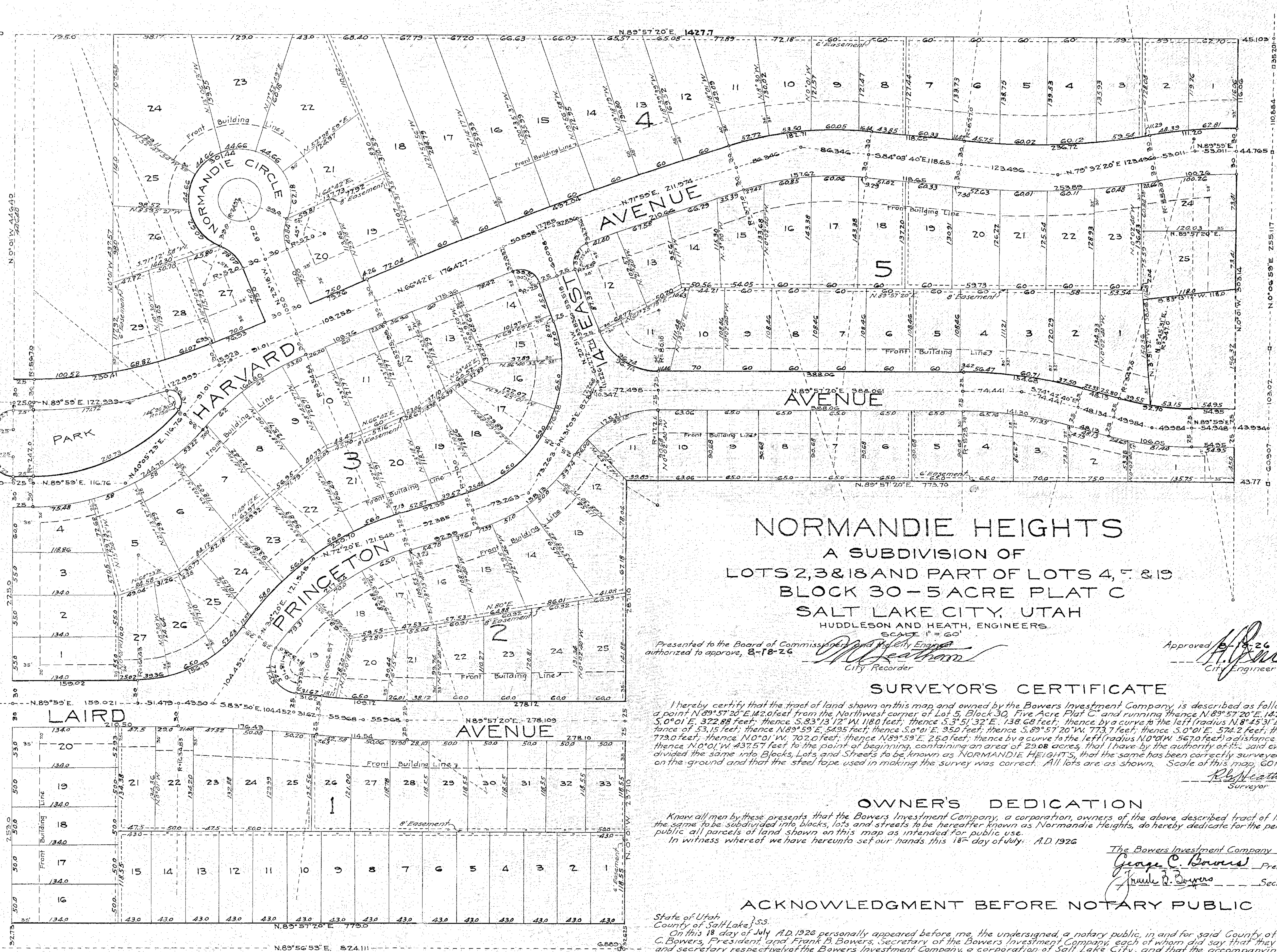
If the HLC agrees with Staff's recommendation to approve this proposal as revised, Staff will issue a Certificate of Appropriateness for the approved design. The applicants will be required to obtain all necessary approvals and permits for the final design. Once the approved plan is built, the civil enforcement cases regarding this issue will be resolved. Staff recommends that the commission delegate final approval to Planning Staff on any issues noted by HLC in their review, as well as any minor matters needed to obtain approvals and permits.

If the Commission disagrees with Staff's recommendation and the project is denied, then enforcement cases currently on hold would proceed. There is a Certificate of Non-Compliance on the property, as well as a Civil Enforcement case. Planning Staff would continue to work with the applicant and property owners on a solution that meets the ordinance's standards and may receive a Certificate of Appropriateness.

Attachment A
November 5, 2020, HLC Staff Report

Staff Report may be viewed at this link:

<http://www.slcdocs.com/Planning/HLC/2020/11%20November%202020/00692StaffReport.pdf>



FIFTEENTH EAST STREET

NORMANDIE HEIGHTS
A SUBDIVISION OF
LOTS 2, 3 & 18 AND PART OF LOTS 4, 5 & 19
BLOCK 30-5 ACRE PLAT C
SALT LAKE CITY, UTAH

HUDDLESON AND HEATH, ENGINEERS

Presented to the Board of Commissioners and City Engineer
authorized to approve, 8-18-26
City Recorder

Approved
City Engineer

SURVEYOR'S CERTIFICATE

I hereby certify that the tract of land shown on this map and owned by the Bowers Investment Company is described as follows: Beginning at a point N 89° 57' 20" E 142.71 feet from the Northwest corner of Lot 5, Block 30, Five Acre Plat C and running thence N 89° 57' 20" E 142.71 feet; thence S 0° 01' E 322.88 feet; thence S 83° 13' 12" W 118.0 feet; thence S 3° 51' 32" E 138.68 feet; thence by a curve to the left (radius N 8° 45' 31" E 347.0 feet) a distance of 53.15 feet; thence N 89° 59' E 54.95 feet; thence S 0° 01' E 35.0 feet; thence S 89° 57' 20" W 773.7 feet; thence S 89° 57' 20" W 773.0 feet; thence N 0° 01' W 702.0 feet; thence N 89° 59' E 25.0 feet; thence by a curve to the left (radius N 0° 01' W 567.0 feet) a distance of 100.52 feet; and thence N 0° 01' W 437.57 feet to the point of beginning, containing an area of 29.08 acres, that I have by the authority of the said owners thereof, divided the same into Blocks, Lots and Streets to be known as NORMANDIE HEIGHTS, that the same has been correctly surveyed and established on the ground and that the steel tape used in making the survey was correct. All lots are as shown. Scale of this map, 60 feet = 1 inch.

Surveyor

OWNER'S DEDICATION

Know all men by these presents that the Bowers Investment Company, a corporation, owners of the above described tract of land, having caused the same to be subdivided into blocks, lots and streets to be hereafter known as Normandie Heights, do hereby dedicate for the perpetual use of the public all parcels of land shown on this map as intended for public use.

In witness whereof we have hereunto set our hands this 18th day of July, A.D. 1926

The Bowers Investment Company
George C. Bowers President
Frank B. Bowers Secretary

ACKNOWLEDGMENT BEFORE NOTARY PUBLIC

State of Utah
County of Salt Lake, ss.
On this 18 day of July, A.D. 1926 personally appeared before me, the undersigned, a notary public, in and for said County of Salt Lake, George C. Bowers, President and Frank B. Bowers, Secretary of the Bowers Investment Company, each of whom did say that they are the president and secretary respectively of the Bowers Investment Company, a corporation of Salt Lake City, and that the accompanying instrument was signed in behalf of the said corporation by authority of a resolution of its Board of Directors and said George C. Bowers and Frank B. Bowers acknowledged to me that said corporation executed the same.

My commission expires
April 27, 1928

Notary Public
Residing in Salt Lake City, Utah.

566812

State of Utah
County of Salt Lake.
Filed and recorded at request of Bowers Investment Co. Aug. 20, 1926
at 12:22 O'clock P.M. in book 44 of Plats page 128.

County Recorder

Fee \$34.00

County Recorder

Abstracted B-14 page 91 lines 20-22
S. 20 page 210, 212-214-216-218.

H-128

ATTACHMENT B: CURRENT SITE PHOTOGRAPHS

























Planning Staff Photographs October 29, 2020

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;	This standard does not directly address the considerations in this proposal. The alterations made to this setting establish no contemporary design objectives.	Not Applicable
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;	No feature of acquired historic significance would be affected by this proposal.	Complies

Attachment B
November 5, 2020, HLC Minutes

- What is the nature of the brick on the mansion? The applicant explained it is a soft clay brick that hasn't been sand blasted, at least since the City has owned the building. The brick has been weathered a bit just due to age. The brick is in good condition and the city has incorporated a deal of masonry repair such as tuckpointing. Even with the earthquake, the building is in good condition.
- Does the City want to use the Prosoco on the mansion, would they do so? Applicant thought it to be a good idea.

PUBLIC HEARING [6:06:38 PM](#)

Chairperson Peters opened the Public Hearing;

Soren Simonsen, Executive Director of Jordan River Commission – Stated he is excited to see this project moving forward. Acknowledges concern about coating but project itself will be an active deterrent to graffiti. Significant initiative of Rocky Mountain Power to slowly decommission the power plant west of the property. Hopeful the area will transition to a vibrant urban neighborhood. Preserving this site is important to the future.

Seeing no one else wished to speak and there were no emails; Chairperson Peters closed the Public Hearing.

Peters asked the applicant if they wished to respond. Zach Clegg said they hope one day, the coating won't be needed. Hoped they approved it.

Chair Peters said they were moving into executive session. Asked Babs if she wanted to make a motion.

Commissioner Richardson wanted to expand the coating to expand to the rest of the property, that it should be allowed to be applied to the entire property. Paul Nielson explained the scope of the petition is important, the notice indicated the carriage house only.

MOTION [6:13:22 PM](#)

Commissioner Richardson stated, based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve petition PLNHLC2020-00509, a request for a Certificate of Appropriateness for the Major Alteration (chemical coating) of the carriage house structure at 1206 W. 200 S. with the following condition.

Commissioner Vela moved to second the motion. Commissioners DeLay, Hyde, Lillie, Petro-Eschler, Richardson, and Vela voted "Aye". The motion passed unanimously.

[6:14:48 PM](#)

Harvard Avenue Landscape Alterations at approximately 1362 E Harvard Avenue - Dean Anesi, Landscape Designer, on behalf of the property owners, Joan Hammond, and Joe Dick, is requesting approval from the City for site grading, landscaping, and a 20" high, stone veneer wall installed in the front yard without a Certificate of Appropriateness at the above-listed address. This type of project must be reviewed as a minor alteration to a property in a historic district. The house is a contributing building within the SLC Harvard Heights Historic District and is zoned R-1-7,000 Single-Family Residential District. The subject property is within Council District 6, represented by Dan Dugan. (Staff contact: Nelson Knight at (801) 535-7758 or nelson.knight@slcgov.com) **Case number PLNHLC2020-00692**

Nelson Knight, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Historic Landmark Commission deny the petition and went through the reasoning and the history of the designation and mention of the importance of landscape features when the neighborhood was planned and developed. 42 out of 26 buildings are considered contributing when the district was created. Project site was built in 1938. Explained that the applicants have had several different approvals but what is before the HLC tonight is the front yard landscaping and the wall. Discussed the enforcement case. Deed restrictions speak to the sloping.

Discussed pattern of sloping yards and the intentional design of the subdivision. Reflected the picturesque style. Major point of issue is the project and that grade changes according to the Design Guidelines, should be considered in immediate and when it disturbs the historic context, should be discouraged. Showed photos. Still sloping character evident on this side of the street. Some other examples in the district and there have been changes in the area on the time. One distinguishing characteristic in the nomination is the importance of the streetscape and site features. Staff found conflicts with several standards, referred to staff's report.

The Commission and Staff discussed the following:

- You can see the slope history on google. Interesting to know the sloping was intentional.
- Importance of the standards and guidelines and the options if the project was denied.
- Street trees and the storm. Cul-de-sac across the street? They are all in the same National Register District, all of Yalecrest. City has a local designation process resulting in several smaller local historic districts within Yalecrest National Register Historic District.
- The other walls in the neighborhood, like across the street, were they done before or after the local district was established? Ones across the street were done, to staff's knowledge prior to the district adoption.
- When enforcement came, wall wasn't done, told applicant they were continuing at their own risk.

Joe Dick, applicant, was in attendance and shared a presentation and discussed the chronology of the projects he's done on site, particular water issues on his site. They accept the historic district regulations. Because of communication errors, this project came under enforcement. They accept that ultimately it is their responsibility. Trying to make modifications that would match the original on the entire site, be appropriate. Discussed water issues on the site, showed sidewalk sinking and causes ice buildup. Discussed that the wall was really more of an elevated French drain, discussed how that is to function. Issues generally always come down to water.

The Commission, Staff and Applicant discussed the following:

- Chair Peters clarified the issue with the water moving down the west towards the other neighbor.
- Applicant clarified some work they did on both sides of the property to resolve issues.

PUBLIC HEARING [6:54:44 PM](#)

Chairperson Peters opened the Public Hearing;

Amy Powell, west neighbors – Stated that the applicants have been incredibly respectful of the 1920 property they own. There is still a slope despite the 20 inch barrier they created. They appreciate them dealing with water issues. She has water issues too. This barrier deals with water that won't be flowing in their yard.

Cindy Cromer – Stated that the issue of historic landscapes and its context. Historic Landscapes are part of the context. Disconnect between the materials of the wall aren't in sync with the historic house. National

Register denied in past when a site had the historic landscape is gone. It is a key element. City needs to put more emphasis on these historic landscapes in the future.

Lynn Pershing - Stated she is familiar with French drains. Curious why the French drain wasn't installed without having to put up the wall? Would like the applicant to expand on that.

Dean Anesi - Stated it is possible to do without a wall.

Michaela Oktay read an email from Danielle Wolfe, it was also forwarded to the HLC.

Mr. Dick responded to the public's comments. He explained the French drain and didn't have a way to exit the water above grade.

Commissioner Lillie asked the applicant what other options were discussed other than a wall. Mr. Dick didn't see any other option. It was intended to bring the water forward quickly, back yard is hardscaped. Worried about public safety in the ROW and water near the historic house. There were alternatives, below and above.

Seeing no one else wished to speak; Chairperson Peters closed the Public Hearing.

The Commission made the following comments:

- If it was historically done, it would have cock ups. Hard because agree with staff but also agree with the applicants dealing with water issues.
- HLC is not the drainage commission. Here to review historical aspects of work done.
- Landscaping is a defining feature, visual continuity was wanted in the beginning of the neighborhood. This is a violation but you see other walls on both sides of the street. Some vines covering other walls that softens things a bit.
- General Acknowledgement of good points and negative points to the project. No ill intent on side of the applicant. Several are torn on how to move forward. It's a balancing act, this decision.
- Commend applicant on their work on the site. Well done.
- We should consider how to stop people from continuing to do this work since it is in the historic district.
- House restored, wall isn't visually obtrusive but contradicts the letter of the law. They got a number of approvals and this one fell between the cracks.
- It is important to deal with water issues in older neighborhoods, their dealing with water is important.
- Is there a way to approve this, the some of the standards are quite problematic in finding a way.
- Discussed ways in which they need to make alternative motion to staff's recommended motion. Landscapes get changed. There is a way to add landscape to not modify a wall. Something can be planted to drape over the wall. There is a middle ground to acknowledge visual continuity.

The commission discussed ways in which the commission can approve, table or deny the petition.

MOTION [7:42:47 PM](#)

Commissioner Richardson stated, I move that we table this item and ask the applicant specifically, to revisit the design objectives 1.1 and 1.6.

Commissioner Vela seconded the motion. Commissioners Vela, Richardson, Petro-Eschler, Lillie, Hyde, Ewanowski, and DeLay voted "Aye". The motion passed unanimously.

Attachment C
Applicant's Revised Narrative and Submittal, 2021

To whom it may concern:

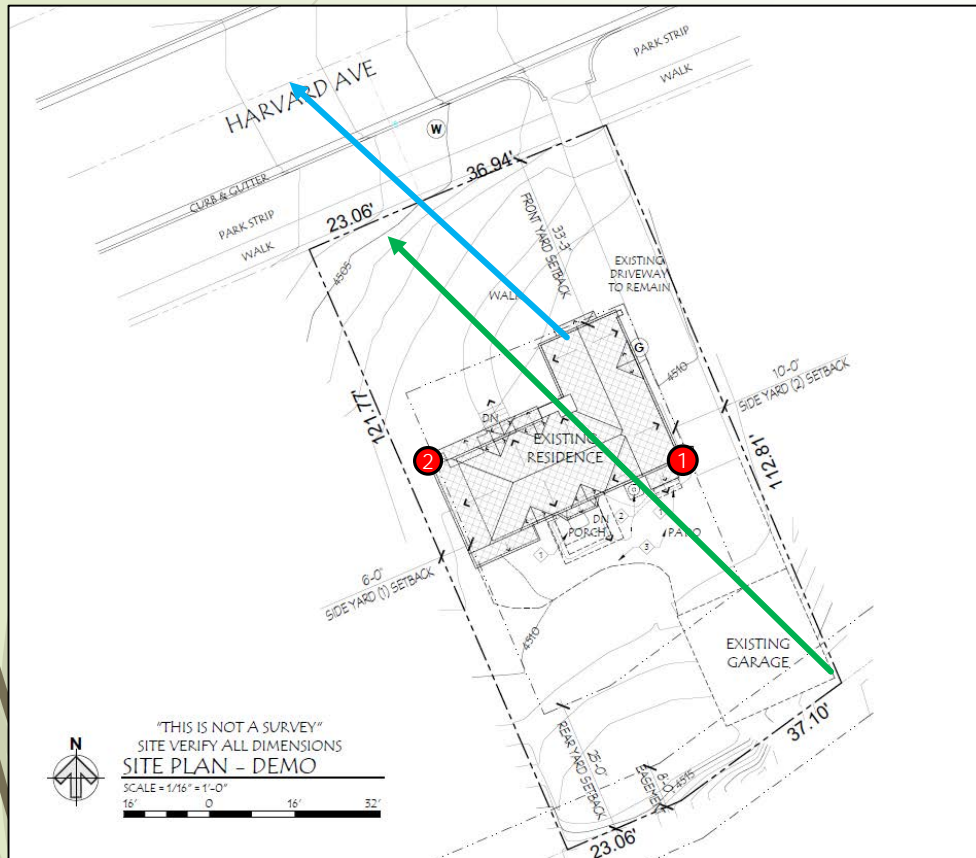
This letter is to address the stone water diversion wall that has been added at
1352 Harvard Avenue, Salt Lake City, UT 84105

The following is a summary of how this wall substantially complies with applicable Standards for Certificate of Appropriateness for Alteration of a Landmark Site as outlined in Zoning Section 21A.34.020.G

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; **This has historically been and will continue to be used as a single family residence.**
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; **The historic character of the front yard hill/slope has been minimally affected by the addition of the water diversion wall & adjustments to the height of the sidewalk to mitigate the water pooling issue as well as the waterflow along the sewer line causing potholes in the street. The view to the house from the street and to the street from the house have not been significantly altered.**
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; **Euonymus colorata wintercreeper will be planted in front of the stone wall. It is an evergreen ground cover that will fill the space between the front of the wall and the sidewalk and also grow roughly 6" thick up the diversion wall so that it will not be visible from the street. Several Euonymus Greens Spire Shrubs will be planted on the west end of the wall and will be maintained at a 2'-6" to 3'-0" maximum height.**
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; **The diversion wall could be removed at any time and the original slope of the front yard be restored to its original condition.**

Please also refer to the diversion wall explanation & illustrations, plans, and plant photos attached.

The Situation We Discovered



- The green line represents the apparent direction of the hydraulic gradient of the property.
- The blue line represents the placement of the new sewer line.
- Between red circle number 1 and red circle number 2 an elevation difference of approximately 7 inches existed, indicating differential settlement consistent with the hydraulic gradient.

Photos Illustrating the Foundation Settlement



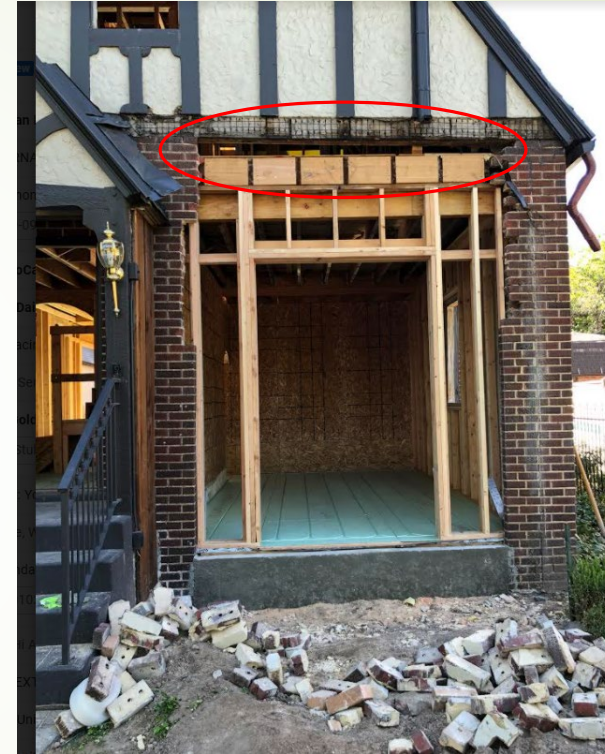
- The door is square, the structure is dipping significantly to the west.
- There are many examples encountered throughout the construction process.



Photos Illustrating the Foundation Settlement

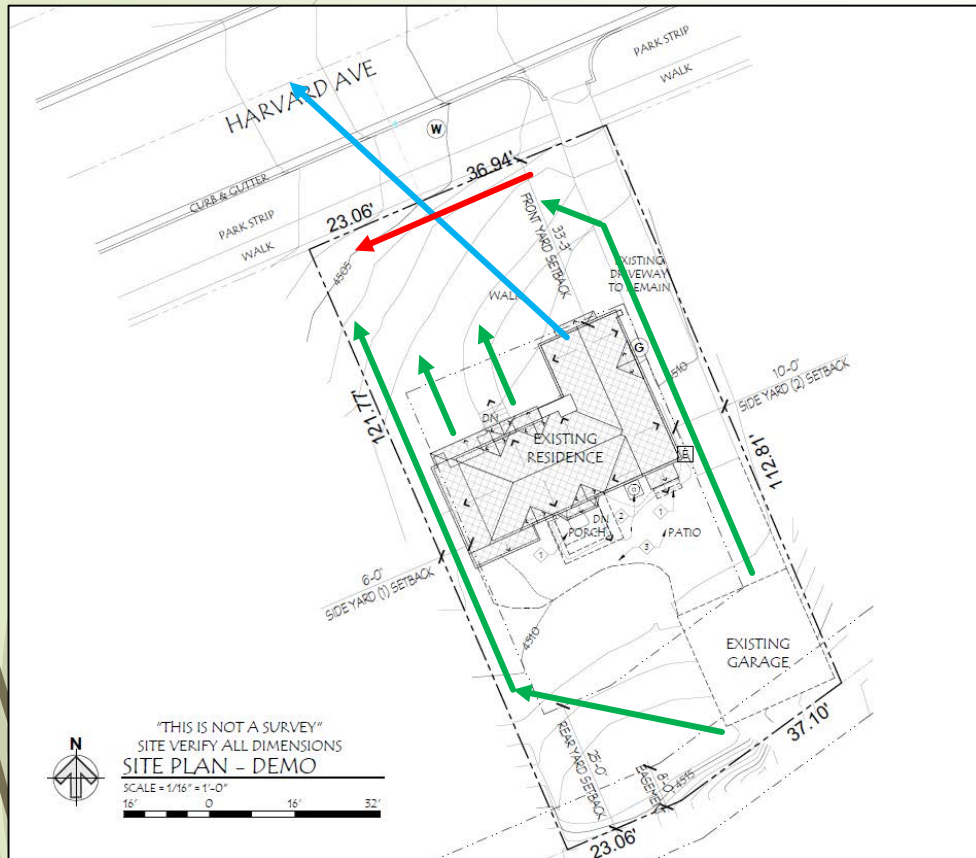


- This photo illustrates how the west wall is out of square and leaning to the west.



- This photo illustrates the structure dipping to the west.

Corrective Measures to Protect the Home and Property

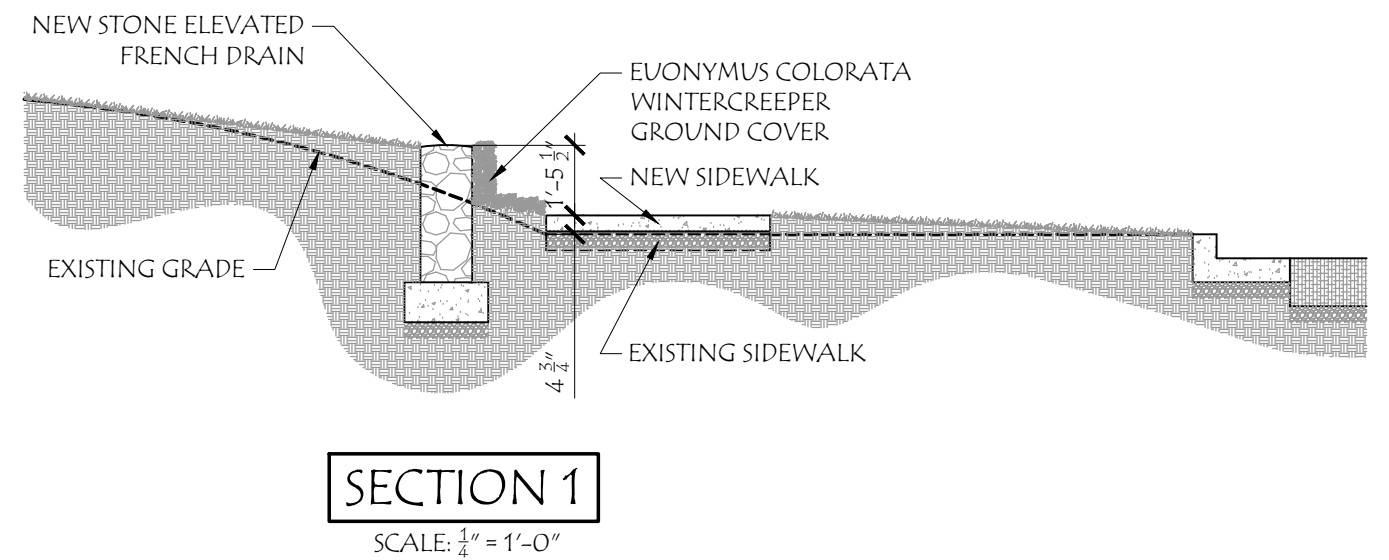
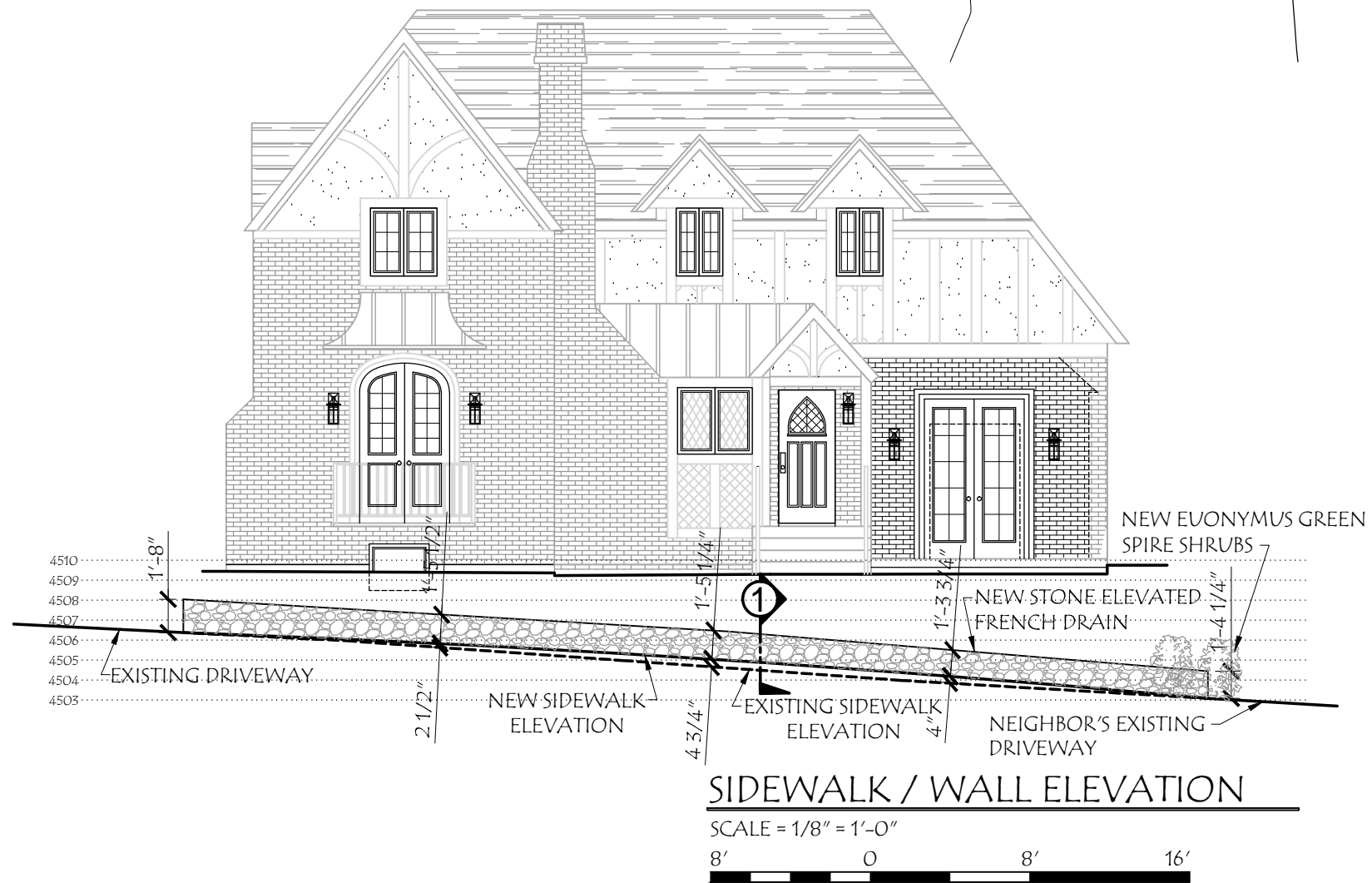
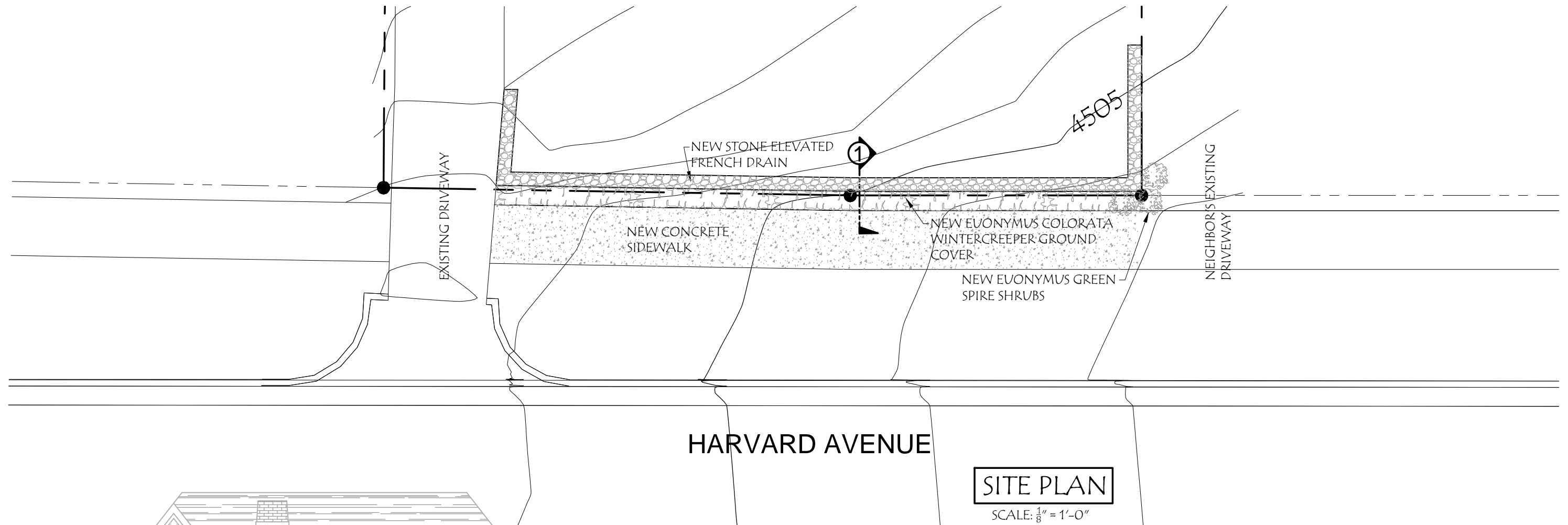


- The green lines represent the drainage plan we have established to protect the foundation from further settlement.
- The blue line represents the placement of the new sewer line which we are working to protect from sub-surface flows.
- The red line represents the water diversion wall (drain) in question. It performs the function of protecting the sewer line (pothole development over time) and the sidewalk from settlement as has been the case in the past.



Why is the Water Diversion Wall Needed?

- The structure had significant differential settlement, 7 inches from the SE corner to the NW corner.
- Many structural improvements were incorporated into the design to solve this and other conditions resulting from the differential foundation settlement.
- Important in that solution was improvement to the site drainage to keep water away from the foundation.
- We solved that problem with retaining walls in the rear to replace the existing failing timber structure and a wall on the east property line.
- With those solutions, we are bringing water around the structure directly to the front lawn, resulting in a potential increase to short-term flowrates in that area. Historic flows had affected the sidewalk and our drainage solution likely elevates this condition during storm events. Indications suggest the new sewer line may be affected, leading to potholes as are common on Harvard Ave.
- A “water diversion wall (drain)” along the front sidewalk appeared a reasonable solution to alleviate a current problem and avoid a future one. On that basis, we requested a water diversion method be incorporated into the landscape design.
- East and west side water control features were also incorporated.





Euonymus Colorata Wintercreeper Ground Cover



Euonymus Green Spire Shrubs