



Re: Case No. PLNAPP2017-00965: Appeal of November 2, 2017, Historic Landmark Commission Decision.

Appellant: The Other Side Academy

This matter came before the undersigned on January 29, 2018, for a hearing on the above referenced appeal from a decision by the Historic Landmark Commission ("HLC"). In pertinent part the HLC determined that Appellant The Other Side Academy ("TOSA") had met five (5) of the standards for demolition of a contributing structure set forth by Salt Lake City Code §21A.34.020.L.1.

Pursuant to City Code §21A.34.020.L.2.c, the effect of the HLC's findings defers the HLC's decision on demolition for up to one (1) year and requires TOSA to undertake a bona fide effort to preserve the structure or demonstrate economic hardship pursuant to City Code §21A.34.020.M or §21A.34.020.K. On the other hand, pursuant to §21A.34.020.L.2.a, if TOSA has demonstrated compliance with six (6) of the standards, demolition of the structure "shall be approved."

Accordingly, I have focused my analysis of the appeal on the evidence and authorities presented relating to the single standard the HLC found that TOSA had not met – "the base zoning of the site is incompatible with reuse of the structure." City Code §21A.34.020.L.1.d. (hereinafter "standard d.") In doing so I have considered the record of proceedings before the HLC, including the video recording of its hearing and all materials submitted to the HLC, the Staff Report prepared for the Appeal, a supplemental submission from TOSA prepared at my request more specifically addressing standard d., and an email response to that submission from City staff.


I find that TOSA has presented evidence sufficient to meet standard d., and accordingly overturn the HLC's decision with respect to that standard. In doing so, I rely heavily on the HLC's own finding that TOSA had met the first standard in §21A.34.020.L.1. – "[t]he physical integrity of the site as defined in subsection C15b of this section is no longer evident," and the extensive evidence presented concerning the severely deteriorated and even hazardous condition of the structure as it currently exists. Under the circumstances I find that no "reuse" of the particular structure at issue is realistically possible and therefore such reuse is not compatible with the base zoning.

In doing so, I acknowledge that the base zoning allows for a relatively large number of uses and that the HLC focused in its deliberations on those allowed uses, rather than on the structure itself.



That focus would ordinarily be entirely appropriate, but under these unique facts and circumstances I find that the essentially undisputed evidence demonstrating the deteriorated and hazardous condition of the structure itself means that the structure cannot be reused. Reuse of the structure is thus incompatible with the base zoning and with the City's zoning ordinances more generally.

For the reasons stated above, I reverse the HLC's decision that TOSH has not met standard d. and find demolition of the structure shall be allowed pursuant to City Code §21A.34.020.L.2.a.

 2-13-18
Jackie Biskupski
Salt Lake City Mayor