

SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street
February 1, 2006

A field trip preceded the meeting and was attended by Pete Ashdown, Warren Lloyd, Scott Christensen, Dave Fitzsimmons, Vicki Mickelsen, Joel Paterson, Janice Lew and Elizabeth Giraud.

Present from the Historic Landmark Commission were: Vicki Mickelsen, Chair; Pete Ashdown, Vice Chair; Scott Christensen, Warren Lloyd, David Fitzsimmons and Paula Carl.

Present from the Planning Staff were Alex Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Elizabeth Giraud, Senior Planner; Janice Lew, Principal Planner; and Louise Harris, Senior Secretary.

The meeting was called to order by Vicki Mickelsen, Chair, at 4:05 p.m. Ms. Mickelsen announced that each item on the agenda would be followed in the order as written. At this time she asked the audience if anyone wanted to address the Commission on matters not on the agenda. With no response, she moved to the next item.

Report of the Planning Director

Mr. Ikefuna indicated that he met with Mayor Anderson, regarding the subcommittee for Solar Panels. Mayor Anderson recommended the subcommittee include a representative from the Mayor's office, Council members Søren Simonsen and Dave Buhler of the Salt Lake City Council and Alex Steckel, homeowner and two other representatives not yet chosen, although one is to be an architect. The subcommittee will be meeting for the first time at the end of February. Staff is reviewing the City Ordinances to identify any conflicts between the historic preservation and other City policies relating to energy efficiencies to address these particular issues. Mr. Paterson will be compiling information from the planning staff and the subcommittee. The information will be supplied to all the members of the Commission.

Mr. Ikefuna also mentioned Senate Bill 170, Local Government Land Use and Impact Fee Revisions presented by Senator Mansell. This bill would make changes to the Land Use Development and Management Act. A letter and resolution has been written to the Senators and Legislators requesting their opposition of Senate Bill 170. The letter and resolution will be signed by the Chair of the Historic Landmark Commission. (A copy of this letter is attached as part of these minutes.)

Approval of the Minutes of January 4, 2006.

Mr. Christensen requested a correction. Page 5, paragraph 3 change “7 or 8 inches to 7 or 8 feet”. He then moved to approve the minutes as corrected. Seconded by Mr. Fitzsimmons. Mr. Ashdown, Ms. Carl, Mr. Fitzsimmons, Mr. Christensen all voted “Aye”. Ms. Mickelsen abstained. The motion passed.

Public Hearings

Case No. 002-06 at 594 North Center Street by Scott Christensen requesting to construct an addition to the rear of a single family dwelling. The property is located in the Capitol Hill Historic District.

Mr. Christensen recused himself but remained as a witness, as this case is in regards to his home.

Ms. Giraud presented the findings and facts and Staff’s recommendation as outlined in the Staff Report. Ms. Giraud indicated this home is visible from both Alida Place and 600 North and slightly visible from Center Street. It was constructed from three parts beginning with a small adobe cabin; second, a brick addition was placed to the west and south of the home with the final addition being a frame addition on the north. This addition would be connected to the existing house by the use of a one-story “hyphen” on the east wall of the original adobe cabin. The new construction would be a one and one half story addition containing a basement area, including a kitchen, laundry room and a small bathroom and a master bedroom and bath on the upper floor. It is proposed to be 21 feet high and clad with wood, shiplap siding. The entire roof will be re-roofed, with architectural asphalt shingles.

RECOMMENDATION:

It is the recommendation of the Planning Staff based on the Staff Report analysis, that the HLC approve the request for an addition as presented, subject to the following conditions:

1. That the review of the final details of design of the proposed project including any concerns or suggestions expressed by the HLC shall be delegated to Planning Staff.
2. This approval is for design only. The project must meet all other applicable City requirements.

A copy of the Staff Report is filed with these minutes.

Ms. Mickelsen asked if there were any questions for staff. Seeing none, she invited the applicant to come forward.

Mr. Scott Christensen, owner of the home, introduced himself and his wife Megan to the Commission. The home was purchased in 1992 from the Utah Heritage Foundation. The Foundation has an easement on the property and the proposed construction will be presented to them after the Historic Landmark Commission hears the case. The home was condemned from habitation as transients had lived in it and it was in very poor condition. The Christensen's worked hard to rebuild the home including a total rewire of electricity and new plumbing under the street. In 1992 they hired Alan Roberts of Cooper Roberts Simonson Architects to do some renovation and an addition to the back of the house. The work was never completed because of the cost.

Mr. Christensen continued to explain the history of the home showing some pictures and the prior owner's history.

Mr. Christensen indicated that he would like to have the option of:

- Using wood shingles instead of asphalt on the roof as the drawings indicate.
- Choosing to install or not to install, a round window beside the door on the north elevation as shown in drawing Sheet No. SD2.2.

Ms. Mickelsen asked the Commission if there were any questions they would like to present at this time to the applicant.

Mr. Fitzsimmons asked if the wood shingles were original.

Mr. Christensen indicated that the roof was in very poor condition. At one time, they were required to strip everything down. There were two layers of asphalt and two layers of wood shingles. They stripped everything off and put plywood and roofing felt on with wood shingles.

There being no further questions, Ms. Mickelsen closed the public hearing and went into the Executive Session.

Motion:

Mr. Fitzsimmons moved that in case No. 002-06 at 594 North Center Street the Commission accept the recommendations of Staff and approve the addition subject to the following conditions:

- 1. That the review of the final details of design of the proposed project including any concerns or suggestions expressed by the Historic Landmark Commission shall be delegated to Planning Staff.**
- 2. This approval is for design only. The project must meet all other applicable City requirements.**

3. **The optional use of the round window on the north elevation as well as the use of wood shingles instead of asphalt is permitted at the owner's discretion.**

The motion was seconded by Mr. Lloyd. Mr. Ashdown, Ms. Carl, Mr. Fitzsimmons, Mr. Lloyd all voted "Aye". There were none opposed. The motion passed.

Case No. 003-06 at 748-750 North 300 West by the Salt Lake City Redevelopment Agency requesting approval of a reuse plan. The property is located in the Capitol Hill Historic District.

Ms. Giraud presented the Staff Report by outlining the major post demolition reuse plan for this project. The proposal is to hydroseed the entire property with drought tolerant native grasses. The grass will not be higher than six inches. The City policy suggests that in residentially zoned areas the entire lot must be landscaped and in commercially zoned areas the required setback is landscaped. This is a Mixed Use, (MU) zone so it meets both criteria. Because of the location of this property being near so many homes on Reed and Fern Avenue, the Planning Division made the determination that the entire site should be landscaped with drought tolerate native grasses and several street trees. The Staff recommends that the Commission accept the proposed landscaping plan as submitted by the Redevelopment Agency (RDA), subject to the RDA posting a bond ensuring completion of the plan, as required by the ordinance. This concept complies with all City requirements, which are intended to protect adjoining properties from adverse impacts of a vacant lot. Furthermore, Staff recommends that the Commission allow the Staff to review the final plans, which must specify that the grass will be maintained at no higher than six inches.

A copy of the Staff Report is filed with these minutes.

Ms. Mickelsen asked if there were questions from the Commission for Ms. Giraud.

Mr. Christensen asked if the trash trees on the park strip would they be removed.

Ms. Coffey indicated that park strip trees are under the jurisdiction of Urban Forestry and any removal would require their approval.

Ms. Mickelsen asked if the area would be graded.

Ms. Giraud considered that a good idea, but the proposed landscaping plan did not require it. A grade change could be considered for the reuse.

Ms. Mickelsen then asked if there were further questions for Staff. Seeing none, she invited the applicants to come forward.

Ms. Jill Smith, property manager of the Salt Lake City Redevelopment Agency (RDA) and Matt Dahl, Project Coordinator for this project, of the Redevelopment Agency came forward to discuss the plans.

Ms. Smith talked about the demolition process and how it will work with the landscaping codes. She also indicated there were grade changes as the RDA is planning to slope the grade down to street level and hydro seed from that point. The developer will make the decision as to what to do about the other grading when the project begins. She indicated that a Request For Proposal (RFP) for development would go out to contractors once the RDA is through the process of retaining permission to demolish.

Mr. Dahl indicated that the plan presented was without trash trees. Any new trees will be with the approval of the Urban Forester and drought resistant plants will comply with the new ordinance. There will be standards set for the developer when addressing the placement or location of trees on the park strip, as an approach might be needed.

Mr. Ashdown asked if the RDA knew what type of grass was going to be planted.

Mr. Dahl indicated that the type of grass is dependent upon the requirement of the Drought Resistant Ordinance.

Ms. Coffey indicated that the City has a list of water-wise plants and grasses that can be used for planting.

Ms. Smith indicated that in the original Landscaping Ordinance there is a requirement to place sod although a stronger focus is placed on planting drought-resistant plants.

Mr. Fitzsimmons asked if there was a deadline to get the lot planted.

Mr. Dahl indicated that one did not exist, as the time period is dependent upon the season.

Ms. Mickelsen then asked if they had a demolition date.

Mr. Dahl indicated that they were waiting for several other tasks to be completed including the historic survey, first. Based on the weather and completion of this process, the date is yet to be determined.

Mr. Christensen indicated that this area was the location of Utah's first public building, the Salt Lake Bath House. Half of the bath house was on this property and half on Reed Street. He asked that as the grading is done that they be careful to note any findings of that structure. If anything is found, a plan should be in place to stop the work and have an archaeologist do some analysis of the findings.

Ms. Smith was not aware of that information and indicated that certainly they would look into that. She talked about the property the RDA purchased across from Pioneer Park where they found artifacts from the Fremont Indian site and Mormon burial sites. The RDA is aware of these types of concerns, and will work with an archaeologist as needed. Information will be placed in the RFP that if something is found, work is to be stopped.

Mr. Christensen indicated he has access to drawings that shows the foundation of that building and the location on Reed Avenue. The building was built in 1849 and there was a spring underground in that area.

Ms. Mickelsen asked what the plans were for marketing the property.

Mr. Dahl indicated that applications were currently being reviewed for the RFP and are focusing on plans that meet the Historic Overlay District requirements. The RDA is keeping the requirements general to allow for a greater variety of proposals that work within the restrictions of this district. The RDA would like it to be owner-occupied, residential units even though this is an MU zone. A variety of proposals will allow the RDA to determine what will best work within parcels they will be marketing.

Ms. Mickelsen asked the Commission if there were any other questions for the applicants. She then opened the public hearing. Seeing no one in the public wishing to speak she closed the public hearing and moved into the Executive Session.

Motion:

Mr. Christensen moved that in Case 003-06 at 748-50 North 300 West, that the Historic Landmark Commission accept the reuse proposal for this parcel with the condition that the planting and grading plans be implemented within two months of the time the duplex is demolished, if within the planting season. Mr. Ashdown seconded. Ms. Carl, Mr. Warren, Mr. Fitzsimmons, Mr. Christensen and Mr. Ashdown all voted "Aye". There were none opposed. The motion passed.

Case No. 032-05 at 415-417 No. Center Street by Frank Bernard to construct a basement-level addition that will accommodate a single car garage. This property is located in the Capitol Hill Historic District.

Ms. Lew presented the findings and facts and Staff's recommendation as outlined in the Staff Report. She indicated that the applicant wants to build a basement-level addition to accommodate a single car garage. In this area of the Capitol Hill Historic District, the orientation of buildings on the street and the front yard setbacks vary. An irregular development pattern exists because of the angle of the street distinguishing this part of the district. Steep topography has also affected the development pattern of the area. It has resulted in construction features such as high foundation walls, raised entries, sloped walkways and retaining walls. On this particular site there is no on-site parking. The existing building extends the width of the property, aligning diagonally with the

street, limiting access to the rear of the lot from the street. There is not an alley to provide access to a garage behind the house. A portion of the front yard is bound by a retaining wall because of the natural slope of the yard. The applicant is proposing to construct an addition to the northern unit by inserting a basement-level single car garage below the front porch.

Staff made the following findings:

1. The proposed project fails to protect the historic integrity of the property and its environment. Changing the grade adjacent to the building to allow development of a formerly below-grade area would drastically alter the historic relationship between the building and the site and diminish the historic integrity of the property and its context.
2. The proposed addition fails to retain and preserve character-defining features of the property including the primary façade and series of spaces between the street and the building. The overall impact of the proposed addition on the property and streetscape will be substantial given the proposed changes to the site, the size of the new opening, and visibility of the proposed improvements from the public way.

RECOMMENDATION:

Based upon the comments, analysis and findings of fact noted above, Planning Staff does not support the proposed design for a basement-level single-car garage at 417 No. Center Street. If the Commission decides to deny the request, it should adopt findings supported by substantial evidence.

A copy of the Staff Report is filed with these minutes.

Ms. Mickelsen asked if there were any questions for Ms. Lew.

Mr. Lloyd asked about other homes in the area having the same situation with parking.

Ms. Lew did not have pictures or other information available.

Mr. Christensen indicated that on Center Street there is a 1910 concrete garage that is built into the hill but not under the home.

Ms. Mickelsen asked if there were any more questions for Ms. Lew. Since there were none, she invited the applicant to come forward.

Mr. Frank Bernard, owner of the property, and Justin Daniels, designer, came forward. Mr. Bernard indicated the problem is the parking. The large condominium across the street has one parking space for each owner but no spaces for visitors. There isn't

any community parking. On Center Street between 400 and 500 North there are 91 living units (duplexes, single family houses, four-plexes and condominium's) and 73 parking spaces associated with these units and garages leaving 18 units that must park on the street. Broken down cars and visitors parking also occurs on the street. When it snows there isn't room for snow removal. That leaves no space for home owners when they need a space to park.

Mr. Bernard referenced the Historic Design Guidelines (page 7) reference to the Secretary of the Interiors Standard's regarding altering buildings for current uses. He stated that although the standards aren't incorporated in the regulation he hoped the Commission would use the principals in making its decision.

The construction would be going under the porch, requiring a change of the grade level moving the concrete retaining wall. The retaining wall would be moved eight feet to the south, against the sidewalk leading to the entrance of the property. The slope going down into the basement is within the City requirements.

Ms. Mickelsen asked if there are interior stairs leading from the basement to the upstairs.

Mr. Bernard indicated that there was not, but there are stairs in the back yard leading to the basement.

Mr. Ashdown asked if the change was possible, without changing the front porch.

Mr. Bernard said the only change to the porch is the movement of the railing and narrowing the steps from four feet to three feet wide. Nothing would be taken down.

Ms. Mickelsen asked if they were altering the façade.

Mr. Bernard said the stairs are going to be made narrow and that will change the railing but the other side of the duplex will not be changed.

Mr. Lloyd asked what the width of the proposed driveway would be.

Mr. Daniels indicated nine feet and the garage door will be eight feet wide.

Mr. Lloyd asked about the engineering and whether there is a concern about the rubble foundation wall. If the foundation wall is removed how would the handling of the weight be on the lateral stability.

Mr. Daniels indicated they have not done much with a structural engineer, but some steel will be involved and a new wall will be located under the porch.

Mr. Ashdown asked if the residential permit parking program had ever been considered for this area.

Mr. Bernard said yes they had considered it and did not want to do it because there seems to be too many problems.

Ms. Coffey talked about the Resident Permit Parking Program which is a proactive program in which residents must approach the City to start a Permit Parking area in a specific location. In Capitol Hill there is and has been problems with parking. The City has built City-owned parking lots to help with this issue in the past.

Mr. Bernard said that there aren't any areas to put a parking lot unless they tore down a building to build it.

Ms. Mickelsen asked if there were any more questions for the applicant. Seeing none, she closed the public hearing and opened the Executive Session.

Ms. Mickelsen indicated that if the Landmark Commission was to approve the case, it would be a radical departure from previous decisions as they have denied petitions on the basis of substantial changes to the façade and a justification would be necessary.

Mr. Christensen requested that perhaps the applicant pass around photographs of lower level structures in the neighborhood. He thought it would be interesting to see if structures were built after the historic district was formed. He wondered if they should table this case to see if they would be setting precedence by allowing garages under historic structures or if cases preceding the establishment of the district were different because they are under modern structure. Mr. Christensen asked that Staff do more research.

Mr. Paterson indicated that it certainly would be within the rights of the Landmark Commission to ask for more information from Staff.

Ms. Coffey indicated that if they did decide to approve the case that a condition be added to structurally prove they are not damaging the home.

Ms. Lew also indicated that if they approved the case that standards and guidelines show different findings.

Motion:

Mr. Ashdown moved that in Case No. 032-05 at 415-417 No. Center Street that the case be tabled pending staff research into existing garages in the district and further detail the railings in relation to the door and active representation of dimensions be included on all drawings. Mr. Christensen seconded. Mr. Ashdown, Mr. Lloyd, Mr. Fitzsimmons, Ms. Carl and Mr. Christensen voted "Aye". There were none opposed. The motion passed.

Ms. Coffey indicated that the City code that relates to the Landmark Commission does relate word for word to the Secretary of Interiors Standards. These are standards that are part of the regulations.

Case Number 001-04 at 1253 East 100 South Susan Mickelsen of Lupin Enterprises requested reconsideration of the Historic Landmark Commission's denial to legalize the front porch element. The property is located in the University Historic District.

Ms. Lew presented the findings of facts and Staff's recommendation as outlined in the Staff Report and noted that the Commission had previously decided on this case in November 2005. The applicant believes the new front porch element is in keeping with the architectural style of the home and that the Historic Landmark Commission has approved similar alterations in the past. The applicant has provided new information to present to the Commission regarding appropriateness of the railing. The Planning Division agreed to allow this presentation because new information cannot be submitted to the Land Use Appeals Board in an appeal situation.

The submittal includes a number of high-style buildings outside the City as well as residential properties with metal porch elements within Salt Lake City. Staff did not evaluate the material located outside of Salt Lake City because this information did not include similar building types or relate to the history to which this property is associated.

An analysis of the residential examples in Salt Lake City submitted by the applicant are included with the Staff Report and filed with these minutes.

Staff maintains that the metal balustrade installed on the front porch detracts from the home's identity as a simple Second Empire style building. The UBC does not require a porch railing. In a previous decision on the issue, the Commission approved a wood railing if the owner decided to install a railing.

The applicant has not uncovered additional information that warrants a reversal of the Commission decision. The new information fails to show where either the Commission approved similar replacement railings on similar building in the past or where similar architecture originally had a similar type of railing.

Based on this analysis, Planning Staff recommends that the Historic Landmark Commission uphold its November 2, 2005, decision to deny the request to legalize the front porch element specifically the balustrade. Staff recommends removing the balustrade and working with Staff to find a design compatible with the building.

Ms. Mickelsen asked if there were questions for staff.

Mr. Christensen asked what the recommendation was for the metal fence on the east side of the property and the gazebo in the front yard.

Ms. Lew indicated that this request was specific to the rail and did not address the other conditions that were placed for the Commission's review.

Ms. Coffey indicated that Staff was of the understanding that the applicant was satisfied with the previous decision made by the Commission on all other items, but she wanted to return with more information on the porch railing.

Ms. Mickelsen asked if there were any other questions for Staff. Hearing none, she invited the applicant to come forward and introduce herself.

Ms. Susan Mickelsen, owner and contractor of the subject property came forward. The home has been sold and has new owners. Ms. Mickelsen indicated that after the last meeting with the Historic Landmark Commission she and the owners discussed various ways to solve the problem. One way was to appeal to the Land Use Appeals Board. Ms. Mickelsen indicated that she talked with Mr. Brent Wilde, Deputy Director of Community Development, and he suggested that they return to the Historic Landmark Commission instead of appealing. Ms. Mickelsen indicated that she was not aware of any similar structures within the City that had been approved. She has provided a list of addresses on First Avenue within a quarter mile of the subject property. They are all between 900 and 1200 East on First Avenue very close in proximity. She indicated that more than 60 percent of the homes have wrought-iron railings. It was noted that most of them were replacement railings. She also submitted pictures of French style homes in New Orleans and France that are of French Second Empire styles. They have shutters and wrought iron railings which are very common in French Empire style houses.

Mr. Ashdown commended Ms. Mickelsen for the work done on the home instead of tearing it down and rebuilding. The home was in very poor condition and required a lot of work. The new information provided does not, however, contradict the decision made in November 2005.

Ms. Mickelsen felt the information showed that more than 50 percent of the homes in that area have wrought-iron railings and that is new information. The second is that shutters and wrought iron railings are very common on French Second Empire houses. She felt these are two important pieces of information.

Mr. Ashdown said that information was also brought to them at the last meeting and he wanted to refer to the Design Guidelines. He feels that the ordinance is what the Commission is following and nothing has shown that this railing complies.

Mr. Christensen also appreciated the work done on the home and he talked about homes in Brigham City that are of the French Second Empire style. He recommended that as a place she could visit to study how the style is handled. Elma Compton, a photographer in Brigham City, took pictures of almost every house there. Studying those pictures demonstrates the use of wood railings.

Ms. Mickelsen asked if anyone in the audience would like to comment to the Commission.

Mr. Chris Scardellett, owner of the home, came forward and provided information that he felt was important to the case. They found a metal works book that had a description of ornate metal works to further demonstrate the uses of monument balustrades. He stated that the home is an eclectic home and has an eclectic style and historical integrity.

Ms. Sandra Hatch, architect, and consultant to Ms. Mickelson, has had several conversations with Ms. Mickelsen and she questioned why Brent Wilde suggested Ms. Mickelsen return to the Commission without first giving her more help as to the type of information that should be presented. She felt that the work involved to repair this home back to its original state was a large undertaking. Ms. Hatch questioned whether the home was actually a Second Empire style. She also noted this railing is a very heavy, ornate railing and not a "licorice stick" railing that is post indicative of the 1940s and 1950s.

Ms. Coffey indicated that when Mr. Wilde talked with Ms. Mickelsen, she had wanted to appeal, but in the appeal process, no new evidence is presented and the Appeals Board upholds the decision unless they can find there was some due process problem, or that some type of prejudicial procedural error had occurred, or the decision being appealed was not supported by findings of fact based upon the applicable standards. Here understanding was that Mr. Wilde felt that Ms. Mickelsen wouldn't have a successful appeal. Ms. Mickelsen had indicated she could get some new evidence and Mr. Wilde indicated the Commission could consider the new evidence where the Land Use Appeals Board could not. Staff did work with Ms. Mickelsen and specifically told her that if she wanted to bring in something to prove there are railings like this in the historic district then it would be researched to see if they have been approved by the landmark process. This is what Ms. Lew did her research on. Ms. Coffey also indicated that if the Commission decided to approve this railing, the decision could be based on the Commission determining the house was a different architect style and not a French Second Empire style house.

Motion

Mr. Fitzsimmons moved that in case No. 001-04 at 1253 East 100 South that the Commission uphold the previous decision of the Commission regarding the front porch balustrade based on the lack of new material evidence. Seconded by Mr. Lloyd. Mr. Christensen, Mr. Lloyd, Mr. Fitzsimmons, Mr. Ashdown and Ms. Carl all voted "Aye". There were none opposed. Motion passed.

Unfinished Business

Ms. Mickelsen discussed the Documentation Subcommittee vacancy and requested Ms. Carl fill the vacancy. Ms. Carl stated that she is willing to sit on the committee temporarily only.

Mr. Christensen explained that a contributing building in the historic district has been approved for demolition. Usually through hardship provision, the policy states that documentation of the history of the building be fully recorded. This includes floor plans, all elevations of the structure and any black and white and color photographs of the structure both interior and exterior. This information is turned into the subcommittee who then determines if material documents adequately record the building. The drawing and photos are permanently stored at the state archives. It is very important that the subcommittee conduct a walk-through of the building to ensure that all important information is recorded and not just photographed.

Mr. Lloyd indicated that if Ms. Carl filled the vacancy for the next situation (the demolition of the duplex on 748-750 North 300 West (RDA Economic Hardship)), he would take the next one.

Mr. Paterson asked that each of the Commissioners read the letter that is to oppose Senate Bill 170 and the Resolution and give comments to Mr. Paterson or Ms. Coffey.

Motion:

Mr. Fitzsimmons moved that the Commission accept the Resolution as presented.

Ms. Carl seconded.

Mr. Ashdown, Mr. Christensen, Ms. Carl, Mr. Fitzsimmons and Mr. Lloyd all voted "Aye". There were none opposed. Motion passed.

Meeting was adjourned at 6:42 p.m.

Vicki Mickelsen, Chair

Louise Harris, Secretary