

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street, Room 126
December 5, 2007**

As all members of the Commission had visited the site previously, therefore the Commission did not take a field trip.

MINUTES OF THE MEETING

The Historic Landmark Commission and staff assembled for the meeting. Present from the Historic Landmark Commission were Chairperson Fitzsimmons, Commissioner Carl, Commissioner Haymond, Commissioner Hunter, Commissioner Lloyd, Commissioner Norie, and Commissioner Oliver.

Present from the Planning Staff were George Shaw, Planning Director; Mary De La-Mare Schaffer, Deputy Community Development Director, Cheri Coffey, Deputy Director, Joel Paterson, Planning Programs Supervisor; Janice Lew, Principal Planner; and Robin Zeigler, Senior Planner. Lynn Pace, Deputy City Attorney was also present.

Matt Goebel and Amy Kacala from Clarion Associates, LLC, consultants for the City-wide Preservation Plan were also present.

Chairperson Fitzsimmons called the meeting to order at 4:07 p.m.

An agenda was mailed and posted in accordance with zoning ordinance regulations for public hearing noticing and was posted in the appropriate locations within the building, in accordance with the open meeting law. Members of the Public were asked to sign a roll, which is being kept with the minutes of the Historic Landmark Commission meeting. An electronic recording of this proceeding will be retained in the Planning Division office for a period of no less than one year.

Chairperson Fitzsimmons inquired if all Commissioners had the opportunity to visit sites that would be the subject of discussion at this meeting. The Commissioners indicated they had visited the sites.

REPORT OF THE PLANNING DIRECTOR

Mr. Shaw stated that attempts were underway to move the Historic Landmark Commission meeting to Room 325.

Mr. Paterson noted that there was a letter in the Commissioner's packets which states that the Yalecrest nomination was approved by the United States National Parks Service. Therefore, the area is now listed on the National Register.

COMMENTS TO THE COMMISSION

Chairperson Fitzsimmons stated comments would be taken from the public for issues impacting the Historic Districts and Historic Preservation in Salt Lake City. Seeing as no member of the public expressed the desire to speak, he turned to the next item on the agenda.

CONSIDERATION OF THE MINUTES

Mr. Paterson explained that the software used to record the November 7, 2007 meeting, and the back up tape recording both failed to record. Therefore, Mr. Paterson requested that the Commission provide to the Historic Landmark Commission Secretary a copy of their notes or a summary of the meeting as they remembered it. The secretary would then compile minutes from those documents.

PUBLIC HEARINGS

Case No. 470-06-57 Everest Builders Economic Hardship Case— Reconsideration of Decision. This is a reconsideration of the September 5, 2007 Historic Landmark Commission decision regarding a request by Everest Builders, represented by Eric Saxey, for a determination of Economic Hardship. The case relates to the proposed demolition of three contributing structures located at approximately 256 South 700 East, 262-264 South 700 East, and 268 South 700 East in the Central City Historic District. On September 5, 2007, the Historic Landmark Commission passed a motion to overturn the decision of the Economic Review Panel's decision. However, the decision failed to meet the three fourths majority required to reverse the Economic Review Panel's decision that had approved the economic hardship. On September 19, 2007 the Historic Landmark Commission passed a motion to reconsider its September 5, 2007 decision.

Ms. Coffey outlined the background history of the case and explained staff recommendations. At the meeting on September 5, 2007, the Historic Landmark Commission made a motion to overturn the Economic Review Panel's decision by finding that the Panel made an erroneous finding of material fact because the panel failed to adequately address standards 21A.34.020K.d and e as follows:

1. The applicant failed to provide an adequate analysis of alternative scenarios which may produce a reasonable economic return on the property while preserving one or more of the contributing structures (Standard 21A.34.020.K.d); and
2. If the applicant had adequately analyzed alternative scenarios, he may have determined that an economic return on the property could occur with the preservation of one or more of the contributing structures which may have led to the availability of tax credits to offset some of the cost of rehabilitation of the contributing structures, making the project more economically viable (Standard 21A.34.020.K.e).

The Commission's vote on the motion was three in favor, one opposed and one abstention. The motion failed to carry the three-fourths (3/4) vote needed to pass, which resulted in the Commission upholding the Economic Review Panel's Decision.

On September 19, 2007 Commissioner Paula Carl, who voted on the prevailing side of the motion at the September 5, 2007 meeting, moved to reconsider the motion. The motion was seconded and

passed unanimously by the Commission. This action is in accordance with Roberts Rules of Order regarding reconsidering a case. Commissioner Carl stated that she moved to reconsider the case because she believed the majority of the quorum present at the meeting on September 5, 2007 expressed a desire to reverse the decision of the Economic Review Panel and she believed in fairness, that the case should be reconsidered so that the opinion of the full Commission could be stated.

Although the Commission specifically requested that staff schedule the matter as soon as possible, the applicant requested that the matter be delayed until such time as staff was able to review and make a recommendation based on new information the applicant desired to submit.

The original scenario included demolishing all three structures. At the September 5, 2007 meeting, the applicant submitted a scenario that would retain all three structures. Due to the timing of the submittal, staff did not have time to review and analyze that information. On October 26, 2007, the applicant submitted information on three new scenarios and, at the request of staff, later submitted additional information which resulted in a fifth scenario. Since then, the Planning staff has worked with a member of the RDA Staff, Senior Project Manager Mack McDonald, to compare the applicant's information with current construction rates and sale rates in the Salt Lake market for these types of developments to determine if the costs are reasonable. A description and analysis of the economic feasibility of the scenarios (standard d) is listed in the Analysis section of this report (pages 6 and 10).

Scenario E in the staff report is the only Scenario that indicates a positive balance between the projected revenue and expenses. In his letter, Mr. McDonald indicates that Scenario C in Table 2 indicates a relatively small deficit of approximately \$76,713. Mr. McDonald indicates that it is feasible that decreasing the expenses and increasing the revenue of the project (relating to information in Tables 3 & Table 4) could result in a reasonable economic return on the applicant's investment.

Planning Staff recommends the Historic Landmark Commission:

1. Affirm the Economic Review Panel's decision relating to the white duplex structure (262-264 South 700 East) and the purple house (256 South 700 East) finding that there would be an economic hardship if the applicant were denied demolition approval for these structures; and
2. Reverse the Economic Review Panel's decision relating to the six-plex structure (268 South 700 East) based on the feasibility of Scenario E which includes renovating the six-plex and building new townhouses along 700 East and a portion of Markea Avenue which will provide a reasonable economic return on the property.

This recommendation is also based on the following condition:

1. A demolition permit shall not be issued until a reuse plan has been approved by the Planning Commission and the Historic Landmark Commission and a building permit issued.

Staff also recommends the Historic Landmark Commission transmit a favorable recommendation to the Planning Commission to approve the modifications to the site requirements relating to setbacks in order to accommodate the site plan of Scenario E to be developed on the property.

This recommendation is based on the assumption that the proposal will be approved by the Planning Commission as a Planned Development for Scenario E. If the Planning Commission denies the Planned Development request, or if the approval is for something which modifies the general parameters of Scenario E which would not render a reasonable economic return for the applicant, the applicant is invited to return to the Historic Landmark Commission for further consideration.

Public Comment

Commissioner Hunter asked Mr. Pace to clarify the number of votes it would take to arrive at a three-fourths majority vote in regards to this case.

After discussion both Mr. Pace and the Commission arrived at the conclusion that the Commission needed a simple majority to affirm the findings of the Economic Review Panel (ERP), but if the Commission wished to overturn the findings, or a portion of the findings, it would then need a $\frac{3}{4}$ majority vote of the quorum. If no motion to overturn passes, then the findings of the Economic Review Panel are upheld. As the Chair does not normally vote except to break a tie, but is still counted as a part of the quorum; six of the seven Commissioners present would need to vote to overturn the findings of the Economic Review Panel.

Commissioner Hunter confirmed with staff that the Commission had determined that all three of the structures on the subject property were contributing.

In response to a question posed by Commissioner Oliver, Ms. Coffey stated that she would need to research the September 2007, staff report to discover which material encased the house on the site. After further review, Ms. Coffey was able to determine that the structure was composed of a composite of materials, but the exterior was of brick and stucco over brick. The porch fronting the main entrance of the side wing was covered by a shed roof.

Commissioner Oliver then confirmed that the Sanborne map in 1898 showed the structure material was of brick.

Ms. Lew returned to the meeting. The Chair invited the applicant and his representative to approach the Commission.

Scott Sabey, Attorney for the applicant, stated that he believes that the applicant's position more than qualifies as economic hardship and that the Commission should affirm the original finding of the Economic Review Panel. He stated that the applicant has been cooperative and moderate in estimating his expenses for each scenario and that Mr. McDonald, Salt Lake City Redevelopment Agency, has reviewed the costs estimates and agreed that they were not unreasonable. Mr. Sabey then responded to some of the findings within the staff report:

1. In regards to addressing the applicant's knowledge of the designation held by the property:

Mr. Sabey then reminded the Commission that Mr. Saxey stated he did do due diligence prior to the purchase of the property and spoke with a planner in the Planning Division. He received information from that planner, which led him to believe obtaining permission to demolish would not be an issue. No one from the City has challenged his statement.

Mr. Sabey further stated that he believes there is a certain sense of animosity toward his client and he wanted to make it clear to the Commission that Mr. Saxey had gone out of his way to provide information to the Commission and to be honest.

2. Standard B talked about economic return and the findings of staff do show that there is no economic return; however, he took issue with the discussion regarding high debt service. Mr. Saxey's loan was a construction loan which had a nine percent interest rate and could not be compared to a single family residential loan. Typically, the interest rate on a construction loan was higher than a residential loan on an existing structure. Mr. Sabey noted that at one of the previous hearings on this case, someone suggested that he borrowed loan shark money. Nine percent is a reasonable interest rate on a construction loan for an investment property. There is a high debt service as the project is delayed, but that is a normal cost on a reasonable rate of return. The transaction was not speculative.
3. Mr. Saxey has attempted to market the property. When he was first denied permission to demolish the structures, and when the market was much better than it is now, he listed the property at a break even price, which would not have resulted in a profit. He was unable to sell the property.
4. Infeasibility of alternatives. Scenarios A through E. There are five scenarios listed in the staff report. The one that is not listed is the one that his client was requesting: to demolish all three structures. The staff report acknowledges in a broad term that there is no feasible rate of economic return as it is and that at least two of the units would have to be torn down and sale of the property to obtain an economic return.
5. A letter from Mr. McDonald is within the staff report. This letter supports an argument against staff in regards to tables three and four found on page 9 of the staff report. In the report, staff indicates that the figures could possibly be adjusted to make it profitable. Using the range of construction costs quoted in Mr. McDonald's letter, the figures used by Mr. Saxey are close to the lowest figure quoted in the letter. There is not room to adjust. Mr. McDonald said that his client's figures were reasonable; every calculation which he did was as reasonable as could be.

In the normal course of business, a wage to the general contractor/manager of the project is an entitlement. Mr. Saxey did not include that wage as part of his expenses.

6. As to the suggestion of modifying the sales price. The sales price could be modified, but that is not what the market will bear. Mr. McDonald acknowledges in his letter that he did not investigate the properties and did not know their condition.

Mr. Sabey did acknowledge the willingness of the Commission to meet with his client at the next regular meeting of the Historic Landmark Commission after the Commission voted to rehear his case on September 19, 2007. Mr. Saxey chose to delay the hearing until he had investigated the suggestions for reuse from the Commission and the public. He has now provided the information that he believes the Commission wanted as well as met with staff and determined that the alternatives were not economically feasible.

He asked the Commission to think about the condition of the property and the neighborhood. These are three beat up properties pushed between significant commercial developments in a bad neighborhood on a busy street. The six-plex sits on the property line. It is a nonconforming use on a zero lot line. It will require approval from other branches of the City government before he can completely redo and sell it or break it up and sell it as condominiums.

He stated that there was not a neighbor contiguous to this property who did not want the structures demolished and the neighbors had testified before the Commission to that effect. There are continuous problems with this property. The McDonalds restaurant trash is constantly piling up despite the restaurant's promises to the City to clean it up. There were problems with drug trafficking in the neighborhood. If the duplex remains and the project is built in front the historic value will be lost.

Mr. Eric Saxey stated that he had met with Nelson Knight, of the State Office of Historic Preservation and discovered that he is not eligible for the tax credits for rehabilitation. The tax credits can only be applied by the owner who retains the property and rents out the units of the six-plex. Mr. Saxey stated he did not intend to keep the property after development as renovation and retained possession of the structure does not make financial sense.

Commissioner Carl asked for an explanation for the adjustment to the construction estimate for scenario D.

Ms. Coffey explained that the adjusted number reflects building costs with the permit costs included.

Commissioner Norie asked for clarification: did the applicant agree with the numbers presented in the table 2 Scenario E in the staff report?

Commissioner Norie stated that the State of Utah historic tax credits would not go to Mr. Saxey if he was to sell the property, but they could go to the buyer of the condominium/six-plex in scenario E.

In response to Commissioner Lloyd's question, Mr. Saxey stated that he would not be able to use tax credits on the property at all.

Mr. Sabey stated that the tax credit would not make any difference; the property would remain unprofitable.

Mr. Saxey stated that Mr. Knight's letter explained the tax credit issue.

Mr. Sabey stated that he had an issue with the staff recommendation that required the applicant to obtain a building permit. He stated that this was not normal business and Mr. Saxey should not be required to meet that recommendation. He stated he had no issue with a requirement to obtain reuse approval, but not the actual permit as it could be a lengthy process.

Ms. Coffey stated that her intent was to say that the City would not issue a demolition permit until the applicant had a reuse plan approved which is standard business. She recommended the requirement for a new construction permit as a step toward ensuring the property would be developed as approved.

Seeing that the Commission had no further questions for the applicant at that time, the remaining members of the public were invited to speak.

Cindy Cromer, a Salt Lake City resident, stated that she was glad that the scenarios had been provided by Mr. Saxey, but was puzzled as to why the scenarios did not have as many units as had been proposed in the beginning. She was expecting a proposal of 26 units, which would cost the preservation cause of the City three structures, but give the City 26 units. The acreage and density of the parcel allow for a density of 26 units. By carving out the new construction and isolating the historic structures that remain, from the development potential. We have suppressed the density potential for this property. All of the numbers are not what could be developed. The greater number of units the greater the profit.

Ms. Cromer stated that the six-plex was left out of scenario A and noted the omission would prohibit the transference of development rights of the six-plex into new construction. The basement in the six-plex cannot be used for storage and would be used for housing instead. The six-plex stands alone from the rest of the property. Every scenario is similar in that the historic structures are not included in the PUD, so the land they are on is excluded from the PUD, and therefore the density potential is reduced.

The historic structures need to be included in the PUD because that allows the density of 26 units. She distributed a handout summarizing the staff report created by Ms. Lew in September 2007, explaining why the structures were contributory and her comments regarding each structure. Ms. Cromer then explained her written comments. A copy of this handout is filed with these minutes.

(Commissioner Haymond left the meeting at 5:05 p.m. and returned at 5:15 p.m.)

Ms. Cromer stated that subtracting the historic structures from the PUD does not allow the maximum amount of units to be built and therefore causes the project to appear less feasible than it could be if the properties were left intact. Bigger, more prominent structures should be placed on the corners to remain consistent with the development pattern in the City.

She referred to an article from a publication by The Urban Land Institute. She stated that the article listed all sorts of slick ways of minimizing corridors, common areas, and maximizing the benefit of very expensive land. She urged the Commission to make the article available and recommended that a lot of people in the City read the article.

Commissioner Hunter asked Ms. Cromer to explain in what way Mr. Saxey could maximize the acreage.

Ms. Cromer stated that the PUD restrictions, as they were written in the ordinance, are ridiculous because the ordinance would not allow two Planned Developments on the subject lot. (The Ordinance allows one PUD which could be built in stages, but there is no allowance for two PUDs on the same site.) She stated under the ordinance, the development rights could be transferred from the six-plex to another building or more than one structure, relief from the setback requirements. The property needs bigger mass on the corner. The potential to create underground parking, which would allow double loading. By carving out the parcels underneath the old houses it subtracts that acreage from the equation, therefore detracts development and income potential. The numbers would be very different if the site were treated in a unified way.

Commissioner Lloyd asked Ms. Cromer if she had suggested that the purple house with deep setbacks remain in its current location and by keeping both the purple house and six-plex in their current location, there would be higher density.

Ms. Cromer replied this would allow the transfer of development rights, create two elegant townhouses into a six-plex, and use the basement for storage space and transfer four units into the new project. The deep setback would be valuable to the project because it offers an open, grassy space.

Ms. Coffey stated that under the scenarios the applicant presented, all of the existing buildings and the new construction would be in the PUD. The amount of property that is there would allow the twenty-six units at the very maximum. Depending upon different factors, that maximum is usually not realized. She stated that she was not familiar with the parking utilized for the other structures on the two corners opposite the subject site. In general, the reason the condominiums cost so much was the cost of the underground parking. The townhouse configuration was less expensive because it utilized attached parking. In terms of modifying the six-plex into two condominiums, when State and Federal tax credits were involved, they consider the changes to the interior of the structure. She was unclear as to whether a change in configuration would be approved by the State Office of Historic Preservation (SHPO) or the National Parks Service.

Seeing that there were no further members of the public who wished to speak regarding the project, the Chair closed the public hearing and moved on to Executive Session.

Executive Session

As it is the habit of the Commission to allow the applicant to respond to public testimony prior to entering Executive Session, the Chair closed the Executive Session and reopened the public comment portion of the hearing to allow the applicant's representative an opportunity to respond.

Public Comment

Mr. Sabey stated that this project does include everything for a PUD and his client would prefer to create 26 residential dwellings, but was limited by the lack available of parking. Twenty three is the maximum he could do. Regarding the need for greater density; the property currently has thirteen units. If the six-plex remained the applicant will be able to construct nineteen units, if torn down, he could construct twenty. That is the maximum amount of density available with the land and the limitation of parking. He could not build a three-and-one-half story structure, there is not parking to allow for it. Regarding the importance of the streetscape on 300 South, he noted that the properties were not on 300 South. They front 700 East, a heavily trafficked street. The suggestion was made that the property needs a bigger building. He is proposing a bigger building.

In response to Ms. Cromer's complaint that there weren't enough scenarios and that the figures were inaccurate, Mr. Sabey stated that at each hearing for this case, when all of the other alternatives are considered, there had been no numbers to show that it would work out mathematically and that it would survive the economic hardship. The only way to survive the economic hardship would be to tear down the buildings and build the maximum amount of units allowed by the land and the parking, which was twenty-three units.

The Chair closed the meeting to public comment and moved on to Executive Session.

Executive Session

Ms. Coffey stated that Mr. McDonald's letter was based upon new construction, not on renovation. Information about the historic streetscape was discussed by the Commission in September of 2006, related to the demolition. The discussion in this meeting would be about the economics.

Commissioner Norie stated that she understood the motivation behind staff recommendation that staff obtain a rebuild permit prior to demolition, but asked Mr. Pace if the Commission could make such a requirement.

Mr. Pace responded that it was beyond the requirement specified in the Zoning Ordinance. The Ordinance only required an approved reuse plan, not a permit.

The decision to be made in this meeting was related to hardship. If there was a hardship, the Commission was obligated to allow Mr. Saxey to demolish without regard to whether he actually builds what he has promised to build.

Commissioner Norie asked Mr. Pace if the Commission accepted the recommendation as written, does the motion also need to add the language related to the Economic Review Panel related to the erroneous finding of material fact.

If any portion of the motion was a reversal of the recommendation, the Commission must state the reason. For example if the motion is to adopt staff's recommendation, the motion would be to affirm as to these two buildings, we reverse as to building number three because scenario E shows sufficient rate of economic return.

Motion

Commissioner Norie moved in regards to Case No. 470-06-57, to accept the staff recommendation as written as Scenario E in the staff report with one exception: The Commission requires the applicant to acquire reuse plan approval, but does not require the applicant to obtain a building permit prior to demolition.

Commissioner Carl seconded the motion.

Commissioners Carl, Haymond, Lloyd, Norie, and Oliver voted, "Aye."

Commissioner Hunter voted , "Nay."

The motion failed to pass by three-fourths majority vote.

Mr. Pace clarified to the Commission that if the motion was to reverse as to two buildings and affirm as to one, and the motion failed, then there is no decision of the Board. The findings of the Economic Review Panel stand unless another motion is made to reverse the findings and passes by six votes which represent a three-fourths majority of the quorum. In other words, the decision of the Economic Review Panel was not reversed, and as such all three buildings will be demolished.

Commissioner Hunter stated that this was not her intent. After getting clarification that because the motion included one reversal, the three-fourths majority was necessary, she stated that that her intent was to be in opposition of the teardown and approve of the economic hardship.

Mr. Pace clarified further that the motion as made included an overturn portion, which did not pass, so the Commission had not arrived at a decision of the Board.

Ms. Coffey asked if Commissioner Hunter was able to reconsider her vote at this point?

Mr. Pace stated that he assumed so.

Commissioner Hunter reversed her vote to,"Aye."

The motion passed unanimously.

Commissioner Hunter stated that she was in sympathy with the amount of time the project took to consider and that both Commission and staff clearly had issues with the ordinance and the hardship it could cause. She had some concerns regarding the other scenarios which were raised as well as the amount of material the Commission received and the amount of time there was to consider that material. She asked Staff to consider the process and find ways to get the needed materials to the Commission faster.

She also expressed concern that Staff was not queried by the Commission regarding Mr. Saxey's statements about the information provided to him by staff during his due diligence period. If staff is indeed imparting that instruction to people prior to the purchase of property, then this was a serious process issue that needed to be addressed quickly, and must not wait until the audit by Citygate and preservation plan were completed.

The Chair clarified with Ms. Coffey that there was an open house regarding the Economic Review Panel and the process of setting up a standing committee to allow a more neutral Board rather than the process in place at this time. Noting that Ms. Lew brought the petition for this change to the Commission several months ago for the Commission's consideration. She stated that staff is still working on that petition. She noted that the preservation consultants could help with looking at the criteria and the ordinance for considering economic hardship and the process involved.

Commissioner Carl asked if the staff has been cautioned regarding offering the type of information that Mr. Saxey stated was offered, namely advice that a demolition project in the historic area was a cut and dry process.

Ms. Coffey stated that staff was aware of the issue.

Commissioner Hunter stated that the preservation plan might take longer than anticipated to develop and she wanted to encourage the Commission and staff to step up consistency with the guidelines as part of the process. Noting that the issue has been known for some time, she stated that it was critical that it be addressed quickly and should be made a priority for the consultants. She suggested that Robin Zeigler, the new preservation planner might be able to assist with this matter.

The Chair stated that that was a good introduction to the next item on the agenda which was the preservation plan which they would discuss following a short break.

BREAK

Chairperson Fitzsimmons then called a break at 5:40 p.m.

Chairperson Fitzsimmons reconvened the meeting at 5:49 p.m.

PRESERVATION PLAN

Commissioner Hunter asked the Chair if the preservation plan presentation would address her stated concerns.

The Chair responded that the concerns could be addressed in the Other Business section of the meeting.

Commissioner Lloyd stated that he might be obligated to leave the meeting early, but he echoed Commissioner Hunter's concerns and was interested in a discussion regarding the timeliness of the receipt of relevant materials and design alternatives which come to the Commission either later than usual or at the meeting. Particularly in a difficult case such as an economic hardship. The Commission might want to consider some of these documents, but might not have enough time to consider them or to follow up with further questions.

The Chair agreed that he was troubled by alternate plans being submitted for the Commission's consideration by the public during a public hearing. He indicated that what should be considered at the Commission meetings were the application and the applicant's submittal. He did not know how these concerns could or would be addressed in the preservation plan.

The Chair invited Matt Goebel, Clarion Associates, LLC to address the Commission to introduce the topic of the Preservation Plan by discussing the Preservation Subcommittee meeting on December 4, 2007 and the Advisory Committee Meeting on that same date.

He noted that the consultants found Case No. 470-06-57 helpful to understand the issues facing the City in regards to the preservation efforts in the city.

The Chair stated that the case was one of the most difficult he has seen in about six years. He further stated that it was a fairly typical example of what is happening around the edges of the City's Historic neighborhoods.

Roles and Responsibilities of the Historic Landmark Commission

The Commission was provided a handout list of the roles and responsibilities of the Historic Landmark Commission. Mr. Goebel explained that the list had been reviewed in the subcommittee meeting by the subcommittee and encompassed feedback from that group.

The ordinance directed the Historic Landmark Commission to take a leadership role in the preservation plan. The Commission had expressed an interest in taking a strong leadership role and the vehicle for accomplishing that would be through the subcommittee. The subcommittee would

work with the consultants more frequently to review work products, participating in regular conference calls and email chats, reviewing initial feedback before it is disseminated for wider review.

He stated that working with a subcommittee was unusual as they do not typically have one which is willing to step up and play a more active role and the consultants view it is a positive way to accomplish the task. The subcommittee would continue to serve on the Citizen's Advisory Committee. It is a diverse group of approximately twelve shareholders who have been appointed by the City Council to fill a consulting and advisory role on the preservation plan.

Noting that preservation in the City was a strong citizen led effort, he stated that Clarion would continue to work on building a collaborative plan from the ground up with the citizens to figure out the best way to do that.

There will be some time implications. As a result, of the strong level of public interest, the City is looking at a more robust citizen involvement plan than originally envisioned. Seeing that there was a great interest in preservation issues and understanding the relationship between preservation and land use, the city doesn't want to stifle any of that dialogue.

The consultants will be talking with the staff about a revised work plan that extends the time to fall 2008 and will add more involvement opportunities for the public. Clarion will work with the subcommittee to flesh out the mechanisms for those opportunities.

Commissioner Oliver summarized the subcommittee meeting and the Citizens Advisory Committee meeting. Commissioner Oliver announced that she will be acting as head of the subcommittee, and summarized the subcommittee meeting as follows:

Commissioner Oliver, Commissioner Hunter, Commissioner Lloyd deliberated on common issues and themes which seemed the most critical, derived from conversations with the public, the zoning ordinance, and a summary written by Ms. Lew. These were compared with the original work plan and developed a list of what was addressed, what was not addressed, and what needed to be emphasized more strongly in the plan. The list was then brought to the consultants and an interactive conversation took place.

- 1) The subcommittee would take a more active role, working in partnership with the Citizens Advisory Committee to get more involvement and as much input as possible from them.
- 2) The subcommittee would meet monthly with the Citizen's Advisory Committee with and without the consultants.

The overall work plan will be extended, but will retain its original form and four key pieces:

- 1) Introductory background data gathering (still underway). Stakeholder interviews, what is working what is not? Analysis of the various master plans and how they interact with preservation. The result of this piece has been the development of the Existing Conditions Summary Report.
- 2) Development of an overall vision statement for the plan (Spring 2008).

- 3) Develop goals and specific policies to achieve the vision (Spring 2008).
- 4) Plan adoption. (Fall 2008)

The consultants are open to a discussion regarding acceleration of certain pieces of the plan which the Commission identified as critical.

Existing Conditions Report

The consultants found, while interviewing the public, that the public did not always understand what a preservation plan would encompass and what it would not. The document represented a factual summary of existing procedures, identifies stakeholders in the preservation system, and identifies entities involved with preservation in the City. A summary of designated properties was also included. A section was devoted to looking at preservation in context of other land use policies such as the infill ordinance. Finally there were summary tables showing how the master plans and other plans impact historic preservation, and national trends in historic preservation.

Mr. Goebel then identified a Key Issue summary on page 27 of the report, which was a culmination of consolidated themes:

Planning and outreach

- 1) Establish a long term vision and strategy for preservation planning. This theme was emphasized in every one of the meetings attended by the consultants. Preservation policy in Salt Lake City was being done on a ad-hock sporadic basis through individual meetings on specific projects and through specific master plans for the city and there is no overall coordinating preservation policy city-wide. No big picture vision of preservation. Need to articulate the big picture vision for the city.
- 2) Improve coordination between historic preservation and other city plans and policies. Preservation was not the priority at the table, it typically took a back seat to economic development, affordable housing, or environmental protection. The preservation role overall in Salt Lake City is not clear. It will be particularly tough because Salt Lake City does not have a comprehensive plan which would provide framework for the City. The City is now doing neighborhood based rather than City-wide.
- 3) Create education and outreach programs, and provide more education to both Commissioners and staff. There was no education being done on historic preservation in the City today and the City is not supporting a full aggressive plan. People do not understand the economic benefits of preservation. It is pitted as an either/or situation and people do not appreciate that it could be a win/win. Mr. Goebel suggested that the City should incorporate more heritage tours.

Historic resource inventories and surveys

- 1) Develop a strategy for identifying historic properties. Some of the historic surveys were thirty years old. Some early surveys were citizen driven and the process has subsequently changed. Some areas have never been surveyed. The City had recognized that the surveys needed to be updated or expanded. A process and prioritized methodology needed to be developed as to how and when the surveys would be conducted. Some of the areas have already begun to be resurveyed, but the City wants a prioritized list.

- 2) Improve the understanding of Salt Lake City's historic context. The City has several nominations in the form of historic apartment buildings, a Jewish synagogue, and multiple property nominations. There is interest in exploring more thematic nominations. There is a strong interest in improving the level of contextual information that is provided, not only with the surveys but with nominations. There is a lot of interest in preserving post war resources. These are newer construction that is just starting to hit the 50 year mark. Kirk Huffaker at the Utah Heritage Foundation has also expressed concern about the lack of guidelines for these structures.

Regulations and incentives

- 1) Adopt a wider range of preservation tools. The City has a strong ordinance and residential guidelines in place, but is looking to expand the toolbox. There is a need for design guidelines for non-residential areas and commercial projects. There are tools which could complement what is already in place such as conservation districts or a "step-down" district where the City wishes to preserve the character defining features without creating a full level historic district.
- 2) The preservation plan is viewed by citizens of the city as a tool to resolve a large range of issues which are not actually preservation issues; such as infill. The plan is viewed as a tool to preserve character in every area. Landmarking is not a good tool to protect character in every area. Non traditional tools can address those issues.
- 3) Address concerns with the demolition provisions of the ordinance. The City ordinances are generally in pretty good shape. The part of the ordinance that the citizens have problems with is the demolition process and economic hardship. The case tonight was a good illustration of that.

There was an audit, a legislative review created by key individuals with the expertise to contribute vital information regarding the preservation program. The legislative review was initiated by the City Council in 2004 and explains, among other things, that the underlying zoning is encouraging density that is inconsistent with preservation goals, which causes a lot of these problems. The study was excellent. It is unusual to get that level of critical self analysis on a preservation program and was very well done.

4. Evaluate program and administration staff needs. Most of the ordinance is in good shape, but there is a great deal of concern regarding how it is implemented. There is a lot of perception of inconsistent interpretation by different City departments, between staff, and by the Historic Landmark Commission. There was confusion regarding the mechanics of the project.
5. Though not in the report, the interviewers also frequently heard frustration with enforcement and with what they perceive as inadequate preservation enforcement measures. Individuals stated to the consultants that they have figured out that they do not need to comply with the guidelines because the City does not comply with its own rules.
6. A cause of this issue is staffing resource allocation within the City. The report done in 2004 clearly demonstrates that resources-per-staff was pretty low compared to other cities with preservation programs. There is frustration both from the public and staff with the lack of support staffing.

There was also frustration expressed with the way that staffing is done, particularly with the Planner of the Day (POD) system. Overall this was a big issue for all citizens asked. They stated that the POD system meant that dedicated preservation staffers have not always been available and leads to inconsistent information.

7. Consider a wider range of incentives for preservation objectives. some of the typical incentives are in place in Salt Lake City, interested in having the process identify a broad band of best practices from around the country to expand the toolbox. Incentives typically come down to time and money. The consultants will do more research to investigate alternatives.

At this time, Commissioner Lloyd stated he was excited about the Yalecrest nomination. He stated that the plan for public outreach is getting more comprehensive than originally hoped.

Commissioner Hunter acknowledged that the consultants had conducted additional interviews during the latest trip to Salt Lake City. She asked Mr. Goebel if he had obtained any new feedback which might be helpful to the Commission?

Mr. Goebel responded that the Commission did not have a strong training budget. The public wanted additional training for the Commission. As the Commission are already allowed local training opportunities, he suggested the incorporation of regional conferences into the training portfolio.

Mr. Goeble stated that SHPO had an interest in the development of heritage tourism, and would be an excellent resource, he noted that there had been little dialogue between the City and SHPO regarding the matter. He commented that the City had the resources to justify and support heritage tours.

(Commissioner Lloyd left the meeting at 6:20 pm)

Ms. Coffey noted that the time to apply for the National Trust Grant and Certified Local Government (CLG) grants were coming up. Those monies could be used to support education.

Commissioner Haymond stated that the City offers the Community Council opportunities to participate in regional preservation conferences. He commented that he would go to these conferences if the City would pay for them. He suggested that the Commission should also be afforded those opportunities.

Ms. Coffey noted that the Commission had been invited to participate in local preservation conferences.

The Chair asked Clarion Associates, LLC to provide a list of suggested regional training opportunities to the Commission.

Mr. Goebel stated that there is a community perception of preservationists vs. developers and City department against City residents. He stated that there are serious trust issues that needed to be addressed.

The Chair noted that this sentiment was heard on occasion during the hearings for Case No. 470-06-57.

Ms. Lew suggested that the Commission debrief or discuss the case which was heard earlier in the meeting as Mr. Saxey's attorney had expressed frustration with the preservation process and that that his client was being treated unfairly.

Commissioner Hunter expressed concern with the POD system, which resulted in Mr. Saxey's statement that he received information from a planner which led him to believe that the obtaining permission to demolish would not prove difficult.

Ms. Coffey acknowledged that staff was at fault for making those statements if they did make them as Mr. Saxey claimed. She reminded the Commission that Mr. Saxey also acknowledged that he relied heavily on the website and made his own determination that the contributing structures were not historically significant and therefore decided that it would not be difficult to obtain permission to demolish.

The Chair disclosed that Mr. Saxey had stated frustration previously in hearings on his case and within the office of his previous employer while he (The Chair) was recused from the case. He also stated that someone new to the process when dealing with properties in the historic district, does require more help and would be expected to rely heavily on staff for guidance.

He suggested that the preservation consultants from Clarion Associates, LLC might have insight that could help the process to better serve both the public and the City.

Commissioner Hunter stated that during the break she had discussed with the Chair the impending presentation before the Commission of about thirty-two houses within the Central City Historic District as a result of a development project. If the intent is not clear prior to the hearing for that project, a full block could be lost in the same type of process.

Commissioner Hunter expressed concern with the shortcomings of the residential design guidelines and the preservation ordinance to deal with the upcoming issue. She stated that she was worried about burdening the subcommittee with yet another project.

Ms. Coffey stated with the legislative intent in 2004 to support the action, a subcommittee could be formed in January to address top issues.

Ms. Hunter responded that the Commissioners in the room could identify at least ten top issues. She then asked Staff who had the authority to initiate changes to the Zoning Ordinance and the *Design Guidelines for Residential Historic Districts in Salt Lake City*.

Ms. Coffey responded that a change would constitute a text amendment. The authority to make such an amendment would lay with the Mayor, City Council, or Planning Commission. Staff has often approached Planning Commission to initiate a petition.

Commissioner Hunter asked if the Historic Landmark Commission could put forward a request for the Planning Commission to initiate a petition.

Ms. Coffey stated that there was a petition created in the 1999 which was related to the economic hardship issue already drafted and then dropped when the legislative intent was created. Staff could resurrect that petition. The technicality of initiating a petition is not needed because one already exists.

Commissioner Hunter asked if she had support to present the issue to the existing preservation plan subcommittee.

In response to Commissioner Norie's question, Ms. Coffey agreed that Commissioner Hunter could prepare a draft identifying the issues and bring it to January's meeting of the Historic Landmark Commission. It could be then assigned to the Preservation Plan subcommittee or a new subcommittee could be formed to look at it.

The Commission agreed the item should be added to the January agenda.

The Chair stated that there were a few entities which owned large blocks of land downtown and asked Mr. Goebel how to work out a preservation plan when some of these entities were very interested in maintaining their independence. He also asked if it was unusual for such large tracts of land to be owned by single entities in a city the size of Salt Lake City.

Mr. Gobel responded that the types of entities which held the land were unusual, but single ownership of large tracts of land in a city was not unusual. The key would be to keep the big players at the table so that they could buy into the plan.

Commissioner Hunter suggested interviews with the leaders of the L.D.S. Church, University of Utah, University Medical Center, David Burton, and Earl Holding when the consultants returned to Salt Lake City.

Mr. Goebel responded that Clarion had already held interviews with some of those entities.

In response to a question by Commissioner Carl, Mr. Goebel stated that the consultants had not yet interviewed homeowners on the westside, but the head of the community council in that area had been receptive to the idea of setting up a historic district. He had planned to attend the meeting, but was not present tonight. Heritage Foundation has identified Rose Park and Fairpark as post World War II neighborhoods which should be surveyed.

Commissioner Carl noted that the City was losing residential neighborhoods quickly in that area.

Mr. Goebel noted that affordable housing relationship with preservation came up in his conversation with Mr. Ron Jarrett, chair of the Rose Park Community Council. More education needed to show that affordable housing is not in conflict with preservation. Incentives would also be important. There is excellent opportunity for conservation districts on the west side.

Ms. Coffey noted that funds that the city has to rehab housing, but some of those in charge of those funds do not wish to invest in historic districts. Perhaps some of the money the City already had could be targeted to historic districts.

Commissioner Haymond expressed frustration with preservation enforcement efforts by the City's building inspectors. He stated that the inspectors seemed focused on their own specialty area rather than on the structure as a whole. On the west side there was a need for more education and the inspectors are not enforcing the ordinance. If the inspectors enforced more consistently with preservation guidelines, they would receive some education.

Mr. Goebel acknowledged that one key complaint of the public was the inadequate enforcement of building projects within the historic districts. Specifically, projects seemed to be signed off by inspectors without ensuring that the guidelines and conditions burdened upon the project by the Commission were enforced.

He further stated that comparable communities have funded positions for designated inspectors to enforce preservation. The ratio of enforcement officers within the City was less than that of other comparable cities. Citing the 2004 legislative intent, he noted that the study proved there were an inadequate number of enforcement officers within the City.

The Chair suggested that the City could initiate preservation training for existing enforcement officers to begin to address the concerns stated by the public during interviews.

Mr. Paterson stated that, as the Planning Division was aware that there was inadequate staffing to do a thorough job of preservation enforcement. The Community Development Department had requested funding from the City Council to hire two building inspectors to focus on planning and preservation projects, but the positions were not funded.

Commissioner Hunter discussed the possibility of working in conjunction with other city entities to inform the planning office/enforcement if there are violations/possible violations if they are noted while doing regular duties.

Mr. Paterson stated that enforcement efforts are driven on a complaint only basis and that perhaps it was time to review that philosophy.

Commissioner Hunter suggested that the City notice historic neighborhoods and then conduct sweeps to determine if there were violations. The noticing would take place approximately two months in advance of the inspections to allow residents adequate time to address the violations.

In response to Mr. Goebel's question, the Commission generally agreed that the issues identified in the report prepared by the Consultants did correctly identify key issues within the City.

Draft Historic Preservation Plan Work Sheet

Mr. Goebel introduced the next item as a worksheet of questions which the consultants asked the Commission to consider and answer. He stated that the document was a draft that will be later fleshed out and sent to the Commissioners for their consideration and then to return with answers in detail.

OTHER BUSINESS

Commissioner Hunter asked if there was a master city list of all surveys. Amy Kacala, Clarion Associates, stated that she would see to it that the Commissioners received a copy.

Chairperson Fitzsimmons asked the consultants for models of effective conservation districts in other communities. He stated he favored empowering the communities or neighborhoods to have a stronger voice regarding development which impacts them directly. He stated that there were different issues for the west side than there was for the east side of the City. He further stated that he would use this information along with other information provided by the consultants to help him determine what parts of the current preservation process were working.

Ms. Coffey stated that the design guidelines could address that by stating certain specific guidelines for each neighborhood or community.

The Chair thanked the consultants for their hard and excellent work.

Mr. Paterson stated that if the Commission had any comments for the consultants, he asked them to forward any comments to Staff.

In follow up to a question posed earlier in the meeting by Commissioner Hunter as to who had the authority to make text changes to the *Design Guidelines for Residential Historic Districts in Salt Lake City*, Commissioner Hunter made a formal request to add an agenda item to the January 2, 2007 meeting. Without going into detail, she stated that she wished to address a particular design guideline. Stating that she had drafted replacement verbiage for the existing guideline, she asked the consultants to look at the draft and to provide feedback prior to their return to Colorado. Commissioner Hunter would then present the draft to the Commission for their consideration. If the Commission approved of the text change, the Commission could then forward a positive recommendation for a text change to the Planning Commission.

The Chair distributed a rough draft of the November 5, 2007 minutes, which were derived from the notes of some of the staff members present at the November 7, 2007 meeting. He asked the Commission to review the minutes, taking special note of their own dialogue, and return them to the secretary with any additional comments.

Mr. Paterson introduced Robin Zeigler, a new Preservation Planner for Salt Lake City, to the Commission.

There being no further business, Commissioner Carl moved to adjourn the meeting at 7:03 p.m.

David Fitzsimmons, Chairperson

Kathryn Weiler, Historic Landmark Commission Secretary