

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street, Room 126
May 2, 2007**

A field trip preceded the meeting and was attended by Commission Members Pete Ashdown, Noreen Heid, Esther Hunter, Warren Lloyd, Jessica Norie, and Anne Oliver. Planning Staff present were Cheri Coffey, Joel Paterson, Janice Lew, and Michael Maloy. A quorum was present, therefore, minutes were taken of the field trip.

MINUTES OF THE FIELD TRIP

Tour of 211-215 West 500 North

The Commissioners examined the interior of the structure to determine if there was an original door opening which had subsequently been bricked in. They determined that the brick below the windows did appear to be added later. Upon examination of the structure exterior, the Commission agreed that the plaster appeared to extend farther out than would be expected from the window opening, which suggested that there had been a door opening prior to the window installation.

A discussion between Staff and Commissioners followed regarding the type of windows the applicant wanted to install and the options regarding the front porch, which are outlined in the Staff Report, filed with these minutes.

Tour of 183 East Fourth Avenue

Staff described the project to the Commissioners and identified which exceptions the applicant was seeking. The Commissioners noted the architectural style of adjacent buildings, and a modernistic structure in close proximity.

Discussion regarding 667 North Wall Street

The Commission and Staff briefly discussed the case which went before the Land Use Appeals Board (LUAB) on March 23, 2007. It was noted that the LUAB overturned the decision of the Historic Landmark Commission, which was made on February 7, 2007.

Tour of 1150 East 100 South

Staff described the project and in response to questions from the Commissioners, Staff explained that the east chimney would not be removed and that the second story of the garage would be for storage only. The Commissioners discussed whether both dormers would be visible at the same time from the street.

Tracy Aviary 589 East 1300 South

Commissioners and Staff discussed the project after Staff explained the petition. The discussion included consideration of the roof color, which could potentially decrease the visual impact of the proposed solar panels.

MINUTES OF THE MEETING

The Historic Landmark Commission and Staff assembled for the meeting. Present from the Historic Landmark Commission were Acting Chairperson Hied, Commissioner Ashdown, Commissioner Hunter, Commissioner Lloyd, Commissioner Norie, and Commissioner Oliver.

Present from the Planning Staff were George Shaw, Planning Director; Cheri Coffey, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Janice Lew, Principal Planner; and Michael Maloy, Principal Planner.

Acting Chairperson Heid called the meeting to order at 4:20 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.

Acting Chairperson Heid 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.

COMMENTS TO THE COMMISSION

Acting Chairperson Heid stated comments would be taken on any issues affecting the Historic Districts and Historic Preservation in Salt Lake City. As there were no remarks, she proceeded with the next item on the agenda.

APPROVAL OF MINUTES

Commissioner Ashdown moved to approve the minutes of the April 18, 2007, Historic Landmark Commission meeting. Commissioner Hunter stated that she was not present when the minutes were approved and therefore, she was not the Commissioner who seconded the ratification of the minutes. Per notes of the meeting, it was discovered that Commissioner Norie seconded the minutes. Commissioner Oliver stated that the minutes incorrectly stated that she was in support of the motion for Case No. 470-07-06. She was not in support, but understood the need, so she seconded the motion.

Commissioner Ashdown amended the motion to approve the minutes with the noted corrections.

Commissioner Lloyd seconded the motion. All voted "aye"; the minutes were approved.

UNFINISHED BUSINESS

Case No. 470-07-03 – A request by Joseph Marty to alter the existing building and replace a missing porch element. The property is located at approximately 211-215 West 500 North Street, in the Capitol Hill Historic District. A Staff Report is filed with these minutes.

(This item was heard at 4:42 p.m.)

Ms. Lew explained that the Commission first reviewed this case at the April 4, 2007 meeting. Discussion at that meeting centered on design elements for the front porch addition that would be more succinct with the design elements of the property and consistent with the City’s standards. The Commission referred the case to the Architectural Subcommittee, with direction to specifically review the following items:

1. Recommended a flat roof verses a pitched roof design on the porch element.
2. Recommended that the design for the front porch be modified to eliminate the proposed trellis, gables and extended joists.

The proposal was then to return to the Commission for final approval.

The Architectural Subcommittee met with the applicant on April 17, 2007. The Subcommittee, including Commissioners: David Fitzsimmons, Warren Lloyd and Anne Oliver, discussed potential solutions to the issues identified above, and the applicant submitted revised plans in response to the Architectural Subcommittee’s comments.

The applicant proposed to reduce the number of dwelling units from nine (9) to seven (7) and intends to convert the apartment complex to condominium ownership. The property is a corner lot located on the northeast corner of 500 North Street and Baltic Court. The applicant proposed construction of a two-story porch on the front of the building. The proposed addition would have a flat roof capped by a cornice detail. The dominate features of these balconies are square wood posts and wood balustrades and unit dividing rails. The size and the shape of the window and door openings of the front elevation would be altered to accommodate the proposed addition and the following fenestration options were submitted:

	Option 1	Option 2	Option 3
Main Floor	<ul style="list-style-type: none"> • Maintains original door openings • French doors to replace two eastern window openings 	<ul style="list-style-type: none"> • Maintains original door openings • French doors to replace two eastern window openings 	<ul style="list-style-type: none"> • Maintains original door openings • Maintains original window openings

<p>Second Floor</p>	<ul style="list-style-type: none"> • Maintains existing smaller window openings • French doors to replace larger window openings (3) 	<ul style="list-style-type: none"> • Maintains larger window openings • Smaller windows (3) returned to original door openings 	<ul style="list-style-type: none"> • Maintains larger window openings • Smaller windows (3) returned to original door openings
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The applicant also proposed to replace all existing windows with vinyl windows.

(Mr. Shaw left the meeting at 4:30 p.m.)

The applicant was invited to approach the Commission to make additional comments and to answer Commissioners questions. In regards to a question from the Commission, the applicant stated that there was a minimal amount of existing stained glass above the windows, which was not original to the building. He did not have a reuse plan for the glass.

A discussion took place between the Commissioners and the applicant regarding the different options. Due to the amount of privacy each alternative provided to the individual condominium owners, the applicant stated that Option 1 would give him the most marketable units followed by Option 2, with Option 3 being the least desirable.

Seeing as there were no further questions for the applicant, Acting Chairperson Heid opened the public comment portion of the hearing.

Public Comment

No member of the public expressed the desire to speak. The Acting Chair closed the public comment part of the hearing and moved to Executive Session.

Executive Session

Ms. Lew stated that Staff recommended Option 3 because the original windows would be retained rather than replacement with French doors.

Acting Chairperson Heid asked Ms. Lew if the replacement of windows with French doors would represent a mitigating factor as the view from the street was somewhat obscured by the balcony.

Ms. Lew responded that the original window opening would still be changed, but it would be a mitigating factor.

Commissioner Hunter stated there was good historical photographic evidence of the structure, which demonstrated that the original porch supports were round columns, and wondered why the subcommittee did not recommend restoration of the original shape.

Commissioner Lloyd made the following points:

- 1) The materials used to restore the columns back to the original round shape would be fiberglass or another material which would not restore the original wood.
- 2) What is proposed on the balconies does not match the original porch, but the scale of those porch coverings recall a certain feature of the original cornice. While not restoring the original wood, it is significantly better than the earlier proposal.
- 3) The perspective view is at an angle other than what is shown in the packet. The upper floor and windows and doors are not visible. The size of the original window and door openings are obvious from the photo. Where the view is somewhat obscured, door and window placement is a mitigating factor rather than an obvious feature.

Commissioner Oliver argued that as there are almost no original features left on the exterior façade of the building, and as the fenestration pattern of the large window still remains intact, the Commission should consider the following:

- 1) Restoring the door openings on the second floor would bring it back somewhat to its original appearance.
- 2) Other than the east units on the first floor, restoration of the narrow windows back to the original door placement would not impact the access to the private porches.
- 3) The fenestration pattern of the building would be a more permanent feature of the building than a wooden porch and should not be altered by considering the second story porch as mitigating.

Commissioner Ashdown stated that replacement of the original windows with French doors would be an acceptable progression because the historic details are so lacking. He also stated that the applicant did a fantastic job to modify the original design.

Commissioner Ashdown stated that Option 1 would be an acceptable choice, but he was having a difficult time figuring out how the zoning standards applied to this option.

Commissioner Lloyd stated that functionally speaking Option 2 allows access to the balconies through a single door. Option 3 required a common access door to reach a private balcony.

Commissioner Ashdown commented that the changing of solids to voids in regards to the windows and doors, does not represent a significant alteration because so much of the door is obscured by the porch even though Option 3, was more accurate to what exists there now.

Commissioner Oliver stated that if the porch is removed or rebuilt, the façade would still be left with the openings. It should not be stated that because the porch covers the openings, they are a mitigating feature.

Motion

Commissioner Ashdown moved in Case No. 470-07-03 that the Historic Landmark Commission accept the proposed plan based on Option 1 as outlined in the Staff Report and the findings of fact by Staff. Staff is to have final approval on the materials and minor design changes.

Commissioner Norie seconded.

Commissioner Oliver stated that if the Commission desired to compromise, they should entertain Option 2 as it minimizes the number of original windows which would be converted back into doors on the first floor and on the second floor, and convert windows that were originally doors back into doors. It would allow each condominium owner access to their private porch.

Commissioner Ashdown agreed to amend the motion to replace Option 1 with Option 2: he moved that Option 2 be approved by the Historic Landmark Commission.

Commissioner Norie Seconded the amended motion.

Commissioners Ashdown, Lloyd, and Norie voted “aye”. Commissioners Hunter and Oliver voted nay. The motion passed.

Case No. 470-07-07– located at 1150 East 100 South, a request by Jenne Parsons to enlarge and remodel an existing garage and add new dormer windows to the attic roof. The residence is located in the University Historic District.

(This item was heard at 4:49 p.m.)

Mr. Maloy reported on the case giving the history and major facts along with Staff findings and recommendation. He described the proposal in detail as recorded in the Staff Report, which is filed with these minutes. The proposal to construct a new two-car garage, two dormer windows, and remodel the rear porch and covered deck at 1150 East 100 South is compliant with the City’s Historic Preservation Standards and objectives and Staff recommends that the Historic Landmark Commission approve Case No. 470-07-07 with the following conditions:

1. The applicant shall amend the design and placement of the east dormer window to mirror the existing west dormer window.
2. The applicant shall amend the design of the rear deck and covered porch remodel to be compliant with the design guidelines and standards as stated within the *Design Guidelines for Residential Historic Districts in Salt Lake City*. Amended design should incorporate an architectural design solution that complements the original architecture rather than perpetuate previous inappropriate designs.

3. The applicant shall submit a variance application to the City in order to exceed the maximum permitted building coverage of 40% within the R-2 District. Failure to obtain approval of the variance application shall require the applicant to submit plans for a new 12' x 18' single car garage or that would otherwise comply with all zoning and building regulations enforced by the City.
4. Due to the 16'-11" height of the proposed garage, which is only slightly less than the permitted maximum height of 17' for an accessory structure in the R-2 District, the applicant will need to ensure that final building elevations and grading remains compliant with this standard.
5. Staff shall administrate final review of all plan amendments as required by the aforesaid conditions of approval of the Historic Landmark Commission.

The applicant was invited to approach the Commission to add comments to the presentation of the case and to answer questions from the Commission. Ms. Parsons explained that the new east dormer had been designed to come off of the ridgeline because the original dormer was a stairwell and the ridge beam goes in at seven feet. If the new dormer was placed an equal distance from the ridgeline as the existing dormer, it would result in a bathroom ceiling height of only seven feet with the access door being significantly lower. She stated that she would prefer to have the dormers match, but did not know if the bathroom would meet code with a seven foot ceiling.

The applicant stated that the back porch is not an original structure and is unattractive. Originally there was no internal access from the kitchen to the basement. As that problem was subsequently corrected by placing the stairs inside, the external stairs were no longer needed. Ms. Parsons considered removing the porch, but the cost of doing so was prohibitive. As a result she had decided to upgrade it cosmetically and remove the stairs.

Ms. Parsons stated that the dormer placement would be centered on the roof and just south to the masonry chimney stack. Commissioner Lloyd stated that the larger dormer might obscure the side view of the chimneys and it would have been helpful to have the chimneys indicated on the plans. The chimneys and dormers would be key features on the roof.

Ms. Parsons also stated that the garage would need to be a two car garage to justify the cost of replacement of the original. The dormer and the space above the garage would provide storage space. One of the neighboring garages was a three car garage and the other is a two story structure.

Public Comment

As no members of the public expressed the desire to speak, Acting Chairperson Heid closed the public comment section of the hearing and moved to Executive Session.

Executive Session

Mr. Maloy stated that he would like the opportunity to work with the applicant to help them simplify the rear elevation to harmonize with the house and the theme of the structures within the Historic District, while not exceeding the intended budget or scope of work.

He also cautioned the Commission that as the proposed height of the garage was within one and one-half inches of the maximum height allowance, that it would be important to work carefully with the contractor to ensure that the height allowance was not exceeded in error.

During discussion, the Commission discussed the lack of chimneys on the submitted drawings, particularly as there was the possibility that the larger chimney would physically block the dormer. The Commission agreed that while it was important to reconcile the roof features, Staff could be granted final approval on the design and materials. It would be unnecessary to table the application and require the applicant to bring modified drawings to another hearing; however, the motion should include the stipulation that if there was a significant redesign of the project, it would be heard again before the Historic Landmark Commission.

Motion

Commissioner Lloyd moved in regards to Case No. 470-07-07 that the Historic Landmark Commission accept the recommendation of Staff to approve the construction of a new two car garage as proposed. Staff is to verify that the structure does not exceed the 17 foot height limitation. The Commission also approve the addition of two new dormer windows with the east and west dormers to be the same size contingent on the location of the chimneys. Planning Staff is to resolve final detail issues with the applicant regarding the location of the dormers relative to the chimneys which are not indicated on the drawings. Any major revision in this scheme will be resubmitted to the Historic Landmark Commission, but resolution of details would be up to Staff.

The Commission would also forward a positive recommendation to the Board of Adjustment to approve the request for a variance to accommodate the additional lot coverage.

Finally, regarding the restoration of the rear porch, the Historic Landmark Commission recommended that the applicant work with Staff to redesign or alter the rear porch in compliance with the design guidelines stated in the Standards for Residential Historic Districts with final approval being delegated to Staff.

**Commissioner Ashdown seconded the motion.
All voted "aye"; The motion passed.**

Case No. 470-07-05 – A requests by Rob Nielson, Architect, representing Chris and Michelle Guyman, to construct a single-family residence with an attached garage at approximately 183 E. Fourth Avenue in the Avenues Historic District.

(This item was heard at 5:15 p.m.)

Ms. Lew presented the case by outlining the history and major issues of the case as outlined in the Staff Report filed with these minutes.

The applicant proposes to build a new single-family home with an attached garage on a vacant legal complying lot that is approximately seventy feet (70') wide and sixty-two (62') deep for a total of 4,340 square feet in lot area. The proposed plans are for a flat roofed residence which fronts 'A' Street that is contemporary in style. The house will have three floors; the main floor running the width of the building with a north-south orientation and an upper level above the northern portion of the building. The garage which fronts Fourth Avenue is located below the main level of the house. The applicant proposes the following materials for the building:

- Primarily a stucco wall surface with a large honed masonry block cladding to articulate smaller volumes.
- A ballasted membrane roof with boxed metal overhangs.
- Solid front door with large sidelights.
- Metal clad wood windows and doors.
- Metal balustrades.
- Stucco finished retaining walls.
- Flush panel garage door.
- Wood fencing boards laid horizontally.

The applicant was invited to address the Commission. Mr. Rob Neilson explained that the structure was designed with the smaller size of the lot, scale of the street, and adjacent properties in mind. Careful consideration was given to proportion, scale, and feel of the neighborhood. The corners of the house in most cases are well under the sixteen foot limitation for height of a new construction flat roofed home. Landscaping will be added to both sides of the driveway to soften the view from the street.

In response to questions from Commissioner Ashdown, Mr. Nelson stated that while the corners of the house are sixteen feet in height, the interior walls exceed that height limit. The submitted drawings demonstrated the established grade with a dashed envelope line at the face of the garage wall at the base of the south elevation. The applicant plans to seek a special exception from the Planning Commission to exceed the height limitation.

Ms. Lew stated that the Historic Landmark Commission had the authority to grant an exception. She also reminded the Commission that the house at 225 North A Street is a flat roofed house.

Mr. Paterson clarified that the dash line as drawn does demonstrate that, except for a small section of the second story, the house is within the sixteen feet limit. The applicant is seeking an exception to exceed the envelope for that small piece.

Seeing that there were no further questions from the Commission, Acting Chairperson Heid opened the Public Comment section of the hearing.

Public Comment

Shane Carlson, Avenues Community Council, stated his support for the proposal. He expressed the opinion that the plans reflected a sensitive attempt to preserve that view for the property owner to the north and to accommodate the development pattern of the neighborhood. He asked the Commission to consider the following concerns:

- 1) The street elevation shows the view from A Street and that flat roof would be approximately eleven feet above the grade of A Street. The wall height is less important than the impact on the view of the property owner to the north. The house should be in scale relative to the house to the north to avoid blocking the view of the neighbor to the north.
- 2) If approved, the structure that is actually built should be as submitted in the drawings. In the past, structures have been built in Historic districts which do not follow the approved plans.

A short discussion took place between Mr. Paterson, Mr. Carlson, and Mr. Nelson regarding the streetscape. The streetscape does represent the height from the sidewalk. Mr. Paterson explained the inspection procedure.

Mr. Paterson clarified for Mr. Carlson that if an Administrative Hearing Officer's approval of the garage façade and lot coverage was sought, it would take place in the forum of a public hearing.

Kay Bryan, neighbor to the south, stated support for the project. She is pleased with the architectural plans to soften the driveway. She stated that she had a concern with possibly looking at a garage door of reflective material and suggested that the Historic Landmark Commission recommend a garage door comprised of materials that compliment the homes in the neighborhood.

Bonnie Athas, owner of adjacent property to the north, stated that she liked the design of the house and that it will add flair to the neighborhood, but she did have concerns:

- 1) The view from her south main floor windows would be obstructed. She asked that the applicant stay within the allotted open space as the structure would obstruct the lighting into her yard.
- 2) The north side does have a one and one half foot protrusion. Though this is minor, it would cause a one and one half foot protrusion into her view.

- 3) She stated that the planned patio off of the master suite would intrude into her yard and privacy as it would be adjacent to her patio and she did not like the idea of looking out onto their patio. She stated that the applicant has other patios planned and depriving them of the one off of their master suite is not unreasonable.

David Richardson, neighbor, asked that it be read into the record that the house at 225 North A Street was approved with a pitched roof and what was built was radically different.

Mr. Richardson stated that he is in full support of the project. He stated that the project was sensitive and fits well on the small lot and in the neighborhood. The street sections that were drawn appear quite accurate. Mr. Richardson stated that the Commission should accept the project as designed.

He stated that there are two features of the house that he wanted to comment on:

- 1) The garage door design, stepped back to create a nice shadow line, is an excellent idea and helps address the issue of a very large door. He would like to have the applicant work with staff when considering the material of the door. He requested that the applicant consider a high quality door.
- 2) The roof material should not create a large, white reflective area, which would have a large impact, particularly on the neighbors to the north. He encouraged Staff to work with the applicant to choose appropriate roofing material to synchronize with the neighborhood and would not adversely impact the neighbors to the north.

Commissioner Lloyd acknowledged Mr. Richardson's profession as an architect and asked him what material he would suggest for the roof.

Mr. Richardson responded that the applicant has several options including a ballasted or gravel roof which would seem appropriate.

The applicant stated that the roof material would be standard pea gravel.

Christian Fannesbeck, neighbor stated that he had two concerns:

- 1) Most of the properties in the neighborhood had single driveways and he suggested that the applicant should soften the driveway with landscaping or redesign.
- 2) He asked for a description of honed masonry. If the material was cinderblock, it would not be an appropriate use.

No further public expressed the desire to speak. Acting Chairperson Heid closed the public comment portion of the meeting.

Executive Session

Acting Chairperson Heid reminded the Commission that the project must be made with consideration to the guidelines and should not be a matter of taste or public preference.

Commissioner Hunter read from the Design Standards for Accessory Structures in the Avenues on page 150 "Most are accessed from single-car width driveways from the street, while a few are accessed through a rear alley. New garages in the district should follow these development patterns in terms of location, size, and character."

Ms. Coffey stated that the Commission should consider that the property is a corner lot and smaller size. Therefore, options for location of the garage are limited.

A brief discussion took place regarding the proposed honed masonry materials.

Commissioner Lloyd asked Ms. Lew to describe the neighbor's retaining wall against the north side of the subject property which runs from east to west and appears to be tall and adjoins a flat patio. As the site plans describe the wall height, it may vary from one foot to seven or eight feet.

Public Comment

As Ms. Lew was not familiar with the specific details of the retaining wall, Acting Chair Heid reopened the public comment section of the hearing and asked Mr. Nielson to readdress the Commission.

Mr. Neilson stated that the neighbor's retaining wall was about 8 feet tall and the applicant will have to add fill which will bury the view of the wall to some effect. The retaining wall is tall and the space between the existing retaining wall, the neighbor's property, and the house was best represented by the site plan A-002. The proposal includes construction of a wall between the proposed structure and the neighbor's retaining wall. The proposed retaining wall is a concrete stable wall which will be buried to some extent. He stated that the wall will be of honed masonry.

The applicant stated that the roof aggregate would be pea gravel of grays or browns.

Bonnie Athas, abutting neighbor to the north stated that she did not have a retaining wall on the south side of her property, but there was a "drop off". After questioning by the Commission, she stated that she did have a short privacy fence of stacked rail road ties on the lower section, but that no retaining wall existed. She also stated that there was a huge retaining wall on the north side of her property.

Upon further questioning by Commissioner Heid, the applicant responded that along the south side of the house there is a concrete sidewalk which runs the length of Ms. Athis's house supporting the outside edge against the Guymon property. The applicant thought there was a concrete wall holding up that edge of the sidewalk. There is a set of concrete steps at the west edge and some railroad tie work in that corner of the house.

Commissioner Lloyd wanted to know if there was a proposed grade change on the north setback of the house. Mr. Neilson stated that there was not as the topography is altered less than one foot.

Acting Chairperson Heid asked Ms. Coffey if the retaining wall was relevant to the proposal approval. Ms. Coffey stated that it was not.

Seeing as the Commission had no further questions for the applicant, the Acting Chair closed the public comment section of the hearing for the second time.

Executive Session

Ms. Lew cautioned the Commission regarding the alteration of the height of the proposed structures. Measurements should be based upon the drawings submitted to the Historic Landmark Commission, rather than the Staff report as her reading of the proposal was a misinterpretation. Ms. Lew stated that her intent was for the Historic Landmark Commission to clarify what the allowable wall height would be. The Board of Adjustment would then deal with lot coverage and garage wall width.

Acting Chairperson Heid asked for clarification as to whether it was within the purview of the Historic Landmark Commission to suggest that the plans be altered as the applicant might be willing to reduce the lot coverage, which they are now exceeding by ten percent.

Ms. Lew stated that if they were willing to alter the plans, they would not need to go through the process to seek approval from the Board of Adjustment.

Commissioners discussed the shape of the driveway, and potential garage door materials.

Motion

Commissioner Ashdown made a motion in regards to Case No. 470-07-05 to accept Staff findings of fact and approve the application for construction with the following conditions and recommendations:

- 1. Approval of final details are delegated to Staff.**
- 2. Project must meet City requirements .**
- 3. The building height and exterior wall height are approved as shown on the plans submitted.**
- 4. Transmit a recommendation to the Board of Adjustment letting them know that the Landmark Commission does not agree with the recommendation of exceeding the lot coverage limit.**
- 5. The roof material is to be pea gravel with final approval delegated to Staff.**

**Commissioner Lloyd seconded the motion.
All voted "aye"; the motion passed.**

It is noted that the Commission recommended amending the motion twice. The first amendment to state that the building and exterior wall heights to be approved based on

the drawings and to transmit a recommendation to the Board of Adjustment informing them that the Historic Landmark Commission does not agree with the recommendation to exceed the lot coverage limit. The second amendment to state that the roof material is to be pea gravel with final approval delegated to Staff.

Commissioner Ashdown agreed to the suggested amendments.

Case No. 470-07-13 – A request by Tracy Aviary 589 East 1300 South, represented by Patty Shreve, to place 30 solar panels on the roof of the Lorikeet Holding / Public Restroom Building, a contributing structure, in the Tracy Aviary. The Tracy Aviary is located at approximately 589 East 1300 South in the southwest corner of Liberty Park a Landmark Site.

(This item was heard at 6:11 p.m.)

Commissioner Ashdown stated that he had a conflict of interest because he sat on the board of the Tracy Aviary. After determining that a Quorum would still be in place if he were to leave the meeting, Commissioner Lloyd recused himself for the duration of the hearing for this case.

Ms. Coffey presented the case by outlining the history and major issues of the case as outlined in the Staff Report.

The nomination form for Liberty Park, completed in 1978, does not give specific information on this structure. As identified in the Liberty Park Landscape Scoping Project of 1997, Liberty Park's architecture is eclectic and heterogeneous. The extant 25 buildings and structures (including those in the Aviary) exhibit a wide variety of styles, forms, roof types, materials and details. This same document identifies the Lorikeet Holding building as a bungalow structure built in the 1920s.

According to the applicant, one of the stated goals of the Tracy Aviary Master Plan is to be environmentally responsible. The purpose of the project is to move towards that direction while educating the public about renewable energy opportunities available. The Aviary was awarded a grant from PacifiCorp to help fulfill that goal.

The project includes educational graphics placed along the public walkway in front of the panels explaining how the panels work as well as computer hardware and software that will allow anyone accessing the Aviary's website to see current electricity generation. The educational display will look similar in form and style to other educational graphics seen in the Destination Argentina exhibit near the Lorikeet Building. The graphic will be on a post approximately three feet high at the edge of the walkway. The graphic panel will be approximately 18-20 inches high by 2 ½ -3 feet long. Other renewable energy projects were considered but were found to not work given other considerations of the Aviary (please see Exhibit 1 for more information.)

Ms. Coffey stated that the Applicant is requesting approval to install photovoltaic panels on the roof of the Lorikeet Holding / public restroom building located at approximately 589 East 1300 South within the Aviary. The purpose of the request is to allow the Aviary to generate, through solar power, enough energy to cover its power needs. The property is located within Liberty Park, a Landmark Site. The base zoning of the property is Open Space (OS), the purpose of which is "to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas." The zone allows uses such as parks, zoos, golf courses and cemeteries as permitted uses.

A discussion between the Commissioners ensued regarding the need for the Historic Landmark Commission to revisit the guidelines regarding solar panels on Historic Structures. The Guidelines currently dictate the use and placement of solar panels on residential structures in historic districts and the Commission generally agreed that it needed time to consider and discuss those guidelines. Commissioner Lloyd stated that the Commission should discuss the guidelines at another time and proceed with the case.

(Mr. Shaw left the meeting at 6:20 p.m.)

Tim Brown, director of Tracy Aviary was invited to approach the table and present his application. He stated that the mission of the Tracy Aviary is both environmental and educational. The park receives approximately 70,000 visitors a year. With the placement of the solar panels atop the Lorikeet building which holds the public restrooms, and with the placement of informational materials on the building, it is logical to believe that the solar panels will serve both to lower carbon emissions and as public education in the form of a display of conspicuous conservation.

Mr. Brown stated that the Aviary would consider changing the color of the shingles at the time of re-shingling in the future, but the park did not have the funds at this time. He referenced the 2012 Master Plan and stated that the subject structure is closed to the public on the north side, but in the future there will be a lawn area on north side. The east and west sides of the building will open up and used as the front of the building.

The south side of the structure is used as the front and the only public access to the building.

In response to questions from the Commission, Mr. Brown stated that one tree on the site will be moved and two others will be cut down.

Seeing that there were no further questions from the Commission, Acting Chairperson Heid closed the presentation part of the hearing.

Public Comment

Acting Chairperson Heid opened the public comment portion of the meeting.

Seeing as no member of the public indicated the desire to speak, Acting Chairperson Heid closed the public comment portion of the hearing.

Executive Session

Acting Chairperson Heid opened the Executive Session portion of the meeting.

A lengthy discussion ensued as to how the Commission could make a motion on the case without setting precedence that could be used in other cases.

Ms. Coffey stated that the motion could be specific in that it identifies that it is specific to the Tracy Aviary because it is not readily visible or other specific findings as to why this should be treated differently or is a different scenario to a residence.

The Commission came to the conclusion that the motion should not be defined by property use, but by zoning. As the subject property was zoned Open Space, a decision could be made on the motion, referencing that zoning to avoid setting a precedence that residentially zoned properties could use to justify the placing of solar panels.

Motion

Commissioner Lloyd moved in regards to Case No. 470-07-13 that the Historic Landmark Commission accept the recommendation of the Planning Staff to approve the installation of solar panels with the following conditions:

- 1) All other mechanical equipment required to operate the solar panels will not be placed on the southern slope of the structure and will be housed inside the structure.**
- 2) Final details of the design will be delegated to Planning Staff for final approval.**
- 3) As re-roofing of the project is proposed, the material should be more compatible with solar panels.**

It was noted by the Commission that this approval is given for a project in Open Space Zoning and not in a residential area.

**Seconded by Commissioner Norie.
All voted "aye"; the motion passed.**

REPORT FROM THE PLANNING DIRECTOR

As the Planning Director was not present, Ms. Coffey gave the report.

Ms. Coffey reminded the Commission that the July meeting will be on July 18, 2007.

The Planning Division now has a signed contract with Clarion and Associates, a company out of Denver, which will act as a consultant to the preservation plan. Ms. Coffey, Mr. Paterson, and Ms. Lew will work with the consultants within the next few weeks to figure out the scope of work and decide on criteria for an advisory committee. The Advisory Committee will need two people from the Historic Landmark Commission.

As members of the Commission were absent from the meeting, Ms. Coffey agreed to send out an email to all of the Commissioners and ask for volunteers.

Ms. Coffey reminded the Commission that the terms of service for both Commissioner Heid and Commissioner Ashdown expire in July 2007, and more applicants were needed to fill those forthcoming empty seats as well as the seats that are now vacant.

OTHER BUSINESS

Ms. Lew reported in detail on Case No. 470-06-53 regarding construction of a new house at approximately 667 North Wall Street, which went before the Land Use Appeals Board (LUAB) on March 23, 2007. The LUAB overturned the decision of the Historic Landmark Commission which was made on February 7, 2007. LUAB found that there was not enough evidence to support the Historic Landmark Commission's finding that the applicant did not meet the five standards required of the applicant on January 3, 2007.

The minutes of the Historic Landmark Commission meeting on February 7, 2007 referenced the Commission's discussion as to whether the property was compatible with the block face. The block face is used as a measurement for compatible infill zoning standards outside of the Historic Districts. The zoning standards used for Historic Districts are the Historic Landmark Commission's Standards in Chapter 34, which use a broader area reference in the historic districts.

Commissioner Lloyd stated that the Utah Heritage Foundation Conference was a great conference and in support of preservation in the City. He asked Ms. Coffey if there was a way to utilize Paul Goldberger's talk regarding the evolving nature of preservation and need for preservation in the context of development.

Mr. Paterson will be contacting the Heritage Foundation and SHPO, and placing them on the agenda for the Work Session at the June 2007 meeting.

Commissioner Hunter questioned whether the practice of a thirty minute work session would be resumed at the Historic Landmark Commission meeting or if time constraints would make a quarterly meeting more practical.

Commissioner Hunter requested findings in the Staff Reports which represent both sides. If this was not possible, then an option would be to get the Commissioners more training so that they can better articulate decisions that are solid enough to stand up to an appeal. It can be very difficult to articulate decisions in opposition to Staff recommendations that usually are not overturned.

As the guidelines are open to interpretation, but must be referenced when making a decision, the Commission agreed that training should be from an expert in both preservation as well as law.

Commissioner Norie suggested that in the context of a closed work session, the Commission and an attorney analyze a case and create findings about what works and what does not. They could go through a case that has been overturned and come up with findings that would have been less likely to be overturned.

Acting Chairperson Heid stated that the Commission did have similar training in the past. She stated that it is still difficult to make a specific motion that will not be overturned when the guidelines are so open to interpretation.

Acting Chairperson Heid asked if there was an avenue of recourse that the Historic Landmark Commission can take when LUAB overturns a decision.

Mr. Paterson stated that appeals to the LUAB decisions are through Third District Court. He stated that the Historic Landmark Commission can appeal, but it would result in the City suing the City.

Commissioner Norie stated that it would be helpful to have training on how to be concise, how to read a passage, and then make the best case from the finding of that passage.

Ms. Coffey stated that Lynn Pace, the Deputy City Attorney, could attend one of the work session meetings in the near future. Hopefully, we are identifying in the Staff Report all of the applicable Standards and the criteria, and if the Commissioners do not agree with those, the Commission is to specifically state why it is not applicable or why it does not meet those specific standards.

Commissioner Lloyd reminded the members of the Commission that the vote of the Historic Landmark Commission regarding Case No. 470-06-53, on which the LUAB overturned their decision, was a split vote by the Historic Landmark Commission.

OTHER BUSINESS

There being no further business, Commissioner Lloyd moved to adjourn the meeting at 6:56 p.m.

David Fitzsimmons, Chairperson

Kathryn Weiler, Secretary