

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

A field trip preceded the meeting and was attended by Commission Members Dave Fitzsimmons, Paula Carl, Noreen Heid, Warren Lloyd, and Jessica Norie. Planning Staff present were Cheri Coffey, Janice Lew, Nick Norris, and Ana Valdemoros. A Quorum was present, therefore, minutes were taken of the field trip.

NOTES OF THE FIELD TRIP

Salt Lake City Library/O.C. Tanner, 15 South State Street

Staff described the project and the Commission walked around the site.

576 East South Temple Street

Staff described the project and noted that the owner to the south has sent an email objecting to the size of the garage because he is concerned with the creation of a tunnel effect along his driveway.

Yalecrest Historic District, located between Sunnyside Avenue and 1300 South between 1300 East and 1900 East

The Commission took a general tour of the area.

MINUTES OF THE MEETING

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

Present from the Planning Staff were George Shaw, Planning Director; Cheri Coffey, Deputy Planning Director; Mary De La-Mare Schaffer, Deputy Community Development Director; Janice Lew, Principal Planner; Nick Norris, Principal Planner, and Ana Valdemoros, Associate Planner, as well as Lynn Pace, Deputy City Attorney.

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 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.

Commissioner Hunter made a motion to add Other Business to the agenda. All voted aye; the motion carried.

REPORT OF THE PLANNING DIRECTOR

Ms. Coffey stated that a detailed agenda for the participants of the September 19, 2007 work session had not yet been finalized, but a public agenda for the meeting was in the Commissioner's packets which provided detailed information regarding the one public hearing which would be heard in that meeting and general information regarding the subject of the remainder of the meeting. She also suggested that an update on the Preservation Plan could take place at the end of the meeting.

Chairperson Fitzsimmons then opened the meeting for the public to make comments, unrelated to any case which would be heard that night, to the Commission.

COMMENTS TO THE COMMISSION

Kirk Huffaker, of the Utah Heritage Foundation (UHF), brought to the attention the need for the Historic Landmark Commission to pass along a good word to the City Council regarding the architectural importance of the public safety building. Historically known as the El Paso Natural Gas or the Northwest Pipeline building; it is a classic example of the work of Slack and David Winburn, who were architects for Dell Webb Construction in Phoenix, Arizona. They practiced in the City for about 40 years, employing an amazing breadth of architectural work in the City which ranged from the very classical to complete modern, with this building being the last in his career. It has great potential for reuse, which is not addressed in the City's bond election, which has caused the Utah Heritage Foundation to worry about the future of this building. The City Police Department is not interested in the building and they would rather leave it behind, so the UHF is concerned about its future once it is vacated. We hope that the Historic Landmark Commission will encourage the City Council to be cognoscente and realize t the structure does have a potential use for resale and rehabilitation.

Seeing as no other members of the public expressed the desire to address the Commission, Chairperson Fitzsimmons closed the Comments to the Commission part of the meeting and then moved on to the consideration of the minutes.

CONSIDERATION OF THE MINUTES

Commissioner Hunter requested information regarding the status of the June 6, 2007 minutes; specifically if the list of items for the Trolley Square applicant had been included in the minutes. Mr. Norris explained that he had emailed the list to Commissioner Hunter and was waiting for her approval before forwarding them on to having them inserted into the minutes. Commissioner Hunter stated that the list could be placed into the minutes so that the minutes could be finalized.

Commissioner Hunter stated that she read a part of the draft of the Planning Commission minutes into the record. This reference is missing from the minutes. She also made a correction on page 23 of the minutes relating to the fact that the City Attorney was present.

Commissioner Lloyd moved to approve the minutes with the corrections indicated, Commissioner Carl seconded the motion. Commissioner Heid abstained.

PUBLIC HEARINGS

Case No. 470-07-27 Pioneer Park Phase I Stage I (minor alteration) — a request by Salt Lake City Public Services Department, represented by Dell Cook , is located at Pioneer Park approximately 350 South 300 West. The Historic Landmark Commission approved Stage 1, Phase 1 improvements with the exception of the tree plan on August 1, 2007. Pioneer Park is designated as a Landmark Site on the Salt Lake City Register of Cultural Resources and the property is zoned Open Space (OS).

(This item was heard at 4:17 p.m.)

Ms. Valdemoros introduced the project by explaining the history of the application for Phase 1, Stage 1, which was being heard in this meeting. She explained that this portion of the application was tabled at the August 1, 2007 meeting so that the Commission would have an opportunity to view the report which was prepared by Bill Rutherford, Salt Lake City Urban Forester, regarding the current state of the trees in Pioneer Park. As the report includes recommendations regarding the trees, the Commission felt it would be important to view the report prior to making a decision regarding the future of those trees. The report is included in the Staff Report which is filed with these minutes.

She stated that the proposal calls for the addition of 58 new trees throughout the park, removal of 6 trees in order to accommodate the new pathway, potential removal of 16 trees along 400 South and replacement with 13 trees, and the transplant of 1 tree. According to the plan, 58 new Cimarron Ash trees will be planted around the perimeters of the Park in the following locations:

- 8 trees will be planted on the northwest quadrant of the park.

- A total of 15 trees will be planted on the northeast quadrant, 11 of these will be planted on both sides of the new adjacent pathways.
- 15 trees will be planted on the southwest quadrant of the park, and most of them will be located along 400 South Street.
- 20 trees will be added to the southeast quadrant, eleven surrounding the new pathways along 300 South and nine trees along 400 South.
- The transplant tree will be relocated on the northeast quadrant.
- Finally, additional groundcovers and perennials like Chinese Silver Grass and Red Switch Grass will be planted throughout the park as well.

In response to a question by Commissioner Hunter, Ms. Valdemoros stated that the applicant is no longer requesting the removal of seven of the trees because he changed the curvature of the pathways to allow those trees to remain undisturbed, and after reviewing the report from Mr. Rutherford, the applicant is asking approval to remove all 16 trees along 400 South.

Mr. Dell Cook, Salt Lake City Engineering and Project Manager, was invited to approach the table to add to the presentation and to answer Commissioner questions. Mr. Cook showed the survey maps of Pioneer Park and explained the project, including the proposed changes to the park which will allow the seven trees to be spared. He further explained the decision to remove the trees in more detail. He stated that they have taken extra effort to minimize the impact on the trees, but there is a proposed driveway that will necessitate the removal of two trees. The driveway is optional, but the purpose is to provide Salt Lake City Police a second access to the lot. A third tree is very close to the new walkway and will be impacted. Mr. Cook stated that as the tree is so close to the walkway, he is unable to determine whether the tree can be spared or not until actual construction. He assured the Commission that he will make every effort that he can to save the tree, but he cannot guarantee that it will not need to be removed. He further stated that there is a seventeenth tree along 400 South which will not be disturbed. The remaining sixteen trees have been deemed unhealthy and even though they do not need to be removed for this reason, the proposal is to remove them at this time to take advantage of the time and equipment already allocated to the project, and plant the new trees at that same time.

In response to a question from Commissioner Carl, Mr. Cook explained that repositioning the driveway would still necessitate the removal of trees.

In response to a question from Commissioner Lloyd, Mr. Cook stated that the decision to change the pathway on the corner came after careful consideration and discussion with Mr. Rutherford. The revised plan will result in tripling the amount of crushed stone at each corner which did cause the scale of the corner to no longer be synchronized with the concrete entry at the sidewalk, but the change will result in sparing trees.

Commissioner Fitzsimmons inquired as to whether the surface on the corners had to be crushed gravel. Mr. Cook responded that due to the heavy foot traffic of the farmer's market, it has to be the same type of non-vegetative surface.

Commissioner Hunter recommended that, at another time, Mr. Cook review the National Register nominations for this and other historic sites to get an idea of what the Commission is trying to achieve in regards to the trees.

Commissioner Hunter asked Mr. Cook if his department had the funds necessary to provide for the healthy maintenance of the existing trees so that the park trees could be spared from destruction. Mr. Cook stated that his department was involved in new development, and that Mr. Rutherford and the Parks Department could better answer that question. His understanding was that the unhealthy condition of the trees was a result of aging rather than neglect.

Mr. Rutherford approached the table and stated that there were not adequate funds to maintain the trees in a healthy condition. He explained that the forestry program is funded annually to take care of customer requested services. They are not funded to oversee long term maintenance of the urban forest. To accomplish that goal, the department would probably need to double their budget and Staff. In the instance of Pioneer Park, the requests usually come from Val Pope, the Parks Director or his Staff. Those requests are made a priority as the park has high pedestrian traffic.

Commissioner Hunter asked Mr. Rutherford if he believed the trees along 400 South posed a danger at this point or if it was economics which prompted the recommendation to remove the trees.

Mr. Rutherford stated that he has been concerned about the potential hazard the existing trees posed for some time. No action has been taken to remove the trees before this date because he believed it was important to have public awareness and as participation in a meeting before removal of the trees. The Historic Landmark Commission meeting serves that venue.

In response to a question from Commissioner Carl, Mr. Rutherford stated that he believed the Poplars at Pioneer Park to be around 80-95 years old. He has not conducted a core sampling to determine the age of the trees because it would further weaken the trees and increase their rate of decline.

Seeing as there were no further questions for the applicant from the Commission, the Chair opened the hearing for public comment.

Public Comment

Seeing as no member of the public expressed the desire to speak to the matter, Chairperson Fitzsimmons closed the public comment portion of the hearing and moved on to Executive Session.

Executive Session

Motion

Commissioner Norie moved that the Historic Landmark Commission approve Case No. 470-07-27 with the following conditions as recommended by Staff:

- 1. That the Commission approves removal of the sixteen trees with the condition that 13 new trees are planted along 400 South;**
- 2. Removal of six trees around the park in order to accommodate a new pathway;**
- 3. That any other tree removal, additions or transplants shall be reviewed by the Historic Landmark Commission.**

Commissioner Heid seconded the motion.

Commissioner Hunter suggested that the motion be amended to include a recommendation that an analysis be done to determine what additional funding was needed to care for and maintain tree safety in the Park and to proactively care for the trees.

Mr. Pace stated that the recommendation is separate from the motion which is the approval or disapproval of the proposed plan. Once the motion has been considered, then recommendation should be treated as a separate matter.

Commissioners Carl, Heid, Lloyd, Norie and Oliver voted “aye”;
Commissioner Hunter voted “nay”.

The motion passed by majority vote.

Motion

Commissioner Hunter put forward a motion to recommend a project team come up with a proposal for the long term care and maintenance of the trees of Pioneer Park, especially those which are heritage trees, and would include a budget to cover the costs which would be incurred while carrying out the plan.

Commissioner Hunter asked Commissioner Oliver to help with the wording of this idea.

Commissioner Oliver suggested, as it is expected that any preservation project which involves a historic structure would have a long term maintenance and treatment plan associated with it, the trees in this park should not be treated any differently. As this is the assumption, a future phase of the Park proposal should include a long term treatment and maintenance plan for the trees with an estimated budget for the maintenance

and care of those trees so that it might be forwarded on to those who would be considering the budget and appropriating money for the park.

Commissioner Lloyd added that it was important to recognize the trees as part of the Citywide Preservation Plan so that the Commission could evaluate trees as elements worth preserving.

Commissioner Carl suggested that consideration of tree maintenance could be incorporated into the preservation plan in some manner.

Commissioner Lloyd expressed the opinion that the motion should be regarding the trees in Pioneer Park, but it would be good for the Commission to keep in mind that the Citywide Preservation Plan is a vehicle for overseeing the preservation of trees on an ongoing basis.

Ms. Coffey suggested that Staff could draft a letter for the Commission to send to the Public Services Director and to the City Council with the sentiments of the Historic Landmark Commission regarding the City trees so that when they consider the budget, they could keep the opinion of the Commission in mind. She also suggested that the City Council might be able to identify special funding which could be employed to complete a long term tree maintenance and treatment plan for Pioneer Park. She further agreed to draft the letter for the signature of the Historic Landmark Commission.

Commissioner Oliver asked if the City Urban Forester would be consulted in regards to a yearly cost estimate for the long term care and maintenance of the trees.

Ms. Coffey stated that she would ask Mr. Rutherford for input, but the scope of the project might require the hiring of a consultant. She agreed to ask Mr. Rutherford which would be the best way to proceed.

Commissioner Hunter asked if it would be possible to have an update regarding the matter at the next regular meeting of the Historic Landmark Commission.

Ms. Coffey agreed that this was possible.

Motion

Commissioner Oliver moved that in regards to Pioneer Park, the Historic Landmark Commission request a long term maintenance and treatment plan be developed as a part of the future management of the park. Further, the Commission would like to suggest that this park deserves such treatment similar to any responsible preservation plan would for a historic structure. The Commission recommends that this type of maintenance treatment plan be considered for the future management of this Park. The Historic Landmark Commission delegated to Staff the task of composing a letter to that effect, which will be presented for the

Commission's approval at the October 3, 2007, meeting of the Historic Landmark Commission.**Seconded by Commissioner Hunter.****All voted aye; the motion passed unanimously.**

(On October 3, 2007, two motions were made regarding to Pioneer Park with the intent to nullify two motions made during the September 5, 2007 meeting. The September 5, 2007 minutes were then ratified with the condition that the new motions were contained within the minutes for that meeting. For the purpose of clarity, the discussion is also included. On October 3, 2007 the following discussion took place regarding to these minutes:

Discussion on October 3, 2007

The Chair referred to the minutes for the September 5, 2007 meeting, specifically discussions regarding Pioneer Park which took place during the hearing for Case No. 470-07-27 and the OTHER BUSINESS portion of the meeting. On October 3, 2007 the following discussion took place regarding to these minutes:

Commissioner Hunter requested that the Commission consider revisiting the first and second motions made by Commission Norie and Commissioner Oliver during the hearing for Case No. 470-07-27. As Commissioner Hunter had voted, "Nay" to Commissioner Norie's motion, she was unable to put forward a motion to reconsider both motions.

Commissioner Carl, who voted on the prevailing side of both motions, agreed to bring the matter up at the September 19, 2007 meeting of the Historic Landmark Commission when the minutes were being considered for ratification. At the September 19, 2007 meeting, Mr. Pace responded to a question and stated that the issue of the motions made regarding Case No. 470-07-27 on September 5, 2007, could be considered on either September 19, 2007 or at the meeting on October 3, 2007 as minutes from that meeting would be considered on both of those dates. Commissioner Carl stated that she would recall the motions at the meeting on October 3, 2007.

Commissioner Oliver, who also voted on the prevailing side of the two motions, reopened the first and second motions made regarding Case No. 470-07-27 for further discussion. Commissioner Oliver believed that by reopening the motions they would not be ratified, and therefore made null.

Commissioner Hunter stated that in the design guidelines, which are used for: protecting and maintaining homes, general

landscapes, and vegetation it states that the relationship between historic buildings and landscape features within a historic area or park, helps to define the historic character and therefore should be a part of the rehabilitation plan.

She read from The Secretary of the Interiors Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; which recommend identifying, retaining, and preserving landscape features such as parks, gardens, and trees which are important in defining the overall historic character. The key words used were identifying, retaining, preserving, protecting, and maintaining landscape features; specifically trees and plant material. Loss of character in these areas, is often the result of a cumulative effect caused by removing these types of features as it would be from a building. Thus the guidelines have an impact on the overall evaluation of physical conditions and should always be used.

Motion

Regarding Case No. 470-07-27 Commissioner Hunter made a motion that the Historic Landmark Commission approved the project with the following conditions as recommended by staff:

- 1. That the Commission approves removal of the sixteen trees with the condition that 13 new trees are planted along 400 South;**
- 2. Removal of six trees around the park in order to accommodate a new pathway;**
- 3. That any other tree removal, additions or transplants shall be reviewed by the Historic Landmark Commission;**
- 4. A long term maintenance and treatment plan be developed and implemented as part of the management of the trees of Pioneer Park similar to what any responsible preservation plan would be for a historic structure including identifying, retaining, preserving, protecting and maintaining the trees, including all heritage trees.**

The Chair clarified with Commissioner Hunter that this is the new motion, which replaced the old motion.

Seconded by Commissioner Oliver.

All voted, "Aye"; the motion passed unanimously.

Motion regarding the minutes

Commissioner Heid moved that the minutes of the September 5, 2007 meeting be accepted with the corrections, revisions, and amended motions which were passed tonight (October 3, 2007).

*Commissioner Hunter seconded the motion.
All voted, "Aye"; the motion passed unanimously.)*

Case No. 470-07-21 Trolley Square (new construction and major alterations) — a request by Trolley Square Associates, LLC, to build multiple new structures at Trolley Square, located at approximately 602 East 500 South. The new structures include a 10,372 square foot addition to an existing structure, a new 52,293 square foot building and a 23,500 square foot building. Trolley Square is designated as a Historic Landmark Site on the Salt Lake City Register of Cultural Resources and is located within the Central City Historic District. The property is zoned Community Shopping (CS). *(This item was tabled at the August 1, 2007 meeting.)*

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

Mr. Norris provided the background for the application and stated that the case was tabled so that the applicant and Staff would have sufficient time to address the following items and to meet for an architectural subcommittee meeting on August 15, 2007. Notes of that meeting are included in the Staff Report.

Mr. Norris discussed each concern, item by item, that the Commission expressed in the meeting on August 1, 2007.

1. The applicant was to investigate options to reduce the mass of Building C by either reducing the size of the building or redesigning the roof structure to allow the south elevation to be terraced to improve sight lines into the site;
2. Investigate redesigning of Building P Central to increase sight lines to Building B from 600 East;
3. Provide updated drawings;
4. Provide some sort of commitment to an outdoor historical walking tour (working with the State Historical Preservation Office and the Utah Heritage Foundation) to tell the history of Trolley Square;
5. Provide a three dimensional model or perspective drawings of the proposed plan that reflect changes requested by the HLC; and
6. Provide a list of issues raised at the Issues Only Hearing. This list is included in the Staff Report as Attachment A.

Mr. Norris noted that Staff Recommended approval of the application with conditions.

Mr. Norris stated that he did get a report back from an arborist hired by the applicant and the Salt Lake City Urban Forester regarding the two Poplar trees and it is a similar situation as to what had just been discussed regarding the trees in Pioneer Park. The two Poplar trees at Trolley Square are in poor health due to age related reasons. The recommendation from the Urban Forester is included in the Staff Report.

Commissioner Lloyd stated that one of the recommendations from the subcommittee was regarding the evaluation of parking along 500 South. He asked if that recommendation was addressed in the Staff Report or if Mr. Norris could reply to the recommendation.

Mr. Norris responded that the Deputy Community Development Director could respond to that as she had agreed to bring the possibility up with the Transportation Division as it is outside the purview of the Historic Landmark Commission.

Ms. De La Mare-Schaeffer reported that she spoke with the Transportation Division directly after the meeting and she could follow up with them to obtain further clarity, but the Division is familiar with the case and that if the development does go forward, that there will be a need for the Transportation Division to look at what is happening in regards to traffic.

The applicant was invited to approach the Commission to add to the presentation and to answer questions from the Commission. The applicant, Marc Blancharte apologized for the record as the last time the case was heard before the Commission, the updated plans had not been provided for Commissioner use. He stated that they now have the latest update and they reflect a number of changes made as a result of the subcommittee meeting. He demonstrated those changes in a PowerPoint presentation which is filed with these minutes.

- Specifically; Trolley Square will celebrate its 100 year anniversary in 2008. After discussion with Kirk Huffaker at the Utah Heritage Foundation, he has determined to designate ten points of interest for the walking tour. He will be working with Mr. Huffaker and the State Office of Historic Preservation to develop verbiage for those sites.
- He also showed the Commission the west exposure of Building C which faces the future Trolley Lane. The location is the site of proposed future artwork.
- The Building height along the entire western elevation has been lowered an additional foot.
- The south elevation of Building C has been cut out which allows a courtyard in the corner of 500 South and 700 East.

- Moving Building C to increase the site line view of Building B.
- Enclosing the loading dock on the Building C and Building P south exposure with solid roller doors.
- The applicant requested the opportunity to work with Staff or a subcommittee to help tie the exposure in with the theme of the project with additional artwork on the roller doors.

The architect, Gary Larson, demonstrated the new plans in a projected 3 dimensional image to allow the Commission to get a better perspective of view corridors from different angles and an overall vision of the project.

The Commission commended the applicant for his patience and the willingness to incorporate changes in response to feedback from the subcommittee meeting.

Commissioner Hunter stated a concern regarding truck staging. Specifically, she inquired about the trucks using public streets to wait for an opening to open up into the loading docks.

Mr. Blancarte responded that in the early stages of the project his team ran a truck staging template through the project and found the proposed solution as the best solution for the project

Commissioner Oliver clarified with Mr. Larsen that the illustrated enclosed glass terrace on the south side of Building C is actually an open area with sight lines down to Building D.

Mr. Larsen stated that the configuration of the windows on Building C were a response to comments from Staff which encouraged the applicant to bring the windows lower. There exists an upgrade at that location. As the tenant has lighting needs and would prefer skylights and a spot for display cases to meet the need, the architect has come up with a compromise which offers a possible solution: to integrate high windows and leave a portion of the wall blank for display cases. With a combination of adjustments with the ground rise and with the store remaining level, the sill will need to remain at a consistent level of around six or seven feet. In this manner the compromise serves both the tenant need and the store exterior. Planting will soften the bottom edge while allowing a view of the arches.

Commissioner Oliver stated that while she prefers the shift of the entrance, it leaves a long wall. The long cornice line comes across as very continuous and very boxy. She suggested that the edges of the cornice could be softened if that would not result in revealing the cars on the parking level.

Mr. Larsen responded that the proposal is to include a high screen at the top to prevent visibility of the cars. It will also include cutouts and some type of

screens to soften them. It would be possible to add a cornice treatment to soften the appearance. The top will be a trim of a different material. The square openings at the second level could be enhanced to become richer and more apparent.

Seeing as the Commission had no further questions for the applicant or the architect, the Chair opened the hearing for public comment.

Public Comment

Kirk Huffaker, of the Utah Heritage Foundation, is in support of redevelopment of Trolley Square. He commended the subcommittee, the Commission, and Staff as well as the development team.

He did express concern regarding the permeability of 600 East. He asked the design team to think about the permeability and the process of bringing people into the project via the arch and to not make that a hard edge. He suggested adding landscaping to the concrete or hard edges by those stairs.

Wally Wright asked if the antique trolley car would be utilized.

Mr. Blancharte replied that it would be a major focal point of the western plaza area.

Seeing as no additional members of the public expressed the desire to speak to the matter, the Chair closed the public comment portion of the hearing and moved to Executive Session.

Executive Session

Commissioner Lloyd stated that the project is dense, but it has not lost the historical character.

Commissioner Hunter stated that in the instance that the plans must be significantly altered, through the permitting process, she recommended the changes should then be heard by the Commission for appeal.

She also stated that the future plans would include signage which would eventually be heard by the Commission. She stated that she had cautioned Staff that signage on older buildings is not generally approved by the Historic Landmark Commission. She further stated that the Commission should have final approval over the historic walking tour plans.

Motion

Commissioner Norie moved to approve the application with the following conditions:

- 1. That the ground level windows on the east elevation of Building C be extended closer to the ground or closer to the top of the elevated planter to create a knee wall that**

- is consistent with the store fronts of the existing buildings at Trolley Square.
2. That the parking level of Building C have cutouts that are similar in dimension to the Utah Light and Rail emblem found on the east and west elevations of the historic buildings at Trolley Square;
 3. That the applicant work with Staff on the section of wall on the west elevation of Building C includes some design feature or artwork that creates a visually interesting terminus to Trolley Lane.
 4. That the applicant includes a historical walking tour that explains the history of the site with final details of that tour delegated to the Planning Director based on input from the State Historic Preservation Office, the Utah Heritage Foundation, and Staff, and that the Historic Landmark Commission grant final approval of the tour.
 5. That any damage that was done to the west façade of Building A by the 1970's addition be repaired.
 6. That all deteriorating design features on the existing structures be repaired based on historical photographs, existing features, etc.

Seconded by Commissioner Heid

Commissioner Hunter suggested that the motion be amended to give the Historic Landmark Commission final approval over the future Heritage Tour Exhibit. Commissioner Norie, who originally presented the motion, and Commissioner Heid, who seconded the motion, agreed to the amendment.

Commissioners Carl, Heid, Lloyd, Norie, and Hunter all voted “aye”;
Commissioner Oliver voted “nay”.

The motion carried by majority vote.

BREAK

Chairperson Fitzsimmons called a dinner break at 5:37 p.m.

MEETING RESUMED

The Historic Landmark Commission reconvened at 6:05 p.m.

Case No. 470-07-25 Kevin Bott Garage (minor construction) – a request by Kevin Bott, represented by Max Smith, Architect, for approval to construct a detached garage, located at approximately 576 East South Temple Street in the South Temple Historic District.

(This item was heard at 6:06 p.m.)

Commissioner Norie disclosed that she uses Max Smith and MJSA architects with her business. The Commission generally agreed that that Commissioner Norie's interaction with these entities did not constitute a conflict of interest. Therefore, she continued to act as Commissioner during the hearing.

Ms. Lew introduced the petition. She stated that the applicant was proposing a one story garage which would face north and be accessible from both north and south. The subject property is a corner lot with the home facing South Temple street. The proposed one story garage would face north and be accessible from both South Temple and 600 East streets. There is no existing garage or outbuilding on the site, and the applicant would like to construct a 990 square foot detached garage. The 1911 Sanborn Map indicates that a large one-and-a-half-story brick structure once was located at the rear of the subject property. The proposed building would be 45' x 22', with three parking bays and additional room for storage. The proposed primary wall material will be cedar wall shingles. The red cedar shingled hipped roof rises to approximately 14' 8" at the mid-point. The garage will have wood "carriage house" style doors.

She stated that there was an email comment from a member of the public, which was included in the Staff Report. She also stated that Staff recommends that approval of the final details of the design of the proposed project should be delegated to the Planning Staff based upon direction given during the hearing from the Historic Landmark Commission and that the project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission.

The applicant was invited to approach the table to answer the Commissioner's questions.

Commissioner Oliver asked why the proposed garage was larger than was typical. Ms. Lew stated that the applicant would answer that question, but did indicate that the former use of the building was commercial and the back yard had basically been a parking lot and the applicant desires to convert the property into a single family residence.

Referring to the Sanborn map, Commissioner Lloyd identified the previous accessory structure. Since it did not have a D on the map, Ms. Lew assumed that it was not a dwelling.

Commissioner Oliver stated that she researched an earlier Sanborn map, where the accessory structure was identified as occupying a separate lot. It appears that a previous owner bought that lot and tore down a one or two story structure and a corral extending to the east and then by 1911 replaced it with this structure.

The applicant was invited to approach the table to add to the presentation and answer Commissioner questions. Max Smith, architect for Kevin Bott, stated that the accessory structure was once a carriage house with a dwelling above. The lower level was used for carriages or automobiles. The rationale for building a larger garage was that the property was being converted to a residence, as there is an apartment in the basement. It is a two family structure and under the ordinance, the owner is allowed to build a garage up to 1000 sq. ft.

In response to a question by Commissioner Oliver, Ms. Lew restated that, regardless of the ordinance allowance, any proposed accessory structure over 600 ft. within a Historic District must be heard by the Commission.

In response to a question posed by Commissioner Norie, the architect confirmed that the landscaping next to the garage would be increased. A very large parking lot will be made smaller and act as an approach to the garage and a small motor court. The intent is to make it appear like a residence.

In response to a question from Commissioner Lloyd, Ms. Lew stated that the fencing is not part of the application and that it had been approved administratively. She further stated that the drawings in the packet did not accurately reflect the height of the fence in all areas.

Mr. Smith stated that the fence on the front and corner side yards would not exceed the height of the historical fence, which is not the fence that is there today. Using historical evidence, he intends to restore the fence to the original height. The applicant intends to install a six foot high fence at the rear of the property as allowed within the ordinance which will alleviate concerns of the neighbor to the south. There will not be any security lighting on the south.

Commissioner Hunter asked for a justification for two approaches to the driveway.

The applicant responded that there were already two approaches to the driveway. The historic driveway still exists on the west side of the house. When the City installed a crosswalk across South Temple Street to connect to the Governor's Mansion, the curb cut was removed. As the applicant's address is on South Temple, he would like his driveway access restored to South Temple. Barry Walsh with the City Transportation Division approved the curb cut as long as it was 20 plus feet to the east. The eastern driveway will be narrowed and have a set of gates on it.

Seeing that the Commission had no further questions for the applicant, the Chair opened the public comment portion of the hearing.

Public Comment

Seeing as no members of the public expressed the desire to speak, the Chair closed the public comment portion of the hearing and moved on to Executive Session.

Executive Session

Commissioner Hunter asked if there was any additional information in the South Temple section of the guidelines which specifically address alleys, garages, or approaches. The only reference found pertaining to this project was in regards to curb cuts into granite material. As there was already a curb cut on the approach to the property, it did not apply to this project.

Motion

Based on the analysis and finding of fact in the Staff Report, Commissioner Carl moved in regards to Case No. 470-07-25, that the Historic Landmark Commission approve the application with the following conditions:

- 1. Approval of the final details of the design of the proposed project shall be delegated to the Planning Staff based upon direction given during the hearing from the Historic Landmark Commission.**
- 2. The project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission.**

**Commissioner Lloyd seconded the motion.
All voted aye; the motion carried unanimously.**

Case No. 470-07- 31 Salt Lake City Library/ O.C. Tanner (major alteration) — a request by OC Tanner, represented by Kent Murdock for approval to renovate the Landmark Site located at approximately 15 South State Street. The structure is the old Salt Lake Library/Hansen Planetarium and is listed on the City's Register of Cultural. The property is located in the Central Business District D-1 Zoning District.

(Commissioner Hunter recused herself 6:21 p.m. stating that the potential for a conflict of interest existed.)

(This case was heard at 6:22 p.m.)

Mr. Norris introduced the case stating that the applicant was requesting a certificate of appropriateness to modify the old Salt Lake City Library located at 15 South State Street. The proposed use for the structure would be a jewelry store. The applicant is proposing to remove the two rear additions (the additions were added beginning in the 1950s) on the east side of the structure to accommodate a parking structure and an entrance to the building.

The top floor of the east façade of the building would be renovated so that it is closer to the original design of the structure. The remaining portion of the east façade will be renovated based on how intact the original exterior wall is after the additions are removed. The west façade along State Street would be rehabilitated by removing the fountain, restoring the front stairs to their original design and rehabilitating the middle entrance. The center doorway would be used for pedestrian access. A new ADA ramp would be added to the north side of the building to make it compliant with current ADA requirements for accessibility. Due to the Landmark status of the property, the Historic Landmark Commission must review all exterior modifications to the site.

Staff recommends that the Historic Landmark Commission approve a Certificate of Appropriateness for petition 410-07-31 based on the analysis and findings in the staff report subject to conditions.

The Commission requested clarification regarding the traffic directional flow on each of the three ramps, which access the parking structure. In response, Mr. Norris stated that the drawings were reversed and that all cars would enter the site on the north which is next to the Alta Club building. On the east property line, or rear of the structure, a ramp would descend to provide access to lower level parking. On the South side there would be a second ramp, with less height and more interior to the lot, which would allow exit from the parking structure to the street.

The applicant, Kent Murdock, C.E.O. of O.C. Tanner, gave a brief history of O.C. Tanner and a detailed explanation of the proposal. He supported Mr. Norris's statement regarding the height and directional flow of the parking ramps. There would be landscaping between the two ramp lines.

Commissioner Lloyd commented that there is some space between the ramp and building to allow landscaping as well.

In regards to a question by Chairperson Fitzsimmons, Mr. Murdock stated that the parking would consist of 25 parking stalls.

Commissioner Oliver asked the applicant to explain the impact on the porte-cochere on the Alta Club and whether a retaining wall was needed or if the rise of the ramp is low enough to not affect the wall.

Mr. Murdoch stated that the ramp does not rise far enough to impact the porte-cochere wall, but as the wall is in serious need of restoration and despite ownership of that wall by the Alta Club, it is still an obvious design feature of the subject property and therefore, he was willing to take responsibility for the restoration of the wall.

Mr. Norris explained that the total ramp rise would be three to four feet, which would not exceed the elevation of the drive at that point. As the elevation does increase further east, it would exceed the wall at that point.

The applicant interjected that the increased height to the east and accessibility could be addressed between the Alta Club and O.C. Tanner in the future. The porte-cochere of the Alta Club is not generally used as it immediately accesses stairs for pedestrian traffic. It does not provide accessibility to anyone with mobility limitations and therefore is not used. Historically it was used as the women's door to the Alta Club.

Commissioner Oliver requested the applicant's justification for use of slate roofing material and whether any onsite investigation had taken place.

Rob Pett, architect, responded that a surface inspection had taken place, but a more extensive onsite investigation had not taken place as the property does not yet belong to the applicant. The choice of a slate material was based upon photographic and written evidence which led them to believe that slate was the original material used on the structure. The intent of the applicant is to restore the structure to the original appearance. The applicant intends to have an onsite investigation conducted once the property comes into his possession.

The applicant further stated that the intent is to restore the site so that it has an integrated feel. For this reason, he has requested permission to tear down the stacks addition and freestanding walls which have no historically significant architectural features. The goal is to take the original library portion of the building and create something beautiful out of it.

In response to a final question by Commissioner Oliver regarding the cleaning techniques, which would be used on the structure, specifically on the sanpete limestone walls, Mr. Pett explained that his firm is currently doing a restoration on the Park Building and has done previous restoration on the David Keith mansion, both of which had oolitic limestone. In both cases they subjected the material to a sample analysis to determine an appropriate agent to be used when cleaning the stone. The same type of analysis will be undertaken when assessing the appropriate restoration technique for the walls on this site. The material selected to restore the stone will be the least aggressive and mildest technique available for this use. He further explained that the façade is composed of a soft stone which is generally in good shape, but as there is some areas of existing discoloration, some due to exfoliation and slough off, they will need to discover the flaws and apply a wash which will restore the stone without doing further damage and act as a repellent.

Seeing as there were no further questions for the applicant, the Chair invited the public to comment.

Public Comment

Tyler Christensen, who represented the Belvedere Homeowners Association, expressed support for the restoration. However, he did ask the Commission to consider the positioning of the parking exit ramp on the property line which abuts the Condominium structure. He stated that the current owner was not expected to receive a large amount of automobile traffic, but as the building could be sold in the future, there was no assurance that a future owner would not have increased traffic, thus interfering with the quiet enjoyed by the condominium residents.

Kirk Huffaker, Utah Heritage Foundation, stated that his office supports the project. He stated that the structure represents a significant historic building and therefore his office has considered the project extensively. He stated that the proposal is a pragmatic use for the building, which would remain open to the public. He further stated that the walls of the stacks have lost their integrity and restoration would not prove beneficial as the money could be better used on a pristine restoration of the prominent piece of architecture that should matter more to the public.

Seeing that there were no additional members of the public who expressed the desire to speak, Chairperson Fitzsimmons closed the public comment portion of the hearing and moved to Executive Session.

Executive SessionMotion

In regards to 410-07-31, Commissioner Norie moved that the Historic Landmark Commission approve a Certificate of Appropriateness for petition 410-07-31 based on the analysis and findings in the staff report subject to the following conditions:

- 1. That the applicants submit a separate petition for review by the Historic Landmark Commission for the design of the east façade of the structure;**
- 2. That the applicants provide a separation between the historic building and the ramps to the parking structure and that the ramps are pushed as far to the east as possible so that the visual impact on the primary facades of the building be reduced;**
- 3. An Administrative Certificate of Appropriateness specifically for the cleaning or surface treatment of historic materials is required prior to any work being performed.**

**Commissioner Carl seconded the motion.
All voted aye; the motion carried.**

(Commissioner Hunter rejoined the Commission 7:06 p.m.)

Case No. 470-07- 32 Yalecrest Historic District — solicit comments for listing “The Yalecrest Historic District ” on the National Register of Historic Places.

The proposed Yalecrest Historic District is located between Sunnyside Avenue and 1300 South between 1300 East and 1900 East.

(This item was heard at 7:06 p.m.)

(Commissioner Lloyd left the meeting at 7:06 p.m.)

Ms. Coffey explained to the Commission that their role in considering a nomination for the National Register of Historic Places was to give feedback to the State Office of Historic Preservation (SHPO) and hopefully, to give a vote of support for the nomination. She further explained that after the nomination is forwarded to SHPO, the State Board of History office will determine whether or not to forward it to the National Parks Service to create a National Historic District.

In response to a question from the Commission relating to the process of Yalecrest becoming a local historic district. Ms. Coffey noted that the speed at which the groundwork for a Historic District is laid is dependant upon funding. In the case of this nomination, the reconnaissance level survey was conducted a few years ago after receiving the funds to do so and this year additional funding was obtained through a Community Development Block Grant (CDBG) to complete some intensive level surveys and to complete the nomination application. The National Park Services determines whether a nomination should be approved.

She also explained that for a local historic district to be approved, it would require a mapping amendment to the zoning map which would involve notifying property owners, and the Community Council to determine if there was support for the amendment. It would come to the Historic Landmark Commission, the Planning Commission, and the City Council who has final approval authority. It is within the purview of the Historic Landmark Commission to initiate the process.

Typically a local designation of a new Historic District is initiated because the public has raised an issue with the City. If the City were to initiate a new historic district, the Planning Division would request additional Staff to administer the program in the area. The local designation places more regulation on the property owners.

Ms. Coffey went on to explain that the Central City survey was spotty and required additional research by Staff of each contributing structure when the Historic Landmark Commission heard cases related to various structures. In the last regular meeting of the Historic Landmark Commission, the Commissioners recommended that the CDBG application for the Central City Historic District be approved.

She stated that is why the City is having intensive level surveys conducted in all contributing structures in the existing districts.

Public Comment

The Commission noted that there were two emails from the public, one from John Dewey the Chair of the Community Council, voicing his support, and the other from Lizette Gibson, who is also in support of the application. Seeing as no member of the public expressed the desire to speak to the matter, the Chair closed the public comment portion of the hearing and moved to Executive Session.

Executive Session

Motion

In regards to Case No. 470-07- 32, Commissioner Carl made a motion that the Historic Landmark Commission forwards a favorable recommendation to the State Office of Historic Preservation.

Seconded by Commissioner Hunter

All in favor. The motion carried unanimously.

Case No. 470-06-33 Everest Builders (demolition) and 470-06-57 Economic Hardship Case — a request by Everest Builders, represented by Eric Saxey. This case was remanded back to the Historic Landmark Commission by the Land Use Appeals Board on August 13, 2007. The Land Use Appeals Board remanded the case back to the Historic Landmark Commission decision to reconsider the April 4, 2007, findings of the Historic Landmark Commission regarding the proposed demolition of contributory structures located at approximately 256 South 700 East, 262-264 South 700 East, and 268 South 700 East, in the Central City Historic District.

(This case was heard at 7:14 p.m.)

Chairperson Fitzsimmons expressed the potential for a conflict of interest and thus recused himself, Vice Chairperson Heid became the Acting Chairperson for the duration of the meeting.

Ms. Coffey stated that on August 13, 2007, the Land Use Appeals Board (LUAB) remanded the Request for Determination of Economic Hardship by Everest Builders, represented by Eric Saxey, back to the Historic Landmark Commission with direction for review. The Historic Landmark Commission must reconsider the evidence in the case, as directed by the LUAB, at the September 5, 2007 meeting. LUAB based its decision on the following findings:

1. That the Historic Landmark Commission failed to provide an adequate explanation for its actions;

2. That the explanation given by the Historic Landmark Commission was contrary to the evidence before it;
3. That the Historic Landmark Commission motion which carried identified the basis for denial as comparison of purchase price with appraisal price to the exclusion of other, perhaps more significant, factors in determining whether the applicant could obtain a reasonable rate of return. Therefore, the Historic Landmark Commission's basis for denial of the Economic Review Panel's recommendation was incorrect as a matter of fact and law; and
4. That the Historic Landmark Commission shall consider all factors related to a reasonable rate of return for which there is evidence in the record, and that the applicant may supplement the record as the applicant may deem appropriate, as cited in the minutes, at a rehearing of the original petition.

Ms. Coffey stated that based on the evidence submitted, both written and oral, and based on the discussion relating to each of the standards for determination of economic hardship, by the Economic Review Panel and the Historic Landmark Commission as noted on the September 5, 2007 Staff Report. Planning Staff recommends the Historic Landmark Commission reverse the decision of the Economic Review Panel. This recommendation is based on a determination that the Economic Review Panel made an erroneous finding of material fact in making its decision based on the following:

1. The applicant knew of the historic designation and that demolition of the property may not be approved, therefore, he should have more thoroughly analyzed whether leasing the properties would adequately cover the debt service (Standard 21A.34.020K2.a)
2. 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
3. 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.

She further stated that, at the August 13, 2007 meeting, the Land Use Appeals Board included in its decision to remand the allowance for the applicant to supplement the record as the applicant may deem appropriate.

Therefore, if the applicant submits information which addresses various scenarios which may preserve one or more of the contributing structures, and demonstrates to the Commission that a planned development, condominium, or relocation scenario, or combination of these scenarios, would not result in a reasonable economic return on the property, Staff recommends that the Historic Landmark Commission make a determination that although the Economic Review Panel made an erroneous finding of material fact as noted above, the application of the standards set forth in subsection K2 of this section would result in economic hardship and grant a certificate of appropriateness for demolition.

Ms. Coffey stated that the applicant had submitted some information to Staff that afternoon, but she did not have time to review it and to determine whether or not it supports his claim that denying the applicant the opportunity to demolish the structures and develop the property poses an economic hardship. She further stated that the applicant did not have a lot of time to gather information.

Commissioner Oliver asked for a reminder from Staff as to why the properties were considered as a whole rather than individually.

Ms. Coffey explained that Staff initially recommended that the two properties be viewed individually, but two of the structures had been tied together through a Board of Adjustment case. As a result the Economic Review Panel decided that it was appropriate to view them together. The financials regarding the vacant parcel was not considered part of the debt service. Essentially, whatever the applicant was paying on the vacant parcels was not considered into part of the equation to determine if the property could be made profitable.

Commissioner Hunter asked for clarification regarding the finding in the first LUAB case which stated that the Historic Landmark Commission made an error of law.

Mr. Pace stated that LUAB stated "That the Historic Landmark Commission motion which carried identified the basis for denial of demolition as comparison of purchase price with appraisal price to the exclusion of other, perhaps more significant factors in determining whether the applicant could obtain a reasonable rate of return. Therefore the Historic Landmark Commission's basis for denial of the Economic Review Panel's recommendation was incorrect as a matter of law."

Mr. Pace explained that the motion did not take into account other factors and costs. LUAB said that that basis for determination was in error. LUAB has returned the case back to the Historic Landmark Commission to consider if there is some other basis which can show that the applicant can make a positive economic return on his property and to provide an opportunity for the applicant to prove that there is not. Essentially, the LUAB is stating that the

basis on which the Historic Landmark Commission ruled last time is inadequate.

Commissioner Hunter asked for clarification regarding what constitutes the record of the hearing. She noted that City documents define the record as the actual recording of the meeting in addition to the minutes, testimony, and the evidence presented. The minutes did not include all of the factors and deliberations which took place and it is difficult to justify why LUAB would not accept the transcript which was prepared for their use. It seems that there is a disparity when the minutes were accepted as the record, but a transcript of the meeting was not.

Mr. Pace indicated that the appeal was argued only on the basis of the minutes which were approved by the Historic Landmark Commission. There may have been a lot of discussion, in terms of the decision which was finally obtained, but LUAB rejected the findings based on the motion found within the minutes.

When the LUAB decided to reverse the decision, the Historic Landmark Commission requested that a transcript of the April 4, 2007 Historic Landmark Commission meeting be prepared. The transcript was prepared, but when it was brought back to LUAB, the board decided that since it was not presented at the first LUAB meeting, it could not be considered at the second LUAB meeting because it was considered new evidence. For obvious reasons, a transcript is not prepared for every case.

Mr. Pace stated that typically the minutes are the official record. If someone wants to request a recording or a transcript, they may do so. Nobody did so. So the case went forward on that.

Commissioner Hunter read from section 21A.10.030 of the Zoning Ordinance (Public Hearing Procedures, item i.2, F. Record of Public Hearing or Meeting) The Record: The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or officer, and the decision of the decision-making body or officer shall constitute the record.

Commissioner Oliver asked, if in the future, when dealing with a case with this level of controversy, if the motion made by the Historic Landmark Commission should say "refer to the transcript of the meeting as well"?

Mr. Pace stated that the statement would not usually be necessary. He said in this case, the basis for the decision was the appraisal, the purchase price, and the difference between those two. In this case LUAB was concerned that the Historic Landmark Commission had not considered all of the factors. That is were the transcript may have shown more than the minutes.

He stated that an example of a broad motion which would incorporate the discussion into the motion would to be “Based upon the evidence presented tonight and our discussion this evening, I move such and such.” It is unnecessary to reiterate the entire discussion.

He stated that LUAB was unsure that the Historic Landmark Commission had reviewed all of the factors and at first had decided to reverse the decision. But then there was some discussion that implied that the Commission did find a basis which they found sufficient for reversal and there would have been discussion of those factors in the motion had they felt the basis stated was insufficient. As a result LUAB sent the case back to the Commission to conduct further deliberations noting that the basis previously used by the Commission for denial inadequately supported the findings.

In response to a question by Commission Oliver, Mr. Pace stated that the Standards for Determination for Economic Hardship are used to ensure that the denial of the demolition does not deprive the applicant of all reasonable use or return on the subject property. The intent of the ordinance is to gather a broad range of information to ultimately answer that question. The property value pre designation vs. post designation is irrelevant so long as the lower value will still support an economic return on the property. It doesn't have to be the best and highest use: it is simply a reasonable rate of return.

The applicant was invited to approach the table to answer any questions the Commissioners might have. Eric Saxey, the applicant who is representing Everest Builders and Scott Sabey, Attorney introduced themselves.

Mr. Sabey stated that the case has had a long and tortured history. He read from the LUAB ruling, “The panel [Economic Review Panel (ERP)] members were experts in their fields and their role is to take the extensive information provided and determine if there is an Economic Hardship. The Landmark Commission's role is to determine if the ERP did their job.” When I read the rule for review in regards to consistency with the Economic Review Panel report, it says that the Historic Landmark Commission decision shall be consistent with the decision reached by the Economic Review Panel unless, based on all of the evidence and documentation presented to the Commission the Historic Landmark Commission finds by a vote of three fourths majority of the quorum present that the Economic Review Panel acted in an arbitrary manner or that its report was based on an erroneous finding of fact. That is a preface to all of the information that was reviewed. There was expert testimony, cost breakdowns, and the review of different options for the property.

He touched briefly on the options which were presented to the Panel to provide support to his claim that there was no possibility of economic return.

He further stated that the hard costs of the property equaled \$1.1 million.

Setting aside servicing the debt or any other expense, rents on the property will not create a reasonable rate of return for \$1.1 million. In other words if the applicant paid cash for the property and the rehabilitation of that property, leaving no debt service, he would not be able to achieve a reasonable rate of return. He would receive roughly about a 4% rate of return, not a 5% rate of return.

When debt service or other costs are added in, not only is there not a current reasonable rate of return, but there would not be one in the future. With the debt service, the applicant lost about \$80,000 in the 18 months since he bought the property in the maintenance and debt service of the property after the rents were collected.

When the commission met before the argument was made that as the purchase price was 5% lower than the appraised value, then there is a 5% rate of return which is sufficient. The error in that calculation was that it did not take into account the costs of acquisition. It did not take into account the costs of acquisition, including commissions, or other costs used to originate the loan.

The comment was made that the applicant made a bad loan decision. The money was borrowed from a reputable bank, and the interest rate is a single digit interest rate.

The investment could be looked at in two ways:

- a) The loan on the property had 90% Loan to Value (LTV) ratio.
- b) Whether it is looked at with or without a loan, the purchase price of the investment is \$830,000 plus \$300,000 equals the investment which is the figure that must be calculated on, whether purchased in cash or financed.

Again, the property will not produce any economic return in cash that will reach 5%. Currently the loss is pushing \$50,000 and the applicant will continue to lose money. Mr. Sabey stated that Mr. Pace had said that the applicant is entitled to a reasonable rate of return and that the Commission determined that 5% was a reasonable rate of return. The rate is measured against the total investment which calculation shows that he will never get a reasonable rate of return.

In response to a question from Commissioner Carl, Mr. Sabey stated that his client did perform a due diligence which led him to believe, that once he purchased the property, he could do what he wanted with the property. Leaving it like it is there is no basis for and economic return.

In response to a question from Commissioner Hunter, Mr. Sabey stated that before Mr. Saxey purchased the property, he met with Staff on two separate occasions. He stated that Mr. Saxey was aware of the Historic designation,

but after speaking with Staff, was led to believe that he would be able to proceed with his plans. Based on this belief, he proceeded with the purchase.

Mr. Saxey stated that the first meeting was with the Planner of the Day and the second one was with Doug Dansie. Mr. Saxey stated that Mr. Dansie told him there was a process that he would have to go through to get permission to demolish the structures, but could foresee no major hurdles or stumbling blocks.

Commissioner Hunter stated that neither the Planner of the Day nor Mr. Dansie were present at the meeting to speak for themselves.

Mr. Saxey responded that he had not expected that question.

In response to a question from Commissioner Hunter, Mr. Sabey stated that during the due diligence period, a historic property search was conducted by his listing agent, Babs De Lay. Ms. De Lay discovered the contributing status of the property, which was based on the age of the structures. At that time, he noted that there were other developments in historic areas with properties in better shape than his and those projects had completed the demolition and construction process successfully.

Mr. Sabey responded that the meetings with the Planner of the Day and Mr. Dansie were stated as a matter of record of the past. If the likelihood of approval was an issue, someone could certainly have addressed it before now.

Mr. Sabey stated that he wanted to continue his arguments. Referencing materials which were distributed to the Commission, he listed possible uses for the property:

- The lot is part of the package on the corner of 700 East 300 South. The proximity to the corner limits the access to curb cuts for a driveway or to dig an underground parking area. It would be possible to build a carport with a house atop, but the parcel doesn't pencil out economically, especially when it stands on its own. These lots are vacant for this reason.
- The estimate of the cost involved in creating a PUD does not list all of the costs involved. Even with that, the estimate shows that the operation would result in a little less than an \$800,000 loss. Neither a condominium nor a PUD will show an economic return.
- Material provided addresses the tax credit issue. This property doesn't qualify for a tax credit. A profit of \$1.2 million would be required to qualify for the \$60,000 in tax credit or there would have to be a certain dollar amount of income on the property to qualify for tax credits.

Mr. Sabey then went on to address the remaining Staff Recommendations for reversal of the findings of the Economic Review Panel.

He stated that Mr. Saxey borrowed 90%, which was not unusual for real estate development. It is common practice to leverage the investment as far as possible because the further it is leveraged, the greater the rate of return. Even so, the method used to purchase the property is immaterial because the rate of return is forced to remain as it is.

He further stated that the structures are not unique buildings with any cute features and a continuity of design or with any other historic property nor does it act as a specific buffer to any historic property. They are sandwiched so tightly between other structures that they are too hard to develop. The lot is located on a busy street and faces a three story apartment. There is not an economic return in developing the lot independently.

Mr. Sabey stated that his client has suffered significant economic hardship since purchasing the property. He has been bounced around in the process for almost 17 months. If he can not develop the property, he will lose his home. He is facing financial ruin. It seems that there have been people behind the scenes who have gotten involved, depriving him a fair chance to address statements or actions contrary to a favorable outcome to his application, up to and including making offers to purchase his property on more than one occasion. He asked the Commission to consider the application on its merits and what has been presented in the hearing, not what has been stated or done outside the public meeting.

He further asked the Commission to consider supporting the decision of both Economic Review Panel and the first LUAB decision.

Seeing that there were no further questions from the Commission, the Chair opened the meeting to public comment.

Public Comment

Terry Beever, a neighbor who represents four of five of his neighbors, three of whom are elderly, who all live on Markea, is in support of the project. He stated that Markea is a private street. After moving into the neighborhood ten months ago, he has tried to clean up the area, which he described as a slum. He expressed frustration with McDonalds which abuts the subject property, because the business has failed to comply with a variance which allows them to have a drive-through on the south side of their lot. He particularly cited an accumulation of trash in the designated buffer zone, syringes, sprinklers which he was forced to have repaired with his own funds, and waterlines which he has fixed to try to improve the neighborhood and keep his own property from devaluing further.

Additional problems with the neighborhood include trash and debris, such as syringes, all night parties, and constant police activity due to crime. This has contributed to the neighborhood decline.

He expressed the opinion that home ownership, medium or high ends condos could reverse the trend that his neighborhood has taken. The homeowners on Markea want to increase their property value by increasing the beautification of their street. He stated that the plan looked great and was particularly encouraged by the applicant's plan to incorporate solar into the project. He further stated that approving the project would restore the integrity of the neighborhood, which was lost, and will directly impact him, his neighbors, and all of the residents of the Central City Historic District.

Commissioner Hunter stated that she wanted to state that this gentleman approached her outside the meeting and asked her if the Historic Landmark Commission had a policy on solar panels. She had replied that the Commission had approved one about a year ago.

Cindy Cromer, expressed relief that Mr. Pace returned to the hearing as some of the Commission members were not present for the hearing and she questioned if a quorum still existed. Ms. Coffey assured her that it did. Ms. Cromer then disputed Ms. Coffey's statement that the applicant did not have a lot of time to come up with materials as she believed the Historic Landmark Commission directed him to come up with alternatives a better part of a year ago and certainly LUAB directed him to do so when they remanded the case back. She further expressed regret that she had not brought a calendar or calculator to the meeting so that she could determine exactly how many days the applicant had to produce additional materials to support his claim.

After stating that the amount of materials in the packet was daunting, she passed out a handout which she previously had submitted to the Commission, with a sketched alternate construction plan for the property which spared some of the structures. She explained the proposed multi-family structure in detail. A copy has been filed with these minutes.

Seeing that there were no additional members of the public who expressed the desire to speak, Acting Chair Heid closed the public comment portion of the hearing and moved to Executive Session.

Executive Session

Seeing as the applicant desired an opportunity to rebut the comments made by Ms. Cromer and seeing as there was no dissent from the Commission, the Acting Chair reopened the hearing for public comment.

Public Comment

Mr. Sabey stated that he had four short statements of rebuttal:

- 1) Most of the issues just raised are not issues to be considered before this board. The issues are whether or not the applicant can tear down the structures. He would have to get approval to demolish and if obtained, then bring a plan and get approvals. So the plan submitted by Ms. Cromer is irrelevant.
- 2) Mr. Saxey is not looking to build a PUD. The request was to show the Commission alternatives of economic use. Ms. Cromer's testimony regarding damage to the footprint is irrelevant.
- 3) The lot is not 70 feet wide as stated in Ms. Cromer's proposal.
- 4) The considerations offered regarding "we can do this, we can do that" do not take into consideration the financial cost. There are no economics provided in the scenario that Ms. Cromer submitted. There is no cost estimate. We have shown that just to rehab the properties with the minimal amount of work that would be done on the properties, the cost makes it so that there is no reasonable economic return. Even if it was owned outright and paid for with cash, the economic return doing the minimal amount of work to rehabilitate the property to get it in a rentable condition makes it so that the economic return would be of 4%.

He concluded by asking the Commission to please remember that Mr. Saxey is suffering a huge economic hardship, with a huge economic loss.

Seeing that there were no other members of the public who expressed the desire to speak, Acting Chairperson Heid again closed the Public Comment part of the hearing and opened the Executive Session.

Executive Session

Commissioner Hunter confirmed with Ms. Coffey that the structures were contributing.

Commissioner Norie asked if determination of an immediate return is necessary when applying the Standard for Determination of Economic Hardship.

Mr. Pace replied that a determination regarding of reasonable economic return is expected of the Commission. He explained that a real estate investment, which in nature is risky, should be expected to produce a higher return to justify the risk involved.

Commissioner Norie then stated that the applicant had knowledge of what he was getting into and knew what rents he could expect when he purchased the property. As he now has some debt on his property, the matter more urgent. She then questioned whether the Standards required the Commission to make a determination based on his bad economic decision and thus approve the demolition.

Mr. Pace responded that the applicant's foreknowledge of the property designation is a factor. But that factor can cut both ways. In the instance of a burned out building, the owner would be allowed under the ordinance to tear it down if you can't make an economic return. His due diligence may have said I am willing to take that chance because he recognized the condition of this building and realize that there is no economic return.

At the very least, the applicant is entitled to get a return on his investment. His attorney said had they paid cash, they still would not get a return on their investment. The Commission can decide if the debt service is unreasonable or if the property was purchased for an unreasonable price. Those are factors which would mitigate against their numbers. The finding that this Board has to make specifically is where did the ERP go wrong? Were they arbitrary or what was the error in their finding?

Commissioner Norie stated that the applicant has definitely provided other plans which the Commission should study. She expressed frustration with the lack of time to study the plans as they were not submitted by the applicant in time for their distribution in the packets. As the information was received so late, the Commission would find it difficult to determine, from the submission, whether the applicant had provided sufficient information to discover if the applicant had investigated enough alternate scenarios and thoroughly investigated financial alternatives, to keep the properties and still find a reasonable rate of return on his investment.

Commissioner Hunter acknowledged that the Commission was not looking at design, but stated that the calculation based on what can and cannot be done with the property is based on how many units are considered. Referring to what was brought forward in testimony does have an impact on the financials and determining what is possible. She expressed a great deal of concern regarding the level of detail in the material submitted by the applicant without the adequate time to consider it. She wondered if the applicant has really explored other options.

Acting Chair Heid stated as the material was submitted fairly late, the decision might need to be tabled to give Staff and Commissioners a chance to look at it thoroughly. She suggested as it was late and the Commission had heard several cases in the meeting, which it might be difficult to give the case the attention that it deserved. But, if the case were tabled, that it would be asking Mr. Saxey to wait yet again.

Commissioner Norie stated that she would like to look at other options for reuse. She stated that in the findings in the ERP report it was clear that other options were not investigated fully. The application has always been to demolish all of the structures and there has never been an investigation of keeping one or two of the structures. There might be other options which could also bring an economic return. The Commission has not been given full information. If the Commission did find that there is an erroneous finding of

material fact on the part of the Economic Hardship Panel, could the Commission send it back to Staff to explore other options for the property which would bring a reasonable rate of return to the applicant.

Mr. Pace answered that if the decision was to reverse the findings of the Economic Review Panel then the applicant would have the option to appeal the decision or to go back and try something else. He noted that the applicant has a right to a decision.

Ms. Coffey stated that the applicant has tried to show other scenarios such as putting in ten new condos, relocating a structure, remodeling, and other costs. The Commission might not have had time to review it thoroughly and make a decision tonight, but the applicant is trying to provide information to the Commission to prove an economic hardship.

Commissioner Norie expressed disappointment that the applicant's submission seemed to reflect only one other scenario to leave all of the structures, and the Commission generally agreed that tabling the case to give themselves time to consider the latest submission would be a good course of action. Commissioner Norie stated that if the Commission were to table the case, the Commission should recommend that the applicant would work with Staff to consider as many options as possible.

Mr. Pace stated that K.3.C. of the Ordinance contemplates the Historic Landmark Commission referring the case to the Economic Hardship Panel and then bringing it back and the ordinance says that at the next regular Historic Landmark Commission meeting, following receipt of the finding of the Economic Review Panel the Historic Landmark Commission shall reconvene its public hearing to take final action on the application. He noted that the process is well past that. He cautioned the Commission that the applicant is entitled to a decision and not to be strung along.

Commissioner Hunter stated that the Commission received new materials tonight.

Mr. Pace argued that the issue he heard the Commission express in the meeting was not what was in the materials, but what was not in the materials such as additional alternatives. He asked what the basis for the Commission's decision to table the case would be. If the Commission's decision is the applicant hadn't explored alternatives and the Commission believed that is an error in the ERP's decision, then at that point it is either a basis for denial or the Commission could ask the applicant if he wanted to bring it back at the next meeting on September 19, 2007.

Mr. Pace further stated that the Ordinance contemplates a relative promptness in decision making, which does not match with what has happened. If it is the Commission's decision that it is uncomfortable with the recommendation sent by the Economic Review Panel, but would be willing to

give the applicant the opportunity to fill some of the holes you see in the record, then it is owed to the applicant to say specifically what the applicant needs to submit.

Commissioner Norie stated her concern that that the only scenario given to the Commission was the demolition of all structures on the site.

Seeing as the Commission desired an opinion from the applicant, the Acting Chair reopened the hearing for public comment.

Public Comment

Mr. Saxey stated that leaving one, two, or three structure on the site was discussed with Staff and deemed as irresponsible, which was mentioned in Ms. Coffey's opening comments. He was opposed to tabling the case. He directed the Commission to the Cash Flow Analysis page in the Staff Report. He pointed the bottom three lines where it illustrated his point that he was losing money each day of the last sixteen months.

He stated that he had enough money for approximately four more payments and then he would lose everything. He stated that he has explored the option of putting houses on the vacant lots, attempted to sale the property, and did not feel there was any other option available to him.

Mr. Sabey stated that there was a technical problem with the LUAB hearing. He stated they were told to make the presentation without being told beforehand that there was going to be an opportunity for a presentation. He stated that the Commission wants to know why tabling it for two weeks would be a problem. He responded that the economics show that there are no reasonable alternatives for the property. The items submitted today were in response to the request last time when the Commission asked about the scenarios involving a condo, PUD, and moving the homes. Then in the meeting tonight we hear questions about other alternatives. We do not know of any. There are no economically viable alternatives.

He stated that his client looked for anything that would give him an economic return. That is why he hammered the point that even if the property was purchased with cash, there would be no economic return. He did not overpay for the property per an appraisal on the property. There is an inability to develop the property in a manner that would make a reasonable economic return. That is the very definition of the economic hardship and he has met that guideline. Unless the Commission can point something out that says the ERP is wrong, the Historic Landmark Commission has to adopt the ERP's decision. The applicant cannot find that there is an alternative out there that would work. If the owner cannot make it today with all cash, all cash for rehab with the least amount of work, then there is no alternative.

Commissioner Hunter stated that the Commission received the packet just before the meeting. She asked the applicant if he wanted to have the

Commission and Staff take the time to consider the material or to make a decision based on the material they obtained before today.

Mr. Sabey stated that Mr. Saxey had to hire people to do the drawings and provide the information in the packet and as quickly as he got it, he brought it to Staff. They do answer the questions that were raised previously. As Mr. Saxey did not provide them previously because of the cost to obtain the information and because the ERP recognized in just the basic economics, none of those would work.

In response to a question from Commissioner Carl, the applicant said that when he listed the property for sale, he listed it for the "break even" price which was over the original sales price. It was listed for six weeks without getting any offers.

Mr. Pace stated that the Standard for the Commission was to determine whether or not the Economic Review Panel made an error based on the information before it. The information before you tonight was not before the Economic Review Panel. So this is a supplement.

Mr. Sabey stated that the Panel may not have had the submittal, but they understood the information in that they understood that there was no way it could be done economically. In subsequent discussion, there was a request to see it.

The Acting chair closed the public comment part of the hearing and opened the Executive Session.

Executive Session

Ms. Coffey stated that in the original submittal the only scenario included was the two units on the vacant property. And though the ERP expressed the wish to have more scenarios, they did not feel that there was a way to make an economic return on the property.

Commissioner Carl stated that she knew Claudia O'Grady, a member of the Economic Review Panel and believed that the Panel members were competent.

Commissioner Hunter argued that they only had one scenario presented to the Panel.

Commissioner Carl responded that Ms. O'Grady knew enough of the possibilities for development because that is what she did for a living as she is a developer. She further stated that she is not comfortable in saying that the Panel made an error.

The Acting Chair asked for a consensus and a motion.

Commissioner Norie stated that she agreed with the report that the Panel did not have all scenarios. The Panel did look at one scenario and it would be difficult to come up with other scenarios on the spot. Commissioner Norie agreed with Item 2 of the Staff Recommendations which stated that the applicant failed to come up with adequate analysis of alternate scenarios and item 3 that stated had the applicant adequately analyzed the scenarios, he might have come up with one which would provide an economic return on the property.

Mr. Shaw stated that Staff did not require the additional information, but LUAB did offer him the opportunity to provide the information and he did so with the intent to answer any questions the Commission might have. He did go through an extra effort to satisfy those questions.

The Acting Chair asked if the Commission was required to consider the additional information because LUAB gave a recommendation that the applicant submit additional information and made the consideration of that information part of the remand order.

Mr. Pace affirmed the opinion that the applicant and others could submit information and the Historic Landmark Commission would then decide if the additional information addressed the deficiency in the submittal.

Commissioner Norie stated that she was concerned about making a decision regarding the possible demolition of the structures without additional information.

Commissioner Oliver asked Commissioner Norie what she would specifically ask the applicant to provide the Commission.

Commissioner Norie stated that she would ask them to sit down with Staff and find a way to keep as much of the contributing structures as was possible.

Commissioner Hunter responded that the burden is on the applicant to provide the scenarios.

A lengthy discussion ensued where the Commission discussed the options for tabling the case and asking the applicant to return with additional scenarios which would demonstrate the outcome if more structures were kept on the property. Specifically, an outcome which would allow the applicant to keep some of the structures if not all of them.

The Commission also considered finding that the Economic Review Panel made an erroneous finding of fact.

The Commission discussed each Standard relating to Economic Hardship

- The applicant's knowledge of the landmark designation at the time of acquisition. The Commission agreed with the applicant's statement that he did know of the contributing status of the property.
- The current level of economic return on the property. The commission discussed the financing and holding costs on the property.
- The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any. Commissioner Carl reminded the Commission that Mr. Saxey had indeed attempted to sell his property.
- The infeasibility of alternative uses that can earn a reasonable economic return for the property. Several Commissioners stated that they did not have enough information to consider all of the alternative uses possible for the property.
- Economic incentives and/or funding available to the applicant through federal, state, city, or private programs. The Commissioners had listened to testimony from Mr. Sabey regarding the inaccessibility of tax incentives during the Public Comment portion of the meeting and they noted that there may be a way to use the tax credits if other scenarios proved to be economically viable.

The Commission also considered the findings listed in the Staff Report:

- a. A member of the Economic Review Panel categorized the contributing structures as being non-significant and this categorization was not refuted by the other panel members. (standard 21A.34.020 K 2a);
- b. The applicant failed to look at alternative options (condominium, planned development or relocation scenarios) which may afford a reasonable economic return on the property; 21A.34.020 K2d; and
- c. The failure to analyze the marketability of the property for sale based on the fact that the applicant purchased the property for less than the appraised value and this in itself would provide a reasonable economic return on the property 21A.34.020 K2 c. The Commission did note that the applicant did attempt to sell the property which did not result in any offers.

The Commission discussed whether they thought the ERP had made an erroneous finding of material fact and whether they should require the applicant to return with additional alternatives for reuse of the property, a process which would take up to two additional hearings.

The Commission discussed the findings that staff's recommendation was based upon.

1. The applicant knew of the historic designation and that demolition of the property may not be approved, therefore, he should have more thoroughly analyzed whether leasing the properties would adequately cover the debt service (Standard 21A.34.020K2.a)

2. 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
3. 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.

Mr. Pace stated that if the Commission believed evaluating the information submitted by the applicant that day would change its decision, then it is appropriate to table the decision. However, if the Commission thought evaluating the information would not result in a change of the decision, then they should make the decision tonight.

The discussion continued. Several members of the Commission stated that considering the lateness of the submission of additional evidence from the applicant, the Commission could not reasonably be asked to consider the submission within the context of the meeting. Further, they stated that the ERP erred when they made a decision without tabling the decision and requiring the applicant to return to a second meeting of the ERP and submit additional alternative uses.

Though it was suggested that the applicant be asked one more time if he wanted to have the case tabled so that the Commission could consider his submission and other supporting documentation that he might wish to submit, it was generally agreed that this action would not be beneficial to either the applicant or to the Commission. The Commission thought that the applicant did not submit a scenario that would retain one or two of the structures and therefore, had not made the case that there is an economic hardship.

Motion

Commissioner Norie moved in regards to Case No. 470-06-57, that the Historic Landmark Commission found that the Economic Review Panel made an erroneous finding of material fact because the panel failed to adequately address standard 21A.34.020Kd relating to the feasibility of alternative scenarios that could make a reasonable economic return, specifically that the Panel failed to look at the option of keeping one or two of the structures. The finding of the Historic Landmark Commission was based on Staff Recommendation # 2 and #3 in the staff report as follows:

- 2. 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

- 3. 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.**

The decision is based on the all documents in the record, staff report, testimony, supplemental information submitted by the applicant and all criteria and evidence discussed during the hearing by the Historic Landmark Commission. The Commission notes that the applicant provided some information which included the alternative of keeping all of the structures, but did not explore the alternative of keeping one or two of the structures.

Seconded by Commissioner Oliver.

The Chair stated that the motion passed.

Commissioners Hunter, Norie, and Oliver voted “aye”; Commissioner Carl voted “nay”. As the acting Chairperson, Ms. Heid did not vote.

OTHER BUSINESS

Commissioner Hunter stated that she believed it would be beneficial to have a work session as a standing item on the agenda each meeting. She also wanted to have the Preservation Plan as another standing item, not listed under the Report of the Director. She requested that a motion be made to that effect.

Ms. Coffey responded that it would not be necessary to have a motion, that the items would be placed on the agenda as standing items and noted that sometimes there may not be a work session, but the agenda would reflect that in those instances.

Commissioner Hunter stated that during the discussion regarding a budget item for the care and maintenance of the trees at Pioneer Park, Mr. Pace stated that it would not be appropriate to attach that provision to the motion. Upon further discussion with Mr. Pace in the hall, she asked him why it would not be appropriate for the Commission to assign the City the responsibility for care and upkeep of the trees when a private homeowner can be required by the Commission to carry the burden for care and upkeep of his historic property.

Commissioner Hunter stated that Mr. Pace had conceded that it was appropriate for the City to be assigned the responsibility of the ongoing care and maintenance of the trees, had it been assigned in the original motion.

Therefore, as Commissioner Hunter felt she misunderstood the instruction from Mr. Pace when she suggested amending Commissioner Oliver's first motion, specifically, she understood Mr. Pace to state that the motion should be a separate motion, which subsequently became a letter and not enforceable, she requested that the first motion made by Commission Oliver be revisited so the requirement for a long term treatment and mandatory plan for the trees at Pioneer Park be tied to the approval of the project.

Commissioner Hunter stated that Mr. Pace agreed that as the motion was made in Executive Session, the applicant would not need to be present for a revisit of the vote. As Mr. Pace and some members of the Commission who voted on the motions were no longer in attendance, the Commission agreed that the motion would need to be brought back up at the next meeting before the minutes were ratified.

Ms. Coffey asked Commissioner Hunter if her goal was to require the City to maintain a long term care and treatment plan for the trees in Pioneer Park. Commissioner Hunter stated that this was the case and explained that Mr. Pace had misunderstood her intent when he gave direction regarding the motion. Had she understood the options better, she would have argued for an amendment to the first motion which would require the City to incorporate a long term care and treatment plan for the trees into the first motion.

Ms. Coffey stated that she would ask Mr. Pace for instruction on how to readdress the motion. She also stated that whoever voted in favor of the motion could bring it back up to the Commission for reconsideration.

The Commission generally agreed that the reconsideration would not interfere with the approved project, it would simply add to the original motion if approved by the Commission.

Commissioner Carl agreed to bring the motion to the Commission for reconsideration on September 19, 2007.

There being no further business, Commissioner Lloyd moved to adjourn the meeting at 9:35 p.m.

David Fitzsimmons, Chairperson

Noreen Heid, Acting Chairperson

Kathryn Weiler, Secretary