

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

MINUTES OF THE MEETING

Room 315, 451 South State Street

December 3, 2008, 5:45 p.m.

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on December 3, 2008.

If this is a hard copy of the minutes; to view the attached materials and listen to audio excerpts of the record go to:

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The regular meeting of the Historic Landmark Commission was held on December 3, 2008, at [5:45:49 PM](#) in Room 315 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: Earle Bevins, III, Paula Carl, David Fitzsimmons, Chairperson; Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Warren Lloyd, Vice Chairperson; and Anne Oliver. Commissioner Jessica Norie was excused from the meeting.

Planning staff present for the meeting were: Pat Comarell, Assistant Planning Director; Janice Lew, Principal Planner; Paul Nielson, Senior City Attorney; Joel Paterson, Planning Programs Manager; Robin Zeigler, Senior Preservation Planner and Cecily Zuck, Historic Landmark Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Commissioners Earle Bevins, III, Chairperson David Fitzsimmons, Arla Funk, Polly Hart and Anne Oliver. A quorum was not present; therefore, notes were not taken.

DINNER [5:13:10 PM](#)

Chairperson Fitzsimmons noted that Vice Chairperson Lloyd had recently had the opportunity to meet with the Mayor and staff regarding the Historic Landmark Commission.

Vice Chairperson Lloyd noted that he had met primarily with David Everitt, Chief of Staff, however he had also had some time with the Mayor. He noted that the mayor's office seemed to be very supportive and appreciative of the role the Commission was filling. Vice Chairperson Lloyd noted that the Mayor was supportive of the Preservation Plan as well.

Commissioner Carl noted that she thought she had read somewhere that the Preservation Plan might be put on hold due to a possible budget cut.

Assistant Planning Director Pat Comarell noted that more funds might need to be located to complete the process with the current consulting firm.

Commissioner Hart inquired why they had not used local contractors for the Preservation Plan.

Ms. Zeigler noted that the bids for the plan all came in at about the same price, and therefore, they decided to go with the larger company in order to get more resources out of the deal.

Ms. Comarell noted that the Planning Division was using local contractors for other surveys and master plans.

Commissioner Bevins inquired why the Planning Division did not use their own staff to complete these surveys and master plans.

Ms. Comarell noted that staff was stretched too thin to try and accomplish these updates in addition to their current workload.

Commissioner Funk noted that in the past the Planning Division had volunteers which helped with some of these issues and wondered if this was a possibility.

Ms. Comarell noted that staff would take all the help they could get because they wanted to try and meet the deadlines the Mayor was looking to implement regarding the City's master plans, which was quite overwhelming.

Ms. Zeigler noted that there was a Historic Landmark Commission appeal coming before the Land Use Appeals Board (LUAB) on Monday, December 8, 2008. She noted that the appeal was regarding the Tom Brooks case heard and denied by the Commission on October 1, 2008.

REPORT OF THE CHAIR AND VICE CHAIR [5:45:58 PM](#)

Chairperson Fitzsimmons noted that Commissioner Carl had submitted her resignation as she had accepted a position with the City's Housing Trust Fund Advisory Board. He thanked Commissioner Carl for her service and wished her luck in her new position with the City.

APPROVAL OF THE MINUTES FROM NOVEMBER 5, 2008 [5:47:46 PM](#)

Commissioner Harding made a motion to approve the minutes as amended. Vice Chairperson Lloyd seconded the motion. All voted "Aye". The motion carried unanimously.

REPORT OF THE PLANNING DIRECTOR [5:49:25 PM](#)

Mr. Paterson noted that he had nothing to report for the Planning Division.

COMMENTS TO THE COMMISSION [5:49:41 PM](#)

Kirk Huffaker, on behalf of the Utah Heritage Foundation, noted that he was present to say thank you to the Commission for their work regarding Historic Preservation in 2008. Mr. Huffaker noted that the Heritage Foundation would be holding an Open House on Thursday at Memorial House and all were invited.

Maura McCarthy, local resident, noted that she was looking to build a very green house in a historic district, was present to observe the process and just wished to introduce herself to the Commission.

NEW BUSINESS [5:52:09 PM](#)

PLNHLC2008-00528, Minor Alteration—a request by Jeff Davis, contractor, for minor alterations to a residential building located at approximately 210 North State Street in the Capitol Hill Historic District. The applicant is proposing a change to the roofline, a partial new roof and the repair of brick and stucco. The property is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff: Robin Zeigler, 535-7758, robin.zeigler@slcgov.com) [View the staff report for the item.](#)

STAFF PRESENTATION [5:52:37 PM](#)

Ms. Zeigler reviewed the request for the Commission. She noted that the applicant had previously received approval to remove stucco, repair the damaged brick wall, repair the hidden gutter and install exterior downspouts, however, once the work began the applicant decided to make changes and amend their request. She noted that the request did not meet the design guidelines and staff could not approve it, therefore it was before the Commission.

Ms. Zeigler noted that the project included the replacement of the stucco, replace roofing on the porch, both of which staff felt met all of the guidelines and staff recommended approval of those two items. She noted that the applicant had also recommended changing the roofline to cover the hidden gutter and add the exterior downspouts and gutter. She noted that the guidelines indicated that significant features such as roofing needed to remain the same and be repaired rather than changed or altered. She noted that staff found that standards 4,7, 8, 9, 10, 11 and 12 were not relevant to the project; the proposal did meet standard 1, but it did not meet standards 2, 3, 5, 6 and 9. She noted that staff approved of all proposed alterations excluding the requested change to the roofline of the home.

QUESTIONS FROM THE COMMISSION [5:55:04 PM](#)

Vice Chairperson Lloyd inquired about a detail on one of the submitted drawings.

Ms. Zeigler noted she would let the applicant answer that question.

APPLICANT PRESENTATION [5:55:36 PM](#)

Jeff Davis, 730 West 2100 South, noted that the area Vice Chairperson Lloyd had referenced was brick and that the exterior brick on the home had been almost completely destroyed by water damage due to the failure of the interior gutters. Mr. Davis noted that interior gutter systems were extremely unreliable as there was no way to know if or where an interior gutter was leaking. Mr. Davis noted that the house was elevated a fair amount above street level and this made it quite difficult to see the entire roof of the home.

QUESTIONS FROM THE COMMISSION [5:59:31 PM](#)

Commissioner Oliver requested clarification, noting that it seemed the changes were only to the North and South elevation and no changes to the front end gable would be made.

Mr. Davis noted that this was correct and that there was no internal gutter system on the front end gable. He noted that the gable already had an outside gutter. Mr. Davis illustrated where the changes would occur.

Commissioner Oliver noted that the profile on the North side of the front end gable would change slightly according to Mr. Davis's description.

Commissioner Carl inquired if they could remove the internal gutter and then place external gutters on the home.

Mr. Davis noted that they could do this but would have to remove all of the historic moldings as well.

Chairperson Fitzsimmons inquired if the existing cornice would support the gutter system or the new roof.

Mr. Davis noted that some support would be provided by the cornice, but the old roof trusses would provide most of the support.

Commissioner Funk inquired if the same roof slope would be included on the south end of the front gable.

Mr. Davis noted that it would. He stated that the issue with internal water damage was years old and this was why the home was now covered with stucco.

Commissioner Oliver inquired if the applicant had considered installing a membrane over the existing interior gutter or some other barrier to stop water from draining and causing further damage.

Mr. Davis noted that the change to the roofline was necessary to keep snow load on the truss and not on the internal gutter system.

Vice Chairperson Lloyd inquired what the width of the proposed external half-round gutter would be.

Mr. Davis noted that it would be painted metal, 5" wide and 5" deep.

PUBLIC COMMENTS [6:16:40 PM](#)

Earl Booth, 204 North State Street, noted he believed that the Historic Landmark Commission had a proper place and that he felt the best way to preserve the building would be to do what the applicant proposed. Mr. Booth mentioned some historic photos to the Commission; these photos were not available for the record. Mr. Booth stated that the continuation of water draining improperly could cause failure of the sandstone walls along State Street. He noted that allowing water damage to continue would harm the historic property much more than a slight change to the roofline.

Charlene Booth, 204 North State Street, presented a framed picture of the home from the Utah State Historic Society which illustrated that the roofline of the subject property had been changed several times. She also produced samples of the home's deteriorated brick for the Commission as well as other photographs of the surrounding site. ([View the photos submitted for the record.](#)) She encouraged the Commission to approve the request.

Kirk Huffaker, with the Utah Heritage Foundation, stated that he believed the proposal to be an inappropriate change in the roofline as it was adding a new structure over the existing roofline. He noted that there were other property owners who were choosing to direct water away from the property using practices which did not affect the structural integrity of the historic properties.

Commissioner Funk inquired what materials the aforementioned homeowners were using to direct water away from their homes.

Mr. Huffaker noted that he was not certain, but could find out for the Commission and present his findings to staff.

EXECUTIVE SESSION [6:27:13 PM](#)

Vice Chairperson Lloyd noted that he was not convinced that the drawings accurately reflected how the project would be constructed and that he was concerned about how the projection of the gutter would actually be perceived. He stated that he was also concerned that there might be more options than the one proposed.

Chairperson Fitzsimmons noted that he had neglected to invite the applicant, Mr. Davis, back to respond to the testimony heard from the public.

APPLICANT RESPONSE [6:30:20 PM](#)

Mr. Davis noted that they had looked at other options, but they felt that this was the only feasible option to save the existing internal gutter and exterior moldings for future historic reference. He noted that a membrane roof would not solve the problem as it was also susceptible to very small leaks.

QUESTIONS FROM THE COMMISSION [6:33:01 PM](#)

Chairperson Fitzsimmons inquired if weep-holes could be created to indicate when a leak was occurring.

Mr. Davis noted that he did not think that would be a feasible solution.

Vice Chairperson Lloyd inquired if the sub-fascia would also be replaced, and if so, why wasn't a waterproof barrier being installed.

Mr. Davis noted that everything on the face of the brick would be replaced; however, a waterproof barrier could not be installed as there was a freeze board which was not being replaced.

Commissioner Harding inquired if there was a way to not change the appearance of an internal gutter but change its function so that it acted as an external gutter.

Mr. Davis noted that any enclosure of a system would make it impossible to detect leaks and would immediately begin causing damage to the brick once again. He noted that they were not proposing the easiest solution, but one which they felt would work for the property in the long term.

Commissioner Oliver stated that there was a recommendation from the New York Landmarks Conservancy regarding internal gutters and wondered if Mr. Davis had seen it. She noted that she felt copper would last.

Mr. Davis noted that he had seen that document and felt that the copper would last for a hundred years, however, the issue was with the joints and as soon as the joints were soldered, they could be susceptible to hairline cracks through freezing and thawing, wind damage or drainage material damage, and then someone would have invested a great deal of money into a system which might cause the same water damage.

EXECUTIVE SESSION [6:42:35 PM](#)

Vice Chairperson Lloyd noted that changing the roof pitch would have a very minimal impact on the street façade due to the elevation of the building relevant to the street. He noted that he was still

troubled that the detail was drawn to an accurate scale to reflect what the construction would actually look like. He noted that he still was not convinced there were no other solutions.

Chairperson Fitzsimmons noted that he agreed that there were other options; however, he stated that when the Commission looked at façades where visibility was limited, more leeway was offered regarding design options. Chairperson Fitzsimmons stated that he felt the change would be minimally apparent to those on the street, depending upon the presentation of the gutter.

Commissioner Oliver noted that she felt it was a less obtrusive solution; however, her concern was that the drawings did not indicate how the roofline change would affect the front end gable.

Vice Chairperson Lloyd inquired if the Commission felt comfortable enough to direct staff for a final approval if a detailed motion was provided.

Commissioner Funk inquired if they formed an architectural subcommittee to look at drawings of the front end gable and gutter system in proportion, could the Commission delegate an approval to the subcommittee.

Chairperson Fitzsimmons noted that it was his understanding that the purpose of the subcommittee was to find a solution before returning to the Committee.

Mr. Nielson noted that there was Utah state case law where the Utah Supreme Court had given its blessing to the delegation of authority, however, if they were going to go that route, they would want to table the issue.

Commissioner Funk inquired if they could have such a meeting and then delegate approval to staff.

Mr. Nielson noted that they could delegate the decision to staff; however, he had not seen a Commission delegate approval to a smaller body of themselves.

Chairperson Fitzsimmons noted that it was not part of the Commission's purview to make design suggestions.

Mr. Nielson noted that if the Commission gave staff approval authority, they needed to do so with a specific set of criteria for that approval. He noted that it would make him uneasy to have a smaller body of the Commission make a decision for the entire body.

Commissioner Carl inquired if they might table the item and send it to an architectural subcommittee before returning to the full Commission.

Commissioner Oliver inquired if they could ask the applicant back to indicate how much of a hardship they might endure if the item were tabled.

Chairperson Fitzsimmons noted that they could, but first wondered if there were any sort of agreement as to the gutter treatment.

Commissioner Oliver noted that she felt the current treatment of covering the gutter to be fine, but wanted more detail regarding the size of the gutter and the appearance of the roofline.

Vice Chairperson Lloyd noted that he wondered if removing the final cornice piece and moving the gutter in, creating a more colonial profile wouldn't be a better solution. He noted that half-round gutters worked with a support system, and the detail of the submitted drawing did not adequately represent that support system.

APPLICANT RESPONSE [6:59:08 PM](#)

Mr. Davis noted that they wanted to move forward as soon as was possible. He stated that they had not considered removing the cornice, as they considered it to be a significant historic detail but would do it if required by the Commission.

Vice Chairperson Lloyd inquired if the applicant had a drawing illustrating the attachment system for the half-round gutters and how they would be attached.

Mr. Davis noted that he did not have such a drawing as they did not think that the detail for the gutter would be an issue.

Vice Chairperson Lloyd noted that he had the same type of gutters installed on previous projects and that there was an attachment system involved and felt it was a significant detail.

Commissioner Oliver noted that the pediment and returns were not her concern, but the change to the front profile of the roofline.

Mr. Davis noted that the change was almost identical to the Booths' home at 208 North State Street and was a minimal change mostly visible from the roof itself.

Chairperson Fitzsimmons inquired if the Commission was prepared to make a motion.

Commissioner Bevins inquired if they might require clarification from the applicant regarding the slope of the roof.

MOTION [7:06:51 PM](#)

Commissioner Oliver made a motion in the case of petition PLNHLC2008-00528, that staff recommendation number one could not be addressed as the work had already taken place; regarding staff recommendation number two, there was not enough information regarding the repair of the roof over the porch and therefore it could not be addressed; staff recommendation number three, the Commission would approve the change to the existing roofline after the applicant has provided staff with measured drawings showing the impact of the change in that roofline on the west facing gable end of the house. Regarding the staff findings, based upon section 21A.34.020.G Standards for a Certificate of Appropriateness for Alteration of a Landmark Site or Contributory Structure; standard number 1 does not apply; number 2 does apply as important historic features were being preserved only making minimal alterations to character defining features; number 3 does not apply, the changes do not provided a false sense of history or architecture; standard 5 applies, the approach to the home had been one of substantial historic preservation in retaining all of the eave and cornice elements and only a change in the roofline is proposed; standard 7.1, preserve the original roof form, avoid altering the angle of a historic roof, instead maintain the perceived line and orientation of the roof as seen from the street, crucial language, believing that due to the sighting of the house the perceived line of the roof would be maintained, assuming that submitted drawings shown to staff illustrate that this is true; standard 4 does not apply; standard 6, deteriorated features will be restored where feasible, agreeing with the applicant that the preservation of the building overall was more important than the restoration of the box gutter; standards 7 and 8 do not apply; standard 9 applies, essential form and integrity of the structure will not be unimpaired as the box gutter will be retained and the new roof could be removed as the eave and underlying structure would still exist.

Commissioner Carl seconded the motion.

DISCUSSION OF THE MOTION [7:12:22 PM](#)

Commissioner Harding stated that her understanding of the motion noted that the approval did not give staff authority to bring it back to the Commission.

Commissioner Oliver amended her motion to note that if staff felt that the proposed alteration to the roofline did substantially impact the front end gable, they could bring it back before the Commission.

Mr. Paterson requested clarification regarding the beginning of the motion and its address of staff recommendations one and two.

Commissioner Oliver noted that she did not feel the recommendations applied as the work had been done and thought it had been addressed by staff's original administrative decision.

Ms. Zeigler noted that the first two items required decisions as they had not been administratively approved, even if some of the work had already been completed.

Commissioner Oliver amended her motion to include approval of the first two staff recommendations as follows:

- 1. Approve the repair of brick and stucco.**
- 2. Approve the replacement of the roofing material for the porch.**

Commissioner Oliver noted that in the future she would like to have more information about proposed treatments for historic brick and stucco.

Commissioner Funk inquired if staff recommendation number four needed to be addressed as well.

Commissioner Oliver noted that they did not need to address staff recommendation number four as they were not requiring the internal gutters to be repaired to the point that they would be used again with external downspouts.

Commissioner Carl seconded the amendments to the motion.

All voted "Aye". The motion carried unanimously.

Chairperson Fitzsimmons called for a five minute recess at this time. [7:15:23 PM](#)

Petition PLNAPP2008-00683 Bolo Group, Appeal of Administrative Decision—a request by the Bolo Group, represented by Matt Gilbert of SignSource, for an appeal of an administrative decision regarding the property located at approximately 220 South 700 East Street in the Central City Historic District. The proposed project includes the installation of new signage for the retail complex, 2nd & 7th Marketplace. The property is zoned CB, Community Business District and is located in City Council District Four, represented by Council Member Luke Garrott. (Staff contact: Janice Lew, 535-7625, janice.lew@slcgov.com) [View the staff report.](#)

STAFF PRESENTATION [7:20:15 PM](#)

Ms. Lew noted that the Commission had approved exterior alterations for the building in June of 2007. She noted that the exterior signage had been removed at the time of new construction.

She stated that the previous pole signs had been installed prior to the establishment of the Central City Historic District in 1991. Ms. Lew reviewed photographs of the 700 East and 200 South frontages as well as materials for the proposed pylon signage. She noted staff found that the project failed to substantially comply with the standards in 21A.34.020.H as well as standards included in the Commission's policy document regarding signage and therefore recommended that the request be denied. Ms. Lew then read the Commission the recommendation from the staff report. Ms. Lew noted that there was other modern signage in the area; however, those signs were approved prior to the designation of the Central City Historic District.

QUESTIONS FROM THE COMMISSION [7:26:31 PM](#)

Chairperson Fitzsimmons inquired what the age of the existing pole signs in the area were.

Ms. Lew noted that she believed those signs had been erected in the 1980s. She noted that the Chevron sign had been approved in 1987 and the McDonald's freestanding sign had been approved in 1984.

Vice Chairperson Lloyd noted that staff's findings regarding standard number two found that the proposed design was out of character with that portion of the block and inquired if the block face still maintained a residential feel.

Ms. Lew noted that the 200 South frontage was still quite residential and on 700 East, the Commission had recently approved new residential units with the Eric Saxey project.

Chairperson Fitzsimmons inquired if staff felt that there were any acceptable possibilities for signs at that location.

Ms. Lew noted that staff had recommended a low-key monument or low pole sign to the applicant.

Chairperson Fitzsimmons inquired if there were any height requirements.

Ms. Lew noted that there were no specific requirements in the policy document but that the document called for a more "human" scale.

Commissioner Carl inquired if the design met all requirements as far as the materials were concerned.

Ms. Lew noted that it was consistent; however, back-lit signage was discouraged.

Chairperson Fitzsimmons inquired if there was a perceived difference, in residential frontages, and if different sized signs would be appropriate for the different frontages.

Ms. Lew noted that she thought both frontages were residential in character, but conceded that the 700 East frontage could be viewed as the 'front' of the project and not as residential as 200 South. She stated that the applicant was proposing identical signage for both frontages.

APPLICANT PRESENTATION [7:32:41 PM](#)

Russ Naylor, project architect, noted that from the beginning, the intent of the client was to improve the property. He stated that they had previously had two pole signs, and the tenants would expect pole signs at the end of the process as well. He noted that now the applicant felt rather badly for removing them, however, they wished to remain competitive in the retail market and felt the proposed signage was appropriate and not out of scale.

QUESTIONS FROM THE COMMISSION [7:37:49 PM](#)

Vice Chairperson Lloyd noted that the proposed sign came very close to meeting the standards in the CB business district.

Mr. Naylor noted that they had felt there had been a difference in interpretation between themselves and the City regarding these requirements, however, it had been their intent to meet those criteria and they would adjust the sign size if necessary.

Chairperson Fitzsimmons inquired how a denial would affect the applicant.

Mr. Naylor noted that this might not leave the applicant with many options, but they would be willing to consider any suggestions the Commission might have. Mr. Naylor invited his client forward to respond as well.

Nick Schumann, with Bolo Corporation, the property owner, noted that they had attempted to create a pedestrian-friendly development. He stated that with respect to the signage itself, they had thought there would be no issue with removing the pole signs and replacing them with something similar. He noted that they felt the proposal to be suitable regarding retail competitiveness.

Commissioner Carl inquired if they thought a monument sign would give the project sufficient visibility.

Mr. Schumann noted that visually, he felt a monument sign to be more of an obstruction, as a partial wall blocking the site itself from view. He stated that there was also an easement issue parallel to 7th, which did not provide much latitude as to where they could place the sign, which was one reason for the off-center pole.

Vice Chairperson Lloyd noted that to clarify, the asymmetrical placement of the sign allowed the applicant to meet the conditions of the 700 East easement.

Mr. Schumann noted that this was true.

Matt Gilbert, sales manager of SignSource, noted that the original proposal had met the necessary criteria. He stated that when they had made their agreement with the property owners they had come back to the City with the current proposal. Mr. Gilbert stated that at that time, Alan Mikkelsen in Building Services had referred the issue to Planning and the Historic Landmark Commission. He noted that they wanted to do things according to code, and the sign code for the CB district specifically allowed a sign the height of 25', must sit back 15' and is allowed a 6' projection. Mr. Gilbert noted that the proposed signage was 21', and met the other requirements. He noted that on the last page of the staff report, Mr. Paterson had noted that the pole sign face was greater than the allowed 100 square feet; he noted that the sign face calculation included the sign face, surface, treatment and surrounding material, panel, trim, and ornamentation. He noted that within the Ordinance however, the sign face and sign surface definitions were differentiated and he was not certain the correct standard had been applied.

Chairperson Fitzsimmons noted that they understood the difference according to the Ordinance, but that as part of a property within a historic district, it was the Commission's duty to address if the proposed signage was appropriate, particularly within a residential area.

Mr. Gilbert noted that the language for historic districts contained within the Ordinance did not address pole signs specifically; it seemed to only address building signs. He noted that they felt that they had proposed an option which met City codes. He noted that monument signs often attracted vandalism as well which was something the owners wished to avoid.

Vice Chairperson Lloyd noted that the two main signs would be comprised of aluminum face signage and then illumination from behind. He inquired what the sides on the sign would be comprised of.

Mr. Gilbert noted that at night, the face would be dark and only the letters would be illuminated, and the framing would be stucco-coated aluminum to match the stucco finish on the building.

Vice Chairperson Lloyd inquired if the stucco treatment was required or if it could be removed.

Mr. Gilbert noted that they could reduce the overall height to 10' if necessary by eliminating a foot of the height of the sign, and thus reducing the overall square footage. Mr. Gilbert noted that the smaller tenant signage would be dark with backlit white lettering.

PUBLIC COMMENTS [7:59:30 PM](#)

There was no one present from the public to speak to the item.

EXECUTIVE SESSION [7:59:44 PM](#)

Commissioner Harding stated that she was in the area a lot and felt that the guidelines were generally appropriate but felt as though there might be a need for compromise between the two street frontages.

Commissioner Funk noted that she felt that the signs should be consistent on both frontages, but that the signage on the stores was very prevalent and felt that there was a precedent for lowering the height of the signs and that the proposal should meet the outlined criteria. She noted that she would much prefer a front-lit sign rather than a backlit sign for a historic district.

Commissioner Hart noted that she felt the sign on at least 200 South should be slightly smaller as it was a more residential frontage than 700 East.

Commissioner Funk stated that the one argument she would make for a larger sign on 200 South was that there was not the same exposure to the building signage as there was from 700 East.

Commissioner Oliver noted that being in a historic district there was not a lot of competition as far as other larger retailers were concerned. She stated that she applauded their efforts in creating a more pedestrian friendly, aesthetically pleasing commercial development. She noted that she felt a smaller sign would be appropriate and would be in keeping with a more pedestrian friendly development such as this.

Vice Chairperson Lloyd noted that he would recommend that the applicant reduce the signage to completely meet the requirements of the ordinance. He stated that he felt it was critical to see signage from vehicular traffic on both frontages and that he did not agree with up-lighting of signage as it worked against environmental dark-sky initiatives which would be of increasing concern in the future.

MOTION

Commissioner Funk made a motion in the case of Petition PLNAPP2008- 00683, to deny the appeal for the following reasons; the scale and form, the sign does not meet the guidelines of scale outlined for the CB district, it should be reduced in size to meet those requirements; composition of principal facades, the materials used are only partially historic in nature and an attempt should be made to create a sign with materials more in context with the design of the building itself; other standards do not apply.

Commissioner Hart seconded the motion.

DISCUSSION OF THE MOTION [8:11:42 PM](#)

Commissioner Harding inquired if staff would be allowed to work with the applicant to find a suitable alternative.

Commissioner Funk amended her motion directing the applicant to work with staff to reduce the size of the sign until it is appropriate for the historic district.

She noted she was still concerned about the backlighting of the sign.

Mr. Nielson noted his concern regarding a denial action with additional conditions upon the applicant where the denial action should finalize the decision of the Commission.

Chairperson Fitzsimmons inquired if they could approve the petition with conditions wherein the applicant returns to work with the staff.

Commissioner Funk stated that this was her original intention.

Commissioner Funk withdrew her motion.

Commissioner Hart noted that this was something that was originally decided administratively and it was the Commission's purview to approve or deny the appeal, but the applicant could return with a modified request at a later date.

Mr. Nielson noted that Commissioner Hart was correct; it was the Commission's duty to decide whether or not staff applied the correct ordinances to the request.

Commissioner Funk stated that there had been discussion of a monument sign and noted that she did not feel that a monument sign accomplished the development's purpose.

SECOND MOTION [8:17:15 PM](#)

Commissioner Funk made a motion in the case of Petition PLNAPP2008-00683, to deny the appeal and refer the applicant back to planning staff for approval of a sign which meets the size specifications for the CB district and that the sign not be backlit.

DISCUSSION OF THE SECOND MOTION [8:18:20 PM](#)

Mr. Nielson noted that if they denied the appeal, that meant that the Commission supported staff's determination which would make it unusual to send it back to staff for their consideration. He noted that if the motion was to deny the appeal the motion could indicate the types of changes which would make the proposal more amenable to the Commission in a future application.

Mr. Paterson noted that often, the Commission delegated approval to staff subject to certain criteria.

Mr. Nielson noted that this was not the typical type of application which the Commission usually heard. He noted that if the motion were to deny the appeal, that would really be the end of the story and if the motion were to approve the appeal, then conditions could be added and the application could be delegated again to staff review.

Commissioner Oliver noted that she felt the direction the Commission was headed was the same direction staff was headed and a flat denial would meet the Commission's needs.

Commissioner Carl inquired if this meant the applicant would need to start over.

Mr. Nielson noted that this was true; a denial would require the applicant to start over.

Ms. Comarell stated that if there was a fee involved, the Commission could request that the Community and Economic Development Director waive that fee.

Commissioner Funk noted that it made much more sense to her to deny the appeal, request the fee waiver and send it back to staff.

Mr. Paterson noted that the petition could be considered administratively and there would be no fee involved.

Commissioner Funk noted that she would approve of the applicant responding to these comments.

Chairperson Fitzsimmons reopened the public hearing to allow the applicant to respond.

APPLICANT RESPONSE [8:24:42 PM](#)

Mr. Glibert noted that staff had stated that the only thing that they felt comfortable approving administratively was a 6' tall monument sign. He stated that this is why they filed the appeal application, this option was not something they felt they could accomplish. He noted that if the Commission returned the application to staff without conditions they might find themselves in the same situation.

Vice Chairperson Lloyd inquired if he might propose an alternative motion.

Commissioner Funk withdrew her second motion.

THIRD MOTION [8:25:59 PM](#)

Vice Chairperson Lloyd made a motion to approve petition PLNAPP2008-00683, the appeal to the administrative decision with the following conditions:

- 1. That the applicant reduce the sign area to meet the standards set forth by the Zoning Department, particularly the 100 sq foot area requirement;**
- 2. That the applicant propose alternate methods of lighting the sign which would reduce the backlit portions of the sign;**
- 3. Address the staff findings that the character of the development has become less commercial than previous, finding that a monument sign would not serve the interest of either the applicant or the neighborhood due to the unique visibility of the project;**

4. Work with staff to find an acceptable way to illuminate the sign.

DISCUSSION OF THE THIRD MOTION [8:28:03 PM](#)

Commissioner Carl inquired if the Commission should clarify how to determine the 100 sq ft area.

Vice Chairperson Lloyd noted he felt that the 100 sq ft should be the entire area of the sign front including the frame of the sign.

Commissioner Harding seconded the motion.

Mr. Paterson noted that the Commission did not have the authority to modify the basic zoning standards for how to modify the area of the sign.

Chairperson Fitzsimmons noted that in terms of establishing scale and form, they did have the option to limit the size to 100 sq feet.

Mr. Paterson noted that this was correct, but they could not change the standard by which the area was measured. He stated that the Commission could make the recommendation that a smaller sign was appropriate, but what he had heard was that the sign should meet the Central Business (CB) District standards.

Vice Chairperson Lloyd amended his motion regarding condition number one to request that the applicant meet the CB District standard.

Commissioner Harding seconded the amended motion.

Mr. Paterson requested clarification regarding the amount of internal illumination of the signage.

Vice Chairperson Lloyd noted that it was his understanding that the only portion illuminated would be the colored lettering.

Vice Chairperson Lloyd stated that he felt that the Commission needed to assist Planning staff with some direction regarding the backlit sign.

Ms. Lew noted that from experience with similar signs, supposedly opaque signs still seem to have a sort of ambient glow when not dealing with a metal face that had been routed out and backed with a plastic.

Chairperson Fitzsimmons called for a vote.

Commissioners Bevins, Carl, Funk, Harding, Hart and Vice Chairperson Lloyd voted “Aye”, Commissioner Oliver voted “Nay”. The motion carries 6-1.

Vice Chairperson Lloyd recused himself for the remainder of the evening, noting that his architectural firm was representing the next applicant.

Petition PLNHLC2008-00662 Drayton Condominiums, Minor Alterations—a request by Alex Hertz Locke Investments, represented by Lloyd Architects, for minor alterations of the property located at 1121 E. First Avenue in the Avenues Historic District. The proposal includes rebuilding an addition on the rear of the building that exceeds the maximum building height in the zoning district. The legal non-complying property is zoned SR-1A, Special Development Pattern Residential District

and is located in City Council District Three represented by Eric Jergensen. (Staff contact: Janice Lew, 535-7625, janice.lew@slcgov.com) [View the staff report.](#)

STAFF PRESENTATION [8:35:04 PM](#)

Ms. Lew noted that the applicant requested approval to rebuild a rear addition to a multi-family structure. She reviewed photographs of the existing property. Ms. Lew noted that the application substantially complied with all requirements and that the additional height request would be in-stead with the current building's height. She stated that staff recommended approval with the conditions proposed in the staff report.

QUESTIONS FROM THE COMMISSION [8:40:04 PM](#)

Commissioner Harding inquired what direction Planning Staff would require from the Commission as outlined in condition number one.

Ms. Lew noted that this condition would make it so that the plans approved were the plans submitted at the time the permit was take out and that these plans correlated with any suggestions that might be given by the Commission during the hearing.

Commissioner Hart noted that historically oftentimes the Commission requested that an addition be stepped back a couple of inches and requested why this one wasn't that way.

Ms. Lew noted that the existing addition was flush with the building and that there was a change in material to provide additional separation between what was old and new. She stated that in the recent past the Commission had requested date stamps be placed on the addition and that could be something the Commission might add to the request.

APPLICANT PRESENTATION [8:42:24 PM](#)

Darren Miller, builder for the project, noted that the applicant was not able to attend and would answer any questions that the Commission might have.

QUESTIONS FROM THE COMMISSION [8:43:03 PM](#)

There were no questions from the Commission.

PUBLIC COMMENTS [8:43:20 PM](#)

There was no one present to speak to the item.

EXECUTIVE SESSION [8:43:34 PM](#)

Chairperson Fitzsimmons noted that the comment he had heard was about the sides of the addition being flush with the historic structure, but that the drawing seemed to indicate a substantial difference in the materials used between the two.

Commissioner Funk noted that she did not have any issue with the proposal as the addition was not readily visible from the front, it was very much a similar proposal in terms of what was already present on the rear of the structure and it made it work better to have the additional height requested as well.

Commissioner Hart noted that she did not take issue with the addition not being setback, but had been curious as to why it was usually requested and not in this case.

Chairperson Fitzsimmons stated that he felt the proposed addition would be a great improvement over the existing structure on the rear of the building.

MOTION [8:45:18 PM](#)

Commissioner Carl inquired if they could simply approve without listing all of the reasons as to why according to findings.

Mr. Nielson noted that if they agreed with staff's recommendation, the findings were outlined in the staff report. He noted that he felt the discussion by the Commission in this case to be sufficient.

Commissioner Carl made a motion to approve Petition PLNHLC2008-00662 based upon staff recommendations.

DISCUSSION OF THE MOTION [8:46:41 PM](#)

Commissioners Funk noted that the motion should address the staff conditions, particularly numbers three and four.

Commissioner Harding noted that the Commission must be specific regarding what they concluded regarding the reasoning of staff.

Commissioner Carl amended her motion to include the following conditions as listed in the staff report:

- 1. Approval of the final details of the design 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 and/or Board of Adjustment**
- 3. The Historic Landmark Commission allows a modification to the maximum building height standard not to exceed the height of the original building at the rear and as depicted in the attached application.**
- 4. The Historic Landmark Commission allows a modification to the maximum exterior wall height standard not to exceed the wall height of the original building at the rear and as depicted in the attached application.**

Commissioner Funk seconded the motion.

All voted "Aye". The motion carried unanimously.

Petition PLNHLC2008-00591 Cannon Match Law Offices, Appeal of an Administrative Decision – a request by Elizabeth Blackner, representing Dianna Cannon, to appeal an administrative decision regarding the proposed replacement of windows on an office building located at approximately 633 E. South Temple in the South Temple Historic District. The property is zoned RO, Residential/Office District and is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Janice Lew, 535-7625, janice.lew@slcgov.com) [View the staff report.](#)

Commissioner Harding noted that she knew the applicant as a law peer, but felt that this had no bearing on the hearing item and felt she could act without bias.

No one objected to Commissioner Harding remaining for the hearing item.

STAFF PRESENTATION [8:49:42 PM](#)

Ms. Lew stated that the applicant had decided to appeal an administrative decision that denied the removal of original metal windows to be replaced with metal windows of a different design. She noted that staff found that the updated survey for the district had rated the building as contributing. Ms. Lew reviewed the character defining features of the structure. She noted that the applicant was looking to receive LEED points in replacing the windows and the windows on the east and west sides had already been replaced. Ms. Lew stated that the new proposal would reduce the total area of glazing. Ms. Lew noted that staff found that the application failed to substantially comply with the applicable standards and therefore recommended that the appeal be denied.

QUESTIONS FROM THE COMMISSION [8:57:23 PM](#)

Chairperson Fitzsimmons noted that the building was not yet 50 years old and inquired why it was still then considered contributing.

Ms. Lew noted that the latest survey which was conducted established that the property was within an established district and the updating of surveys prevented stagnation of historic districts.

Chairperson Fitzsimmons inquired how the fifty year rule applied in the case of a building which was not yet fifty years old.

Ms. Lew noted that there other criteria besides the age of a building, such as its historic significance and architectural style. She stated that staff would typically look at the survey and base their review upon the results of that survey and in this case, the district survey identified the structure as contributory.

Commissioner Carl inquired why they were considering the windows.

Ms. Lew noted that typically the Commission would consider wood windows, but in this case the original windows were on an office building and were aluminum.

Commissioner Hart noted that the rule of thumb when conducting a historic survey was to include buildings that were about 45 years old, so buildings coming of age are not excluded in the near future after the survey results are incorporated.

Ms. Lew stated that it was somewhat of a younger building and windows on such buildings were not always of the best construction either.

Commissioner Funk inquired if staff would approve new windows if the new configuration matched the current configuration.

Ms. Lew noted that the issue was not only of the configuration of the windows, but also of the overall glass size and window mutins.

Chairperson Harding inquired if staff felt the original divided pane was part of the overall symmetry of the primary façade.

Ms. Lew noted that it was the original configuration and therefore, any alteration might be considered inappropriate.

Commissioner Bevins inquired when the windows on the west side were replaced.

Ms. Lew noted that she had not found any record indicating when those windows had been replaced.

APPLICANT PRESENTATION [9:05:41 PM](#)

Liz Blackner, the project architect, noted that she had an email from Cory Jensen, from the State Historic Preservation Office regarding the status of the property. Ms. Blackner noted that the letter indicated that the property was not contributory on the National Register. She stated that the intent of their application had been to increase the number of operable windows in order to achieve a LEED credit. She noted that they had not been told that it was a requirement to match the original configuration of the windows exactly. To view Mr. Jensen's letter, click [here](#).

Chairperson Fitzsimmons inquired who Cory Jensen was.

Ms. Comarell noted that Cory Jensen was the key staff person in charge of getting nominations on the National Register in the State Historic Preservation Office.

Ms. Blackner stated that they had presented two possible options at a meeting with Mr. Paterson, Ms. Lew and Ms. Comarell and passed copies of these options to the Commission for review. To view that handout, click [here](#). She stated that they had experienced an issue with the Buzz Center regarding the original design proposal.

QUESTIONS FROM THE COMMISSION [9:11:47 PM](#)

Commissioner Carl inquired about the profile of the additional divided mutin.

Ms. Blackner noted that the divided mutin was part of a very narrow profile window. She noted that the intent was to install double-paned windows to provide the energy efficiency required for LEED and that they would therefore require a wider profile.

Commissioner Bevins inquired if the windows which had been replaced on other elevations were up to LEED standards.

Ms. Blackner noted that she was not certain if they were all up to LEED standards, however they had improved the building's energy efficiency when compared to the original windows. She noted that not all of the windows on the west side had been replaced.

Commissioner Oliver inquired if the applicant was equally open to either of the proposed options which had been presented to the Commission.

Ms. Blackner noted that they preferred the first option; however, they would be open to any option which would provide them with the necessary operable windows to achieve the needed LEED credit.

Chairperson Fitzsimmons invited Dianna Cannon, the applicant, forward to address the Commission at this time.

Ms. Cannon noted that when they had gone through this process, they had tried to retain as much of the character of the original building as possible.

Commissioner Hart noted that the second option shown to the Commission went back to would include the original number of windows.

Ms. Blackner noted that this was correct, and that the first option was different because the sliders were the largest size of slider windows allowed. She noted that LEED certification would be of even greater concern in the future and the buildings from the 1960s were built to rely on mechanical ventilation systems.

PUBLIC COMMENTS [9:19:35 PM](#)

There was no one present to speak to the item.

EXECUTIVE SESSION [9:19:48 PM](#)

Commissioner Carl noted that she had no issue with the proposal and did not feel that it compromised the character of the building.

Chairperson Fitzsimmons noted that he believed the Commission needed different standards in the Preservation Ordinance now that cheap metal windows were beginning to be considered historic.

Commissioner Harding noted that she felt the odd symmetry of the vertical windows to be a character defining feature, however, felt that compromise might be suitable, particularly option two presented to the Commission.

Commissioner Oliver noted that she supported option number two as well.

Commissioner Bevins noted that he was also in support of option number two.

MOTION [9:23:38 PM](#)

Commissioner Hart made a motion to approve petition PLNHLC2008-00591, according to option number two presented by the applicant at the meeting, with the following findings; standard 2, the historic character of a property shall be retained and preserved, the rhythm of openings is sympathetic to the current rhythm of openings, the removal of historic materials is mitigated due to the replacement with LEED standard windows; standard 3, all sites, structures and objects shall be recognized as products of their own time, this has been achieved with the chosen metal windows; standard 5, distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved, the features of the windows are characteristic of the property; standard 6, deteriorated architectural features should be repaired rather than replaced, is not applicable; standard 8, contemporary design for alterations and additions to existing properties shall not be discouraged, is not applicable as they are not destroying significant materials; standard 9, additions or alterations shall be done in such a manner that they could be removed in the future, is sympathetic as they are not changing the brick façade or the shape of the opening; and standard 12 is not applicable.

Commissioner Oliver seconded the motion.

DISCUSSION OF THE MOTION [9:27:10 PM](#)

There was no discussion of the motion.

All voted “Aye”. The motion carried unanimously.

OTHER BUSINESS [9:27:39 PM](#)

Commissioner Oliver made a motion to adjourn.

Commissioner Bevins seconded the motion.

All voted “Aye”. The meeting stands adjourned.

Cecily Zuck, Historic Landmark Commission Secretary