

HISTORIC LANDMARK COMMISSION STAFF REPORT

Petition 470-07-50, Consideration of Contributing
Status, Overland Development Corporation,
Located at Approximately 50 South 700 East in the
Central City Historic District
February 20, 2008



Planning and Zoning
Division
Department of Community
Development

Applicant: Overland
Development Corp.

Staff: Robin Zeigler, 535-7758,
robin.zeigler@slc.gov

Tax ID: 16-05-101-006

Current Zone: RMF-35

Master Plan Designation:
Medium Density Residential
(15-30 dwelling units/acre)

Council District: Council
District 4, Luke Garrott

Historic District: Central City

Acreage: 0 .16

Current Use: Vacant
Residential Structure

Applicable Land Use

Regulations:

- 21A.34.020 (H)

Attachments:

- A. Photos of existing
building
- B. Photo from Tax
Assessor
- C. Copy of Survey Form

REQUEST

The applicant requests changing the HLC consideration of contributing status of this structure from contributing to non-contributing.

PUBLIC NOTICE

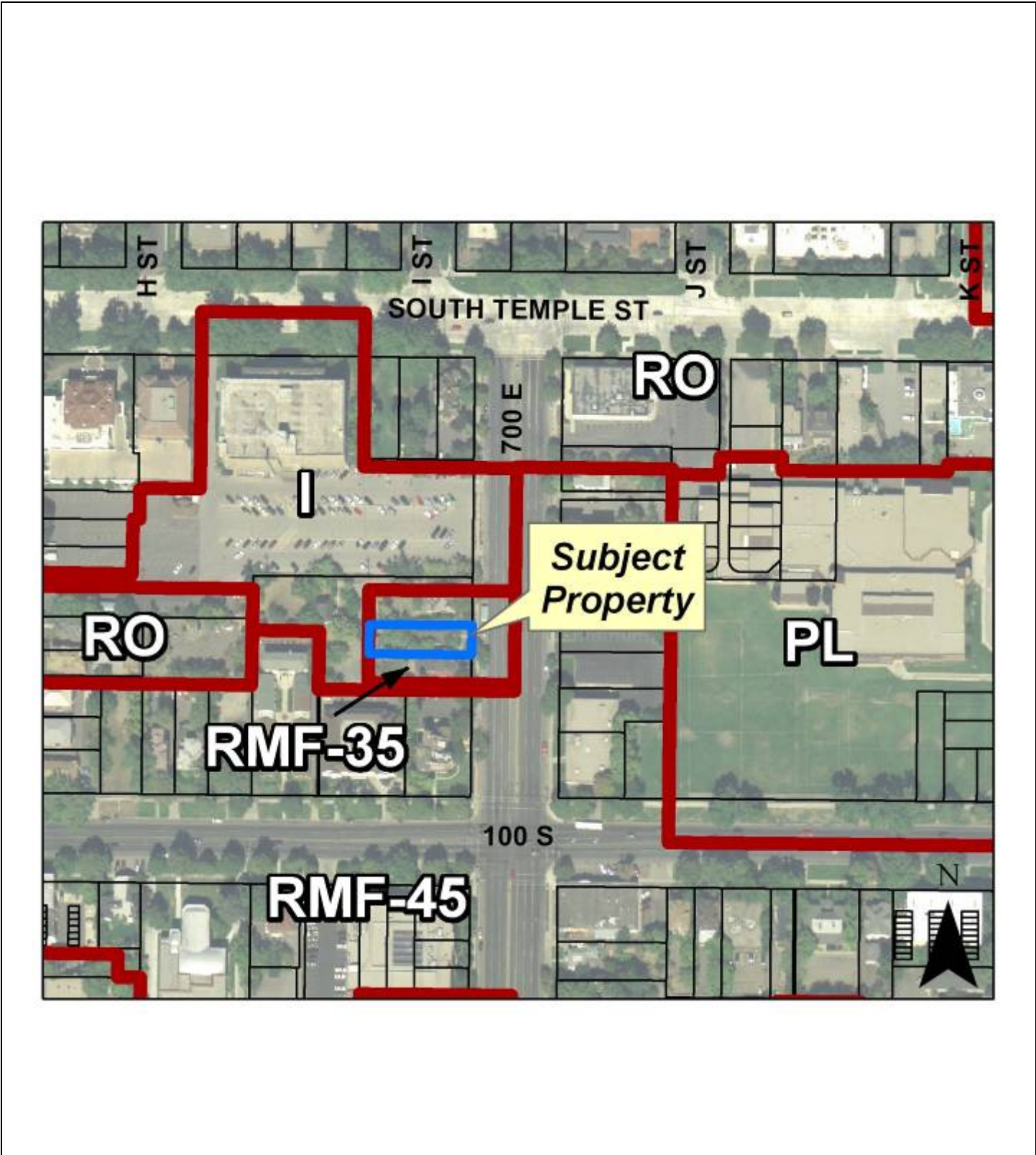
A notice was mailed to all property owners within 85 feet of the subject property on January 22, meeting the minimum 14 day notification requirement of the Ordinance. Community Council Chairs, Business Groups and others interested parties were also notified through the Planning Division's listserv.

STAFF RECOMMENDATION:

Based upon analysis and findings in this staff report, Planning Staff recommends the Historic Landmark Commission deny the application for non-contributing status for 50 South 700 East because:

1. the structure meets the criteria in 21A.34.020.C.2. iii and iv, and
2. the structure retains its historic integrity.

VICINITY MAP



COMMENTS

PUBLIC COMMENTS

No public comment regarding this application has been received.

BACKGROUND

The structure at 50 South 700 East is a 1.5 stories, frame, transitional bungalow style dwelling constructed circa 1905. The massing of the structure and a few details such as the dormer window are characteristic of the bungalow form but several of the details of the house, including the spindled frieze, the shingles in the gable field, and the blank lower pane with patterned upper pane window (seen in the older tax image, attachment B) are Victorian in style. The foundation is stone, the siding is brick, and the hipped roof is asphalt shingle.

The property was boarded up in 1999. The presently boarded windows were originally mostly one-over-one double hung wood sashes. The partial-width porch has an open decorative frieze and round wood columns resting on an enclosed shingled railing. The gable field of the porch has wood shingles in a diamond pattern. According to the survey, the dwelling was likely constructed as rental property by Emma L. Armstrong and family.

The property was surveyed in 1980 as part of the Central City survey project. It received local historic designation in 1991 and was then listed in the National Register of Historic Places in 1996.

The exterior of the home, although in poor condition, has not undergone any major changes since the architectural survey was completed in 1980. The property has been vacant for multiple years, and as a result, now has interior structural damage and smoke and water damage from at least two fires.

The house was considered a contributing structure to the Central City Historic District National Register listing in 1996. The “Statement of Significance” for the nomination reads as follows:

The Central City Historic District is significant under National Register Criteria A and C. Under Criterion A, the district reflects the period of growth and changing residential and commercial patterns during a period of industrialization and population growth in Salt Lake City. The period of significance of the district is 1870 to 1930, which represents a growth in population in Salt Lake City from 12,854 in 1870 to 118,110 in 1920. This period of significance represents a shift in the economic structure of the community from an agricultural based community to that of an industrial and commercial society. As of the first decade of the twentieth century Salt Lake City no longer represented an isolated religious community, but a politically and economically mainstreamed American city. The growth of transportation networks within the city, the circa 1910 construction of Trolley Square by the Utah Light and Power Company, and the quick infill of the subdivisions and interior streets of the blocks in the district stand as an architectural testament to the growth of the city at this time.

The district is important under Criterion C due to the large number of excellent examples of the styles popular in Salt Lake City and Utah during the first quarter of the twentieth century. The district contains numerous buildings of both significant as well as modest examples of the work of prominent Utah architects. Most of the buildings display the craftsmanship of design and construction materials associated with the era of the significant period, 1870 to 1930. The range of residential building types includes small adobe pioneer homes, Victorian cottages, bungalows, prairie style homes as well as urban apartment buildings. The majority of the residential buildings date from 1895 to 1925, representing the end of the Victorian era and the beginning of the Progressive Era. Residential

construction represents the hallmark styles from both eras; Victorian Eclectic; Queen Anne; Period Revival; Craftsman bungalows and Prairie Style.

ZONING ORDINANCE AND DESIGN GUIDELINES

21A.34.020 B. Definitions:

2. **Contributing Structure:** A contributing structure is a structure or site within an H Historic Preservation Overlay District that meets the criteria outlined in subsection C.2 of this section and is of moderate importance to the city, state, region or nation because it imparts artistic, historic or cultural values. A contributing structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.

3. **Noncontributing Structure:** A noncontributing structure is a structure within an H Historic Preservation Overlay District that does not meet the criteria listed in subsection C.2 of this section. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing structures also include those which are less than fifty (50) years old.

21A.34.020 C. 2. Criteria For Selection Of An H Historic Preservation Overlay District Or Landmark Site:

The Historic Landmark Commission shall evaluate each parcel of property within a proposed H Historic Preservation Overlay District or the parcel of property associated with a landmark site. Individual parcels within a proposed district, the district as a whole, and landmark sites shall be evaluated according to the following:

- a. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:
 - i. Events that have made significant contribution to the broad patterns of history, or
 - ii. Lives of persons significant in the history of the city, region, state, or nation, or
 - iii. The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or
 - iv. Information important in the understanding of the prehistory or history of Salt Lake City; and
- b. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the national park service for the National Register of Historic Places; and
- c. The age of the site. Sites must be at least fifty (50) years old, or have achieved significance within the past fifty (50) years if the properties are of exceptional importance.

Discussion: The property was rated as “B” in the architectural survey conducted in 1980. A rating of “B” reflects that the property is “Eligible: *built within the historic*

period and retains integrity; good example of a style or type, but not as well-preserved or well-executed as “A” buildings; more substantial alterations or additions than “A” buildings, though overall integrity is retained; eligible for National Register as part of a potential historic district or primarily for historical, rather than architectural, reasons (which cannot be determined at this point).

The structure was considered contributing at the time the Central City Historic District was nominated and listed in the National Register of Historic Places. The building was constructed c. 1905.

Finding: The dwelling fulfills the criteria for “contributing building” as outlined by the ordinance. The structure needs only meet one of the sub criteria listed in C.2(a) of the Ordinance towards consideration of “contributing” but meets two, specifically (iii) and (iv). The dwelling is a distinctive example of transitional architecture that mixed traditional Victorian and Eclectic styles with modern forms such as the bungalow. The style and use of the dwelling is typical of the Central City area and of the period in which it was constructed. In conjunction with other buildings in the neighborhood, this dwelling helps to tell the story of the growth and industrialization of Salt Lake City.

The dwelling fulfills the requirements of section (b) since it is still in its original location, retains its original defining features and materials and therefore remains as a good example of the workmanship and design values of the era.

As an early twentieth century dwelling, the structure meets the age requirement of section C.2 (c).

Applicable Design Standards

Design Standards for the Central City Historic District: *Central City has an extensive stock of “Victorian Eclectic” architecture. Several examples can be seen along 600 East between 600 and 800 South. Although not as popular for Central City’s small houses, the exuberant Queen Anne style was also used. Victorian styles continued to be built until the turn of the century but were quickly replaced by the bungalow, which by 1915 had become the small house of choice. Because the bungalow was more of a type rather than a style, this architectural form also lent itself well to many variations.*

Design Character for Central City, Porches: *A clear definition of the entry to each building is one of the most significant character-defining elements in the district. In a typical situation, the primary entrance faces the street and is sheltered with a porch. Where historic porches exist, they should be preserved. They also are strongly encouraged as a feature in new construction.*

Characteristics of the Central City Historic District: *Architectural styles range from the 1870s to the contemporary. “High-style” examples are generally located north of the 400 South. Smaller, more modest homes are located in the southern portion of the district.*

The transient nature of Central City’s population encouraged the construction of many rental units, including duplexes, fourplexes and multi-unit apartment buildings.

Discussion: The style and type of building is a good example of the typical architecture for this neighborhood. It is of a modest design and mixes both Victorian styling and the bungalow form. In addition, it was likely constructed as rental property, as were many residences in the neighborhood.

Although in poor condition, the structure does not appear to have undergone major exterior alterations of any type, much less irreversible alterations. Minor alterations include a concrete porch floor that has likely replaced a wood porch floor. The front door has been replaced although the framing and design of the original entrance with its transom and large stone lintel remain. The dwelling retains its main exterior defining feature, which the guidelines point out as the “most significant character defining element”, including the porch as well as door and window openings with stone lintels and sills (including at least some of the sashes), massing, and scale and roof line. The structure retains its physical integrity in terms of location, design, setting, materials, workmanship, feeling and association.

Finding: Although the structure has suffered from years of neglect it retains its defining features and still contributes to the architectural style and history of the neighborhood.

Attachment A
Photos of existing building

Block Face moving North to South



1.



2. Parking Lot



3. 50 and 46 South 700 East



4.



5.

Pictures of the Subject Property





South side of house.

Interior



Walls show signs of water damage from fire.



Water damaged walls.



Signs of transients having lived here. The whitish pile at the base of the chair leg is a pile of maggots.



Basement.



View of flooring system from basement. A hole in the floor can be seen. The hole was caused by a fire started by a transient. In the lower right hand corner shows placement of a ladder where transients and vandals accessed the home.



Top view of hole in the floor caused by a fire.



There was a fire in the back of the home. Picture shows damage.



More fire damage.



More fire damage.



Fire and structural damage.



Carport behind structure.

Attachment B
Photo from Tax Assessor



Attachment C
Copy of Survey Form

Surveyor APA

Plat No. B

Date 7/16/80

Block No. 60

Lot No. 8

Salt Lake City Architectural Survey

Salt Lake City Planning Commission
Structure/Site Information Form

1
Identification

Street Address: 50 South 700 East Census Tract 19

Name of Structures: _____ Ownership: Public _____ Private

2
Age/Condition/Use

Construction Date or Period: ca. 1905

Original Use: single family

Present Use:
 Single Family Park Vacant
 Multi Family Industrial Religious
 Public Agricultural Other
 Commercial

Building Conditions: Integrity:
 Excellent Site Unaltered
 Good Ruins Minor Alterations
 Deteriorated Major Alterations

3
Status

Preliminary Evaluation: Eligibility Status:
 Significant National Landmark Historic District
 Contributory National Register Multi-Resource
 Not Contributory State Register Thematic
 Intrusion City Register Conservation District

4
Documentation

Research Sources/References (if used):

Samborn Maps
Title Abstracts

Photography:

Date of Photographs: 1980
Views: Front Side Rear Other



5

Architect/Builder (if known):

Building Type/Style: *Buildings Vernacular*

Building Materials: *marble*

Number of Stories: *1 1/2*

Description of Physical Appearance & Significant Architectural Features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

hip roof; hipped projecting porch roof; gable dormer; returns on gables; brick exterior; leaded-glass transoms; bay window in front; rough stone foundation; decorative porch fining; bay window on side;

alterations - shingled railing wall;

Description of Significant Architectural Features

6

Statement of Historical Significance:

History

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication | <input type="checkbox"/> Military | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Conservation | <input type="checkbox"/> Mining | <input type="checkbox"/> Science |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Education | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio- |
| <input type="checkbox"/> The Arts | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political | <input type="checkbox"/> Humanitarian |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Industry | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation |

ca. 1905 - probably a rental built by Emma L. Armstrong and family.

**UTAH STATE HISTORIC PRESERVATION OFFICE
STRUCTURE/SITE INFORMATION FORM**

IDENTIFICATION 1

Name of Property: _____ Site No.: Block 60
 Street Address: 50 SOUTH 700 EAST T. R. S.
 City, County: SLC, SL Map Name/Date:
 Current Ownership: Private Public Local UTM:
 Public State Public Federal Tax #: 16-05-101-006
 Name of historic district (if applicable): 6TH EAST HISTORIC PARKWAY
 Legal Description (include acreage):

1989 - C.B. Sales Co.

USE/STATUS 2

Original Use:	Current Use:		
<u>Property Category</u>	<u>Evaluation</u>	<u>Condition</u>	<u>Alterations</u>
<input type="checkbox"/> building	<input type="checkbox"/> eligible/	<input type="checkbox"/> excellent	<input type="checkbox"/> none
<input type="checkbox"/> structure	<input type="checkbox"/> potentially eligible	<input type="checkbox"/> good	<input type="checkbox"/> minor
<input type="checkbox"/> site	<input type="checkbox"/> ineligible	<input type="checkbox"/> fair	<input type="checkbox"/> major
<input type="checkbox"/> object	<input type="checkbox"/> out-of-period	<input type="checkbox"/> deteriorated	<input type="checkbox"/> moved
		<input type="checkbox"/> ruins	<input type="checkbox"/> demolished

DOCUMENTATION 3

<u>Photo Date</u>	<u>Drawings and Plans</u>	
<input checked="" type="checkbox"/> slides:	<input type="checkbox"/> measured floorplan	<input type="checkbox"/> Historic American Building Survey
<input checked="" type="checkbox"/> prints: <u>1989</u>	<input type="checkbox"/> site sketch map	<input type="checkbox"/> other:
<input type="checkbox"/> historic:	<input type="checkbox"/> original plans available at:	
<u>Research Sources</u>		
<input type="checkbox"/> abstract of title	<input type="checkbox"/> city directories	<input type="checkbox"/> SLC Library
<input type="checkbox"/> plat records/map	<input type="checkbox"/> census records	<input type="checkbox"/> BYU Library
<input type="checkbox"/> tax card & photo	<input type="checkbox"/> biographical encyclopedias	<input type="checkbox"/> U of U Library
<input type="checkbox"/> building permit	<input type="checkbox"/> newspapers	<input type="checkbox"/> USU Library
<input type="checkbox"/> sewer permit	<input type="checkbox"/> city/county histories	<input type="checkbox"/> LDS Genealogical Library
<input type="checkbox"/> Sanborn maps	<input type="checkbox"/> personal interviews	<input type="checkbox"/> LDS Church Archives
<input type="checkbox"/> obituary index	<input type="checkbox"/> Utah State Historical Society	

BIBLIOGRAPHICAL REFERENCES (books, records, interviews, photos, maps, etc.)



50 SOUTH 700 EAST



**Attachment D
Public Comment**

To Members of the Historic Landmarks Commission
From Cindy Cromer
Re Petitions 470-07-49 and -50, Overland Development
2/13/08

Dear Members of the Commission,

Both of these structures are contributory to the Central City Historic District. The planners have better credentials by far to document that status. So, I will defer to them. If you have any questions about the character of these structures relative to the District itself, I can respond at the hearing on February 20. I currently own two building on the 200-300 block south of this block. I am very familiar with the history of fires in the immediate area, including 3 on this block.

I have some unique history regarding the buildings at 46 and 50 South 700 East in the Central City Historic District. Within hours of the fire at 46 S 700 E, I was in the structure. The damage was only in the rear of the building. The fire started in the kitchen. All of the residents got out safely. The building has been unoccupied since then. The building at 50 S 700 E had been damaged by a fire prior to the one at 46 S 700 E. In fact, my understanding is that the residents in 50 S 700 E moved into 46 S 700 E after the fire at #50.

Additionally, I have a unusually high awareness of fires in the area because my historic building on 100 South was damaged by a fire in 1982. I restored that building after the fire and still own it. Today, it generates the funds that I use in restoring other buildings. I refer to it as my "helper" building. Another fire in the area occurred during the early 1990's at 943 E S Temple, formerly the home of the John Clark family and now the location of the Haxton Manor Bed and Breakfast.

If the petitioner anticipates using the economic hardship provisions to demolish these structures, there is plenty of evidence in the immediate neighborhood of structures that have experienced fire damage and been rehabilitated as housing or commercial uses.

Sincerely,



Cindy Cromer

Cindy Cromer

Weiler, Kathryn

From: Zeigler, Robin
Sent: Tuesday, February 12, 2008 1:15 PM
To: Weiler, Kathryn
Subject: FW: Petition 470-07-47, the Tennis Bubble
Categories: Program/Policy

Katie:

Please include the following in the tennis bubble staff report. Thank you.

*Robin Zeigler, Sr. Historic Preservation Planner
 Salt Lake City Corporation
 451 South State Street #406
 Salt Lake City, UT 84111
 801-535-7758
 801-535-6174 fax
www.slcgov.com/ced/hlc/*

Proud to be a Preserve America Community.

From: cindy cromer [mailto:3cinslc@live.com]
Sent: Tuesday, February 12, 2008 11:43 AM
To: Zeigler, Robin; Paterson, Joel
Cc: ccnc@rock.com
Subject: Petition 470-07-47, the Tennis Bubble

Robin-In order to submit comments to the HLC in time for the packet, I have to respond before your final staff report is available. I would like to get a copy later this week of any documents that have been revised. I already have the lengthy materials made available prior to the last HLC meeting.

Please include the following comments in the packet going out to members of the HLC tomorrow. Thanks, cindy cromer

Dear Members of the Historic Landmarks Commission,

My focus is on public process with respect to this petition. I do own property near Liberty Park, but short of hanging out of the third-floor window on the gable end and looking west, I can not see the "Bubble" from my property. I am however affected by the lack of public process which has occurred in the handling of this petition and therefore have a keen interest in the outcome.

Liberty Park is a regional asset and as such must respond to the needs of many users. First and foremost, however, it is a public asset. Everyone in the region is a stakeholder in this historic park, and therefore the most important need is to recognize the ownership by the public.

I agree with the decision by Judge Faust. I won't repeat his analysis.

1. Logic that the Bubble is a minor alteration: Years ago I had a discussion with Barbara Murphy about two windows on a building. Barbara insisted that I replace a circa 1950 metal window with the original one-over-one, double-hung windows. I argued in favor of wooden French windows. Barbara said that she would nix the tax credits on the entire restoration unless the windows were the original style. Relative to the size of the structure, those two windows were like the Bubble in Liberty Park. "Minor alteration" is not about square feet or cubic feet. It is, I believe, about whether the alteration distracts from the historic whole. Barbara was telling me

2/13/2008

that changing two windows on a very large structure did in fact affect the historic whole, and she wasn't going to budge.

2. **Standards for approval:** I have spoken to you numerous times about the inadequacy of the standards for commercial and multi-family structures. The design guidelines focus on single-family residential buildings. They are so inappropriate in the case of the Bubble that you need to call for a time-out and direct the staff to come back to you with reasonable standards for a recreational structure in an historic site. I view it as unfortunate and short sighted that the ordinance does not allow you to initiate petitions to revise the standards. You certainly know more about the issues than the people who have the authority to change the standards. You should not proceed, however, when the standards do not fit. Doing so affects the credibility of the process.

3. **Conflict of interest:** When the City is the applicant, all requests should come before this Commission, whether the request is for a minor alteration, which this petition was not, or a major change. The City has a conflict of interest as the applicant and the employer of the staff members reviewing the application. The ownership, in my opinion, is with the public, with the City serving as a steward. I plan to write the Mayor in the coming week and ask him to instruct his staff to process all applications involving the City within a public process.

The decision about the Bubble was made before any applications were completed. A time line of the process will show that the decision was made when the Bubble was acquired in 2002.

Sincerely,

Cindy Cromer

Shed those extra pounds with MSN and The Biggest Loser! [Learn more.](#)

Melissa Barbanell, Esq.
1062 South 500 East
Salt Lake City, Utah 84105

January 28, 2008

Via Hand Delivery

PETER ASHDOWN ESHTER HUNTER
PAULA CARL ANN OLIVER
DAVID R FITZSIMMONS JESSICA NORIE
WARREN KNIGHT LLOYD CREED HAYMOND
NOREEN HAMMOND
HISTORIC LANDMARK COMMISSION
451 South State Street
Salt Lake City, UT 84111

Re: Tennis Bubble

Dear Members of the Historic Landmark Commission:

I am writing to inform you of the recent decision by Judge Robert Faust of the Third Judicial District Court in and for Salt Lake County and to request that you not issue a Certificate of Appropriateness legalizing the tennis bubble located in Liberty Park. The judge's decision invalidates the Certificate of Appropriateness issued administratively by the Salt Lake City Planning Staff. The Court found that the City Planning Staff incorrectly decided that the tennis bubble was a minor alteration and, therefore, the Planning Staff did not have the administrative authority to issue the Certificate of Appropriateness. See Attachment A, p. 5. The tennis bubble in Liberty Park is without a Certificate of Appropriateness – hence, the City is seeking to “legalize” the tennis bubble. Unless this Commission issues a Certificate of Appropriateness, the tennis bubble should be removed since it has been built without a valid Certificate of Appropriateness.

Liberty Park is a listed landmark site on the Salt Lake City Register of Cultural Resources and on the National Park Service's National Register of Historic Places. In my October 19, 2004 letter to the members of the Historic Landmark Commission, I urged: “A request for approval of the tennis bubble should have come to the Commission because it is new construction of a principal building in a historic district.” See Attachment B. However, the Planning Staff stated that you were not allowed to consider this matter at that time because they had already decided the matter administratively. Judge Faust ruled that this matter should have come to the Historic Landmark Commission. He wrote that the City “effectively sought to circumvent [] a review by the Historic Landmark Commission by improperly categorizing the tennis bubble as a ‘minor alteration of or addition to a landmark site or contributing site’ under Section 21A-34.020(f)(1)(a).” See Attachment A, p.6. He also found that “the construction of the tennis bubble constitutes a ‘new principal structure’ in Liberty Park.” See Attachment A, p.7. Therefore, Salt Lake City Ordinance §21A.34.020(H) applies. Cases of new construction in landmark sites are required to be sent to the Historic Landmark Commission.

In earlier hearings, the City argued that the visual impact of the tennis bubble could be absorbed by Liberty Park as a whole. But the Court specifically found that the Board of Adjustment's focus on the size of the tennis bubble compared to Liberty Park as a whole was improper. The Court suggested the analysis must be "to consider the size and impact of the proposed structure in and of itself and in relation to its environment." See Attachment A, p. 6.

The City and others may argue that the fact that the tennis bubble is seasonal or temporary makes it somehow acceptable despite the tennis bubble's failure to meet the substantive requirements of S.L.C. Ord. § 21A.34.020(H). However, the Court specifically stated that the seasonal nature of the tennis bubble is not an appropriate criterion to consider because the historic preservation ordinances "do not distinguish between temporary structures or buildings from other types of buildings, but instead focus on the potential impact to the landmark site in general. Therefore, the temporary or seasonal nature of the tennis bubble should not have been a relevant factor" See Attachment A, p. 6. When considering the provisions of subsection (H): (1) Scale and Form; (2) Composition of Principal Facades; (3) Relationship to the Street; and (4) Subdivision of Lots, there is no room for factoring in the seasonality of the tennis bubble. These standards are relevant to the building whether it is standing or not. The ordinance does not exempt buildings that are seasonal.*

In light of the Court's holding that the tennis bubble constitutes new construction of a principal building, this Commission must determine whether the tennis bubble meets the criteria of S.L.C. Ord. §21A.34.020 (H). Subsection (H) sets out the appropriate standard for new construction and requires that projects substantially comply therewith and that they be visually compatible with surrounding structures and streetscape. Architect Dave Brach, AIA, testified at the first Board of Adjustment hearing as to why the tennis bubble does not comply with the specific criteria of subsection (H). See Attachment C.

All of the provisions of Subsection (H) compare the proposed structure to the surrounding structures and streetscape. This Commission has evaluated this very location in the park in 2002 when it considered the construction of the new tennis center. The new tennis center is located directly in front of the tennis bubble and is surrounded by the same structures and streetscape. That analysis should guide the analysis in this decision. In that decision, this Commission stated: "the surrounding streetscape of the proposed building is the park landscape and the existing tennis center." See Attachment D, p. 2.

Subsection (H)(1) addresses scale and form and requires that the new building be in keeping with surrounding structures and streetscape. The first relevant criterion under the scale and form analysis regards *height and width*; it states: "The proposed height and width shall be visually compatible with surrounding structures and streetscape." S.L.C. Ord. §21A.34.020(H) (1)(a). As the Court has found, when this matter was before the Board of Adjustment, the Staff inappropriately characterized the surrounding streetscape as the park landscape in its entirety without any consideration of the surrounding

* "Building" is defined in the ordinances as "a structure with a roof, intended for shelter or enclosure." S.L.C. Ord. § 21A.62.040.

structures. The buildings surrounding the tennis bubble are the old and new tennis centers; those structures are 1040 and 3,000 square feet respectively and they stand 18 and 19.5 feet respectively. The tennis bubble dwarfs these surrounding structures at 26,000 square feet and 35 feet tall. It is not visually compatible with the surrounding structures. *

Even if this Commission were to compare the tennis bubble to other structures in Liberty Park under subsection (H)(1)(a), the Commission would find that the tennis bubble is starkly incongruous with all other structures in the park: it is 35 feet tall, 225 feet long and 119 feet wide, has the largest footprint of any structure in the park, and spans the width of the original and new tennis centers. The tennis bubble dwarfs all other buildings in Liberty Park at 26,000 square feet – the next closest structure is the greenhouse at 8,300 square feet. The other buildings in the park are significantly smaller – the Concession Building is 3,400 square feet, the Chase House is 2,550 square feet, and the Chase Mill is 2,000 square feet. See Attachment E, p. 3. While the ordinance does not permit this comparison based on the Court’s ruling, if such a comparison were allowed, the tennis center would not meet this criterion.

The second criterion under (H)(1) addresses roof shape, stating: “The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape.” Id. S.L.C. Ord. §21A.34.020(H) (1)(c). The roof shape is not visually compatible with any other structures in the park – there are no curving roofs elsewhere in the park. R. 236 BOA II.

The third criterion addresses the scale of a proposed structure, stating: “The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.” S.L.C. Ord. § 21A.34.020(H) (1) (d). As Architect Dave Brach stated at the Board of Adjustment hearing: “However, the bubble’s footprint is 26,000 square feet and is taller, to my knowledge, than any other building in the park. The scale of this building . . . to put it mildly . . . does not respect its context.” See Attachment C, p. 3. As discussed above, the tennis bubble’s mass completely dwarfs

* To the extent that the City suggests that the tennis bubble’s square footage should be compared to the square footage of the tennis courts themselves, this is inappropriate. While the tennis courts are larger in square footage, they have no height – they are not structures nor are they the surrounding streetscape. The surrounding streetscape is frontage at approximately 1051 South Constitution West Drive. This is the park road from which you see the tennis centers and the bubble. The way that the bubble stands behind the tennis centers, is wider than the combined tennis centers, encloses the opening between the two buildings, and stands twice as tall as the buildings reinforces its incompatibility with the surrounding streetscape.

To the extent that the City desires to compare the tennis bubble’s height to other objects in the park such as the area lighting poles or flagpoles, this too is inappropriate. Subsection (H) (1)(a) requires that the “height and width” of a proposed new structure is visually compatible – just because there may be a field that is wider (or has more square footage) or a pole that is taller – is irrelevant. Subsection (H)(1)(d) requires a finding that the “size and mass” be visually compatible. Neither the tennis courts nor the poles have any mass.

the other structures in the park – its footprint is three times larger than the second largest structure in the park. The tennis bubble, standing at 35 feet tall is the tallest structure in Liberty Park whereas the tennis centers to which it is immediately adjacent is one-story buildings, approximately half the height of the tennis bubble. When evaluating the new tennis center, this Commission stated: “The size of the new tennis center is comparable to other service buildings in the park. Its scale, width, height, proportion and roof shape are identical to the existing [tennis] building.” See Attachment D, p. 2. Clearly, neither of these two statements can be made with regard to the tennis bubble. The tennis bubble is taller than any other building in the park, which, particularly considering its massive footprint and its featureless form makes it obviously inconsistent with the standard.

When considering whether to allow a pavilion atop the hill north of Liberty Lake in Liberty Park, the Staff report to this Commission stated, “In this case, the park landscape is considered the streetscape. . . . the proposed hilltop location of the gazebo is less compatible visually in this setting. It would compromise the integrity of the rolling landscape, one of the most important features of the park, and thus the commission and applicant should explore other locations The location of a new site feature should be as unobtrusive as possible and complement the visual continuity and cohesiveness of the historic site.” See Attachment F, p8. The tennis bubble likewise compromises the integrity of the rolling landscape of the park; it is similarly obtrusive and does not complement the visual continuity and cohesiveness of the historic site.

Subsection (H)(2) addresses composition of principal facades. The first relevant criterion is the rhythm of solids to voids, stating: “The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape.” S.L.C. Ord. §21A.34.020(H) (2)(b). As Architect Brach stated at the Board of Adjustment hearing: “However, every facade of the bubble is featureless and monotonous. There is no solid to void relationship whatsoever.” See Attachment C, p. 3.

The second criterion is the relationship of materials, stating: “The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.” S.L.C. Ord. §21A.34.020(H) (2)(d). Once again, the tennis bubble cannot meet the criterion: “the whole exterior of the bubble is a thin plastic membrane which is inconsistent with the required sensitivity to existing buildings and landscape.” See Attachment C, pp. 3-4. When evaluating the new tennis center, this commission stated: “The use of brick as a wall material and asphalt shingles for the roof is visually compatible with the existing tennis building, which has brick walls and wood shingles as a roof material.” See Attachment D, p. 2. The use of a thin white plastic membrane on the tennis bubble is not visually compatible with the materials on either of the other tennis buildings – or, for that matter, any other building in Liberty Park.

Subsection (H)(3) addresses relationship to street. The first relevant criterion addresses walls of continuity, stating: “Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.” S.L.C. Ord. §21A.34.020(H) (3)(a). The bubble

occurs wholly outside of any existing urban "wall of continuity." In fact, it disrupts the formal character of the park. It has no clearly discernable relationship to the street.

The second relevant criterion addresses the rhythm of spacing and structures on streets, stating: "The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related." S.L.C. Ord. §21A.34.020(H) (3)(b). The tennis bubble does meet this criterion: "in the case of the bubble, the massiveness of the building dominates the openness of the spaces surrounding it and its extreme proximity to the existing tennis buildings reinforces this imposing quality." See Attachment C, pp. 3-4.

In evaluating the new tennis center, this Commission stated: "Because the proposed new building is so similar to the existing structure, it reinforces the existing 'wall of continuity,' both along the public sidewalk and the court sidewalk. This 'wall is broken by the entry plaza, and thus introduces a new rhythm of spacing as one walks west of the courts. For obvious reasons, the new building would be oriented to the courts as is the existing tennis center." See Attachment D, p. 3. When one considers the tennis bubble, it overwhelms the open space between it and the adjacent structures. It destroys the new rhythm that was provided by the entry plaza in the new tennis center. It cannot be said that the tennis bubble is visually compatible with the places to which it is visually related as required by subsection §21A.34.020(H) (3)(a) and (b).

In light of the tennis bubble's intrinsic failure to meet the criteria required for new construction in a landmark as per S.L.C.Ord. §21A.34.020(H), I respectfully request that this Commission not authorize the issuance of a Certificate of Appropriateness for the tennis bubble. I also request that upon denying the Certificate of Appropriateness, that this Commission require the City to remove the tennis bubble from Liberty Park because it is currently illegal. The City may argue that the standards applied to it should be lessened because the bubble has already been constructed. However, the City was on notice of my concerns regarding the ability of the bubble to meet the standards at the time it constructed the tennis bubble. Additionally, the City made the decision to construct the bubble despite this notice because it could readily remove the tennis bubble in the event that the tennis bubble was found not to meet the requisite criteria.

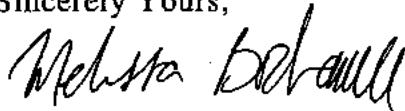
To the extent that the City wishes to continue its winter tennis program, which I wholeheartedly endorse, I believe that it would be appropriate to do so at some of the City's tennis courts that are not located within a landmark site.* This City or the public may argue that they have some right to continue to play tennis at this location given the fact that the bubble has been in place for three years. However, the City was on notice of

* I have attached a list of tennis courts within Salt Lake City. I note that the only tennis courts for which there is a charge to play tennis are at Liberty Park. The price of tennis at Liberty Park is \$4.00 per hour in the summer or \$18.00 per hour in the winter inside the bubble. Unfortunately, the tennis bubble provides a service which is unaffordable to many Salt Lake City residents. For further information on the cost of tennis within the bubble, you can call the Liberty Park Tennis Center at 328-4711. See Attachment G.

the potential failure to meet the criteria for new construction in a landmark site prior to its decision to build the bubble. See Attachments B & H. Additionally, the City or public may argue that the City has invested a great deal of money at this location and therefore it is imperative that the winter tennis program continue at this location. The City resurfaced the tennis courts and approved the new tennis center for construction in 2002. It was not until the fall of 2004, that the City started the work on the tennis bubble. The City spent money on the other improvements at its own risk. See Attachment I. To the extent that the City had always planned to put up the tennis bubble but did not seek approval from this Commission[▼] and effectively attempted to circumvent this Commission to avoid both its scrutiny and public scrutiny, it took its chances. This Commission should not approve the illegal construction of the tennis bubble where the City seemingly acted in bad faith and, as found by the Court, violated its own ordinances in order to construct the bubble. The City has never received an approval for the construction of the tennis bubble as it was required to do.

There are many options available to the City should it desire to move the tennis bubble to another non-landmark location. I appreciate your consideration of this matter and urge this Commission to deny the Certificate of Appropriateness for the tennis bubble because the tennis bubble fails to meet the criteria of S.L.C. Ord. § 21A.34.020 (H).

Sincerely Yours,



Melissa Barbanell

Enclosures

cc w/o enclosures:

MAYOR RALPH BECKER

DEPUTY MAYOR DAVID EVERETT

VAL POPE

JILL REMINGTON LOVE

SOREN SIMONSEN

LUKE GARROTT

[▼] As the attached newspaper article states: the tennis bubble was purchased in 2002 – at the same time other improvements were made to the tennis courts. It appears that the City intended to construct the tennis bubble even before it invested in the new tennis clubhouse. The City never held any sort of public hearing regarding the construction of the tennis bubble; in particular, it avoided a review by this Commission despite the fact that other improvements to the tennis area were sent to this Commission.

Attachment A—Judicial Decision, November 2, 2007
Attachment B—October 19, 2004 Letter to Members of Landmark Commission
Attachment C—Partial Transcript of Board of Adjustment Hearing, January 24, 2005
Attachment D—SLC HLC Petition for Tennis Center, December 4, 2002
Attachment E—SLC HLC Petition for New Concession Building, March 2, 2005
Attachment F—SLC HLC Request for Conceptual Approval, June 7, 2006
Attachment G—Salt Lake City Tennis Court List and Fee Schedule
Attachment H—Petition noting Citizen Opposition to Tennis Bubble at Liberty Park
Attachment I—Deseret Morning News Article February 17, 2005

ATTACHMENT A

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

MELISSA BARBANELL	:	MINUTE ENTRY
Petitioner,	:	CASE NO. 060915257
vs.	:	
SALT LAKE CITY, a Utah City and	:	
SALT LAKE CITY BOARD OF	:	
ADJUSTMENTS, an Administrative	:	
body of Salt Lake City,	:	
Respondents.	:	

This case came before the Court for a hearing on October 16, 2007, in connection with the petitioner's Motion for Summary Judgment. At the conclusion of the hearing, the Court took the matter under advisement to further consider the parties' written submissions, the relevant legal authority and counsels' oral argument. Being now fully informed, the Court rules as stated herein.

LEGAL ANALYSIS

Before addressing the procedural and factual background of this matter, the Court notes that the issues presented by the Petitioner's Motion for Summary Judgment are purely legal in nature and can be disposed of on summary judgment. Specifically, the principal issue presented by the Petitioner's Motion is whether the Salt Lake City Board of Adjustment ("Board of Adjustment") incorrectly applied certain Salt

Lake City Ordinances in assessing whether a tennis bubble should be constructed at Liberty Park.

With this issue in mind, the procedural background of this action began with the Petitioner filing a Petition for Judicial Review of an Administrative Decision. As indicated above, this action involves the construction of a tennis bubble at Liberty Park each Fall. The tennis bubble remains in place seasonally. Liberty Park is listed as a landmark site on the Salt Lake City Register of Cultural Resources and on the National Park Service's National Register of Historic Places.

On March 21, 2005, the Board of Adjustment issued a final decision affirming authorization for the tennis bubble to be constructed at Liberty Park. The Board of Adjustment concluded that the tennis bubble was a "minor alteration" which, under the relevant Salt Lake City Ordinances (discussed below), does not require review by the Historic Landmark Commission.

Following this decision, the Petitioner filed her initial Petition for Judicial Review. Judge Fuchs entered an Order of Dismissal, indicating that another hearing would be conducted and that Salt Lake City would not construct the tennis bubble until after that hearing.

At a hearing which took place on July 17, 2006, the Board of Adjustment issued a second decision upholding a staff decision of the Salt Lake City Planning and Zoning Division to issue a Certificate of

Appropriateness allowing construction of the tennis bubble in Liberty Park. The Petitioner then filed the present action, arguing that the Board of Adjustment's decision was incorrect because the tennis bubble is not a "minor alteration," but rather should be considered a new structure and evaluated under Salt Lake City Ordinance Section 21A.34.020(H).

In her Motion for Summary Judgment, the Petitioner maintains that in assessing the issue of whether a tennis bubble should be constructed in a Landmark Site, the Board of Adjustment should have applied Salt Lake City Ordinance is Section 21A.34.020(H). The Petitioner argues that the Board of Adjustment misinterpreted the Ordinances when it instead applied Section 21A.34.020(G). Section 21A.34.020(G) sets forth the Standards for a Certificate of Appropriateness for Alteration of a Landmark Site. Section 21A.34.020(H) sets forth the Standards for a Certificate of Appropriateness Involving New Construction.

The Petitioner also argues that the Board of Adjustment improperly characterized the tennis bubble as a "minor alteration" under Section 21A.34.020(F)(1)(A), resulting in the decision being subject to administrative review, rather than review by the Historic Landmark Commission. The Board of Adjustment found that the tennis bubble qualifies as "minor alteration" (and also a temporary structure) and

considered the construction of the tennis bubble to be an exception to the requirement of review and approval by the Landmark Commission.

Before reaching the merits of the Petitioner's Motion, the Court first articulates the appropriate standard of review. The City contends that this Court should assess whether the Board of Adjustment's decision was conducted in an arbitrary or capricious manner and, under Utah Code Annotated §10-9a-801(3)(a) should presume the decision to be valid. The City also cites to Subsection (3)(c) of this statute as indicating that "[a] final decision of a land use authority or an appeal authority is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal."

The Court determines that the City's emphasis on the "arbitrary and capricious" and "substantial evidence" standards is misplaced in this particular case. Specifically, the Court here is being asked to determine whether the Board of Adjustment correctly interpreted the relevant Salt Lake City Ordinances. Since this is a question of statutory interpretation and application, the Court must assess whether the Board of Adjustment's decision illegally violated a statute, ordinance, or existing law. Patterson v. Utah County Bd. of Adjustment, 893 P.2d 602, 603-04 (Utah App. 1995).

The Petitioner agrees that Patterson sets forth the standard of review of a Board's decision, but adds that with respect to the issue of

whether the Board's decision is illegal, the court specifically indicated that "this depends on a proper interpretation and application of the law. These are matters for our determination, and we accord no deference." Id. at 604. However, as the Petitioner acknowledges, the Utah Supreme Court subsequently modified this standard in Carrier v. Salt Lake County, 104 P.3d 1208 (Utah 2004), by adopting the approach of reviewing a local agency's interpretation of ordinances "for correctness, but also afford[ing] some level of non-binding deference to the interpretation advanced by the local agency." Id. At 1216.

In accordance with Carrier, the Court will apply the intermediate approach adopted in that case and review the Board of Adjustment's interpretation of the relevant City Ordinances for correctness, but will also afford the Board of Adjustment's interpretation and legal conclusions a level of non-binding deference.

After carefully considering the parties' respective legal positions, the Court determines that the Board of Adjustment erred in its interpretation of the term "minor alteration" and in its legal conclusion that the construction of the tennis bubble constitutes a "minor alteration." As a corollary, the Board of Adjustment erred when it determined that the decision of whether the tennis bubble should be constructed could be made administratively by Staff, as opposed to review and approval by the Historic Landmark Commission.

The Court agrees with the Petitioner that the Board of Adjustment effectively sought to circumvent such a review by the Historic Landmark Commission by improperly categorizing the tennis bubble as a "minor alteration of or addition to a landmark site or contributing site" under Section 21A-34.020(F)(1)(A). The Court determines that the Board of Adjustment's criteria for determining what constitutes a "minor alteration" demonstrates its misinterpretation of this term.

For example, the Board of Adjustment's focus on the size of the tennis bubble compared to Liberty Park as a whole was improper. Instead, looking to the totality of the relevant Ordinances, the suggested analysis would be to consider the size and impact of the proposed structure in and of itself and in relation to its environment.

Likewise, the Court is not convinced that the seasonal nature of the tennis bubble is an appropriate criteria in evaluating whether this structure constitutes a "minor alteration." The Ordinances at issue do not distinguish between temporary structures or buildings from other types of buildings, but instead focus on the potential impact to the landmark site in general. Therefore, the temporary or seasonal nature of the tennis bubble should not have been a relevant factor in determining whether the tennis bubble constitutes a "minor alteration."

Overall, the Court is satisfied that the Board of Adjustment misinterpreted Section 21A.34.020(F) with regard to the authority to administratively issue a Certificate of Appropriateness, rather than considering this to be a matter for the Historic Landmark Commission's review and approval. In addition, the Court determines that the Board of Adjustment misconstrued the types of "new construction" which fall within the purview of Section 21A.34.020(H). As the Petitioner correctly argues, a proper interpretation of Subsection (H) and the definition of "new construction," in light of the facts before the Board of Adjustment, would lead to the conclusion that the construction of the tennis bubble clearly constitutes a "new principal structure" in Liberty Park.

As the City's counsel correctly observed during oral argument, having made the threshold determination that the decision concerning the tennis bubble cannot be made administratively, the Court must remand the matter back to the Historic Landmark Commission, without reaching the issue of whether the standards of Subsection (H) are met. Accordingly, the Court remands this matter to the Historic Landmark Commission for appropriate review, public notice and hearing.

This Memorandum Decision will stand as the Order of the Court, granting the Petitioner's Motion for Summary Judgment in the limited scope discussed above (i.e. remanding this matter to the Historic Landmark Commission). The Court denies the Petitioner's request that the

Court order the permanent removal of the tennis bubble.

Dated this 2nd day of November, 2007.

15

ROBERT P. FAUST
DISTRICT COURT JUDGE

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Minute Entry, to the following, this _____ day of November, 2007:

Melissa Barbanell
Pro Se Petitioner
1062 South 500 East
Salt Lake City, Utah 84105

Lynn Pace
Attorney for Respondents
451 S. State Street, Suite 505A
Salt Lake City, Utah 84111

ATTACHMENT B

*Melissa Barbanell, Esq.
1062 South 500 East
Salt Lake City, Utah 84105*

October 19, 2004

Via Facsimile: 801-535-6175

Mr. Soren Simonsen
Ms. Vicki G. Mickelsen
Mr. Peter Ashdown
Mr. Scott R. Christensen
Mr. David R Fitzsimmons
Mr. Wayne L. Gordon, III
Mr. William R. Littig
Mr. Oktai Parvaz
Ms. Amy Rowland
Mr. E. Lee White
LANDMARK COMMISSION
451 South State Street
Salt Lake City, UT 84111

Re: Opposition to Tennis Bubble

Dear Members of the Landmark Commission:

This letter is intended to notify you of the Planning Department's Administrative Decision regarding the issuance of a certificate of appropriateness for a tennis bubble in Liberty Park. It is my understanding that Mr. Zanguze, the Planning Director determined that the tennis bubble did not need to follow the legal process because it is to be a temporary structure. According to Val Pope, of the Salt Lake City Parks Department, the bubble is intended to be up for six months of the year, every year, indefinitely. To call such a structure temporary is problematic. Furthermore, the issuance of a certificate of appropriateness in this case, without going to the Historic Landmarks Commission, was illegal. The historic overlay district ordinances do not distinguish a "temporary building" from any other buildings. Because the construction of this bubble constitutes new construction of a building under the definitions in the ordinance and the practice of both the Planning Division and the Commission, it was an abuse of discretion to circumvent this Commission in making this decision.

The only basis the Planning Division may have used in making this decision is administratively is that the addition of the bubble constituted a "minor alteration . . . to a landmark site." See Salt Lake City Ord. §21A.34.020(F)(1)(a)(i). There are two legal problems with this finding. First, the addition of the tennis bubble is not a minor alteration to Liberty Park. Second, it constitutes new construction of a principal building and was therefore required to be sent to this Commission.

A decision that the addition of the bubble was a minor alteration was inappropriate. The bubble is going to be 36 feet tall, 119 feet wide, and 220 feet long. It will cover approximately 26,000 square feet. This is not minor. Under the ordinances, any words not defined in the ordinance "shall be as defined in Webster's collegiate dictionary." See id. §21A.62.010. The word "minor" is not defined in the ordinance. See §21A.62.020. However, as defined in Webster's, "minor" means "inferior in importance, size, or degree." To call a structure the size of this bubble "inferior in size" is erroneous and an abuse of discretion. This structure will clearly have the biggest footprint of any building in Liberty Park – it may have the largest square footage as well. The Planning Division has come to the Commission for approval of construction of bathhouses, a gazebo and bridge, and even for new signage. To claim that a 26,000 square foot building is not as important as these changes was clearly an abuse of discretion.

The ordinance goes on to state that the following types of construction are to be reviewed by the Commission.

- i. Substantial alteration or addition to a landmark or contributing site;
- ii. New construction of principal building in H Historic Preservation Overlay District.

See id. §21A.34.020(F)(2)(a)(i)(ii). Even if this were only considered an alteration, it would certainly be a substantial alteration rather than a minor alteration. "Substantial" is not defined in the ordinance but it is defined in Webster's thus: "considerable in quantity: significantly large." Clearly, the proposed bubble is significantly large. It is definitely larger than the bathhouse for which the Planning Division sought approval or the gazebo.

A request for approval of the tennis bubble should have come to the Commission because it is new construction of a principal building in a historic district. "New construction" is defined in the ordinance as "on-site erection, fabrication or installation of any building, structure, facility or addition thereto." See id. §21A.62.040. "Building" is defined as a "structure with a roof, intended for shelter or enclosure." See id. While the tennis bubble is only intended to be up for half of the year, it clearly meets the definition of "building in the ordinance.

The ordinance requires that the building be principal. While "principal" is not defined in the ordinance and is defined in Webster's as "most important, consequential . . ." Because this structure will have the biggest footprint of any in Liberty Park, it should be considered a principal building. The fact that one example of new construction of a principal building given as an example in the Commission's hearing minutes on March 19, 2003 was a bathhouse, it is clear that the bubble, under that standard, should also be considered a principal building. Therefore, because this is new construction, this should have been decided by the Commission with all of the required notice that goes

along with such a hearing. See id. §21A.10.020(E). Neither my neighbors nor I received actual notice of the proposed tennis bubble.

Additionally, had a hearing been held because this is new construction, there are strong arguments that the proposed bubble does not meet the standards for a certificate of appropriateness. Under S.L.C. Ord. §21A.34.020 (H), the scale and form of the building must be taken into account. The bubble would not meet these requirements.

Furthermore, the City and the Tennis Center have been either dishonest or obfuscatory on this matter. When I went to the Tennis Center to find out more about the bubble, the manager lied to me and indicated that there had been notice in the paper and a public hearing on this matter and that nobody attended. I have had numerous conversations with members of Salt Lake City's public services division and Planning Division and all of these individuals have clearly stated that there was no public hearing. Furthermore, in a recent article in the Salt Lake North Journal, attached for your review. Elizabeth Giraud is quoted as stating that the bubble will be approximately 42,000 square feet. This was an error of magnitudes – the bubble will be six times the size described.

I would appreciate this Commission taking up this matter and requiring a Commission hearing. Furthermore, the standards for new construction in a historic district should be applied to the tennis bubble.

Sincerely Yours,



Melissa Barbanell

Attachments: Letter from Neighbors; Letter to Rick Graham regarding legal deficiencies; petition; article from Salt Lake North Journal

cc w/o attachments: Mayor Rocky Anderson
Annette Daley
Lisa Romney
Val Pope
Carlton Christensen
Van Blair Turner
K. Eric Jergensen
Nancy Saxton
Jill Remington Love
David Buhler
Dale Lambert

ATTACHMENT C

ABSTRACT OF VERBATIM TRANSCRIPT


I, Deborah Martin, being first duly sworn, depose and say that I am the Secretary for the Salt Lake City Board of Adjustment at the City and County Building, 451 South State Street, Room 406, Salt Lake City, Utah, and that attached hereto is a true and correct transcript which I prepared to the best of my knowledge of an audio recording of case 2767-B heard before the Board of Adjustment on January 24, 2005.

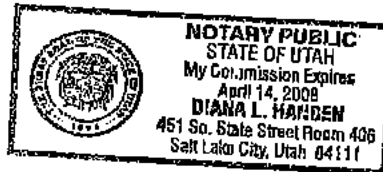
Subscribed and sworn to me this 3rd day of August 2005.


Deborah Martin, Secretary

State of Utah)
)ss
County of Salt Lake)

The foregoing instrument was acknowledged before me this 3rd day of August 2005.


Notary Public



Board of Adjustment Case 2767-B
Verbatim Transcripts

01 Jones: There's very little that you've said to us so far that isn't in here.
302 Barbanell: Okay. I will do my best to give you new stuff.
303 Jones: And so, I mean, you're not helping yourself by going over what's already in here.
304 Barbanell: Well, I'm telling you in my appeal I didn't make any mention of the Architectural
305 Subcommittee report because I had not yet seen it. It's addressed by Mr. LoPiccolo in
306 the staff report and I believe he erroneously describes what the staff report said. So
307 that's why I'm addressing it now because it was not addressed in my appeal documents.
308 Jones: But what I'm saying to you is that much of what you're saying to us is in your written
309 submission.
310 Barbanell: I understand sir.
311 Jones: And so I will give you another five minutes and only another five minutes.
312 Barbanell: Okay. I want to go on to address that the bubble is said to have cost three-quarters of a
313 million dollars. The City indicates that it spent \$120,000 on this. This project is not minor
314 given the costs. For the first time in the staff report that you received for this meeting,
315 this bubble is described as seasonal and not temporary. In all my previous
316 communications with the City, it was described as temporary. This bubble clearly is not
317 temporary. It's in place six months of the year, every year. The structure has permanent
318 footings that were laid that are not temporary. Additionally, when you look at the
319 ordinance, 21A.42.060, it talks about temporary uses. And Mr. LoPiccolo alluded to this
320 earlier. Temporary uses discussed in the ordinance include things like outdoor sales of
321 plant products during summer and spring, festivals, bazaars, farmers markets, tents
322 associated with outdoor sales, firework sales, bus shelters, etc. The tennis bubble
323 seems very clearly to me to not fall into this same category. It's not up for a weekend.
324 It's not up for a week. It's up six months of the year, every year. It's not a temporary use.
325 But even if it were a temporary use, there's no exemption in the ordinance for temporary
326 uses. Even if it were temporary, they don't get out just because it's temporary because
327 the ordinance requires these standards to apply. It doesn't say these standards don't
328 apply in the case of a temporary building. Next, I want to address that this building is
329 now construction. Again, this is some new material based on the two staff reports that I
330 submitted to you tonight. The August 2004 staff report about the gazebo and the bridge
331 proposed for Liberty Park. In that staff report, they, the Planning Staff, recommends that
332 the Historic Landmark Commission evaluate the gazebo and the bridge under the
333 standards for new construction. New construction in the ordinance means the building of
334 a new principal structure on a lot within an H Historic Preservation Overlay District or
335 landmark site. So clearly the Planning Staff considers the new gazebo and bridge to be a
336 principal building in Liberty Park. The gazebo and bridge, I believe, is something like 300
337 square feet. The tennis center, which is in the pictures with the bubble, is right in front of

235 BOA II

338 it, and I suppose you've all seen it, again, there the City Planning Staff recommended
339 that the new construction of a new building standard apply to that structure. That's in the
340 December 2004 staff report. The tennis center, I'm sorry, the gazebo and bridge is the
341 page three of that document. Because these, I mean if anything, the tennis center is an
342 accessory use to the bubble and not the other way around. The tennis center services
343 the bubble. What really goes on there is the tennis playing which happens inside the
344 bubble. So, for them to find that the gazebo and bridge, 300 square feet, is a principal
345 building, I'm sorry, to find that it is a principal building or to find that the tennis center is a
346 principal building, but not to find the tennis bubble at 26,000 square feet to be a principal
347 building is very problematic. At this point, I would like to have Dave Brach address why
348 the tennis bubble would not meet the criteria for new construction in a historic overlay
49 district. And then if it's okay, I'd like to do a conclusion when he's done.

350 Jones: Okay.

351 Brach: As you know the Salt Lake zoning code lays out standards for new construction in a
352 historic preservation overlay district. I would like to briefly say six of these standards from
353 the code and state how these relate to the building presently under discussion. First,
354 height and width. I think enough has already been said. I don't want to reiterate.
355 Second, roof shape. Quote from the code. Quote, the roof shall be visually compatible
356 with the surrounding structures and streetscape, close quote. However, the roof of this
357 building is integral to the form of the building which is a continuously curving, vaulted or
358 arched shape. Third, scale of a structure. Quote, the size and mass of the structure
359 shall be visually compatible with the size and mass of surrounding structures and
360 streetscape, end quote. However, the bubble's footprint is 26,000 square feet and is
361 taller, to my knowledge, than any other building in the Park. The scale of this building is,
362 to put it mildly, or the scale of this building, does not respect its context. Four, rhythm of
363 solids to voids in facades. Quote from the code. Quote, the relationship of solids to
364 voids shall be visually compatible with the size and mass of surrounding structures and
365 streetscape, end quote. However, every façade of the bubble is featureless and
366 monotonous. There is no solid to void relationship whatsoever. Fifth, relationship of
367 materials. Quote, the relationship of the color and texture of materials shall be visually
368 compatible with predominate materials used in surrounding structures and streetscape,
369 end quote. However, the whole exterior of the bubble is thin plastic membrane which is
370 inconsistent with the required sensitively to existing buildings and landscape. Six, rhythm
371 of spacing and structures on streets. Quote, the relationship of a structure to the open
372 space between it and adjoining structures shall be visually compatible with the structures,
373 objects, public ways and places to which it is visually related. However, in the case of the
374 bubble, the massiveness of the building dominates the openness of the spaces

375 surrounding it and its extreme proximity to the existing tennis buildings reinforces this
376 imposing quality. And finally, in December of 2002 during its evaluation of the design for
377 a new tennis center building, the Salt Lake Historic Landmark Commission stated, quote,
378 the surrounding streetscape of the proposed building is the park landscape and the
379 existing tennis center. The size of the new tennis center is comparable to other service
380 buildings in the Park. Its scale with height proportion and the roof shape are identical to
381 the existing building. And this quote from the Historic Landmark Commission serves to
382 illustrate a precedence set by that Commission for considering the appropriateness of
383 building designs on the exact site presently under discussion. Thank you.

384 Barbanell: I'd just like to conclude by saying the City did in fact circumvent the Historic Landmark
385 Commission in this matter. This should have gone to Landmarks and there should have
386 been public notice. The comments of the Architectural Subcommittee, as you can see
387 from reviewing the meeting minutes, did not merit making an administrative decision in
388 this case. I respectfully request that this Board reverse the decision of the City and
389 determine that the Certificate of Appropriateness should not have been issued for the
390 bubble. Alternatively, I seek remand of this issue to the Historic Landmark Commission,
391 which is where this issue should have been addressed. And which is the board that is
392 endowed by the City to make decisions about what goes on in landmark sites. Thank
393 you for your time. I can answer any questions if you have any.

394 Jones: Thank you. Do we have any questions of Ms. Barbanell? We don't. Let's see, Mr.
395 Quintana, you want to speak.

396 Quintana: I think we can probably go through this a lot faster if I just summarize the points that need
397 to be made from a legal standpoint.

398 Jones: Please do.

399 Quintana: Well, the Historic Landmark Commission is not here. They're not the complaining party.
400 And if we look at this, there was actual and constructive notice given to the entire public.
401 Everyone knew this bubble was proposed. There were public ceremonies regarding the
402 construction of the bubble. And furthermore, the complaining parties here actually visited
403 the facility as it was going up and being built. So, if they were going to making
404 objections, the objections are mute at this point, they've waived any objections they
405 would have made procedurally because they could have brought a lawsuit to seek for an
406 injunctive relief. In the beginning they could have moved to have this matter to the
407 Landmark Historic Commission which they did not. So, at this point, for them to come
408 here to this Commission and try to undo the work of lots and lots of people to be able to
409 play tennis at Liberty Park year round is something that is devious at best and
410 disingenuous. The bubble itself is a temporary structure as it is not a year round facility.
411 I mean, I think the real objection here is these guys just don't like see people playing

ATTACHMENT D

SALT LAKE CITY HISTORIC LANDMARK COMMISSION
PETITION BY THE SALT LAKE CITY ENGINEERING DIVISION TO CONSTRUCT
A NEW TENNIS CENTER BUILDING ON THE WEST SIDE OF THE EXISTING
TENNIS COURTS IN LIBERTY PARK

CASE NO. 038-02

DECEMBER 4, 2002

OVERVIEW

The Salt Lake City Engineering Division is requesting approval for a new tennis center, to be built north of the existing tennis center west of the tennis courts in Liberty Park. The entire park is listed as a Landmark Site on the Salt Lake City Register of Cultural Resources, and is also a National Register Historic District.

BACKGROUND

Liberty Park sits on land that was originally on the outskirts of Salt Lake City. Isaac Chase was the first owner of this plot of land, and built his house (which now houses the Utah State Folk Arts Program) and a gristmill (soon to be used by the Tracy Aviary). Brigham Young obtained the property from Isaac Chase in 1860. His estate sold the land to Salt Lake City for development of a city park in 1881, and the park opened on June 17, 1882.

The city has undertaken several major upgrades and numerous smaller construction projects during the last century. In 1997, planning for another major upgrade began. Landmark Design and the City Parks Division completed a major scoping plan for the park in 1998. The consultants and the city gathered extensive public input, which indicated that no major changes should be made to Liberty Park, but that major maintenance was needed and should be undertaken. HLC agreed with this assessment when the scoping plan was presented to the Commission on April 15, 1998.

Tennis courts were first constructed in the park about 1915, and tennis continues to be a popular activity in the park. According to Linda Vincent, the director of the Utah Tennis Association, between 6,000 to 7,500 people play tennis on Liberty Park's 16 courts from the beginning of April through October. The existing tennis center, at only 900 square feet with two unisex bathrooms, has long been inadequate for the staff and users of the courts. A new tennis building or an addition to the existing structure was identified as proposed improvement in the scoping plan.

PROPOSAL

The proposed center will be jointly funded by the city and the Friends of Liberty Park, a non-profit organization directed by Cal Nelson, an avid Liberty Park tennis player. The new building would be directly north of the existing center and would be separated by an entry plaza and ramp. It would mimic the existing structure in roof shape and materials. The new building would be about 3,000 square feet, and would include four public restrooms on the north elevation, accessed independently from the tennis center from the sidewalk to the west. The existing tennis center would remain.

ANALYSIS

The Historic Landmark Commission should make findings based on the following section of the zoning ordinance:

H. Standards for Certificate of Appropriateness Involving New Construction or Alteration of a Noncontributing Structure. In considering an application for a certificate of appropriateness involving new construction,

or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the historic landmark commission and city council and is in the best interest of the city.

1. Scale and Form

a. *Height and Width.* The proposed height and width shall be visually compatible with surrounding structures and streetscape;

b. *Proportion of Principal Facades.* The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;

c. *Roof Shape.* The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and

d. *Scale of a Structure.* The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

DISCUSSION AND FINDING: In this case, the surrounding streetscape of the proposed building is the park landscape and the existing tennis center. The size of the new tennis center is comparable to other service buildings in the park. Its scale, width, height, proportion and roof shape are identical to the existing building.

2. Composition of Principal Facades.

a. *Proportion of Openings.* The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;

b. *Rhythm of Solids to Voids in Facades.* The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;

c. *Rhythm of Entrance Porch and Other Projections.* The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and

d. *Relationship of Materials.* The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.

DISCUSSION AND FINDING: The design of the new tennis center very clearly reflects its function, as it is essentially a locker room, restroom and storage facility. For this reason, there are few openings in the facades and no porches or "other projections." The use of brick as a wall material and asphalt shingles for the roof is visually compatible with the existing tennis building, which has brick walls and wood shingles as a roof material.

3. Relationship to Street

a. *Walls of Continuity.* Facades and site structures, such as walls, fences and landscape masses shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;

b. *Rhythm of Spacing and Structures on Streets.* The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;

c. Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street, and

d. Streetscape Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

DISCUSSION AND FINDING: Because the proposed new building is so similar to the existing tennis structure, it reinforces the existing "wall of continuity," both along the public sidewalk and the court sidewalk. This "wall" is broken by the entry plaza, and thus introduces a new rhythm of spacing as one walks west of the courts. For obvious reasons, the new building would be oriented to the tennis courts, as is the existing tennis center. Streetscape improvements will include consistent fencing materials, landscaping and lighting.

4. Subdivision of Lots. The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

DISCUSSION AND FINDING: This application has no subdivision issues.

RECOMMENDATION

Staff recommends the Commission approve the proposed tennis center.

Elizabeth Giraud
Planning Programs Supervisor
December 4, 2002

ATTACHMENT E

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

SALT LAKE CITY HISTORIC LANDMARK COMMISSION
REQUEST BY SALT LAKE CITY ENGINEERING DIVISION, REPRESENTED
BY DAT Q. PHAN OF THE SALT LAKE CITY ENGINEERING DIVISION
AND CRAIG AMES OF PASKER, GOULD, AMES AND WEAVER
ARCHITECTS, FOR APPROVAL OF A NEW CONCESSION BUILDING
IMMEDIATELY WEST OF 600 EAST IN LIBERTY PARK

CASE NO. 002-05

MARCH 2, 2005

OVERVIEW

The Historic Landmark Commission will review a request from the Salt Lake City Engineering Division requesting approval to construct a new concession building in Liberty Park. The entire park is listed as Landmark Site on the Salt Lake City Register of Cultural Resources, and is also listed on the National Register of Historic Places.

BACKGROUND

Liberty Park sits on land that was originally on the outskirts of Salt Lake City. The land was subdivided in the "Big Field" survey of 1847, which distributed farming plots to the first settlers of the Salt Lake Valley. Isaac Chase was the first owner of this plot of land; he built his house (which now houses the Utah State Folk Arts Program) and a gristmill (which also still stands). Brigham Young obtained the property from Isaac Chase in 1860. His estate sold the land to Salt Lake City for development of a city park in 1881. The park opened on June 17, 1882, which was the anniversary of the Battle of Bunker Hill.

Landmark Design and the City Parks Division completed a major scoping plan for the park in 1998. There was extensive public input during this process, the general tone of which was that there shouldn't be major changes made to Liberty Park, but that the physical infrastructure was in need of major maintenance. The Historic Landmark Commission echoed this stance when the scoping plan was presented to the Commission on April 15, 1998. Over the past seven years, most of the goals of the scoping plan have been achieved.

The original plan contemplated renovating the concession building (Item "A7") under "Proposed Improvements," but upon further consideration, the Public Services Department has determined that a new concession building would better serve the needs of park users. The City would like to encourage more year-around use of the venues in the southern half of the park, such as the upcoming gazebo in the pond and expanded services of the Tracy Aviary, and an improved concession building is needed to accommodate larger crowds. The larger space of the proposed concession building (3,400 sq. ft., versus the 1,440 sq. ft. of the existing concession building), coupled with sufficient kitchen space and a space for indoor, year-around dining, could further the goals of expanded use of the park.

recent tennis building, public restrooms can be accessed separately from the exterior of the proposed building, and will be located on the south end of the proposed building.

ANALYSIS

REQUIREMENTS OF THE ZONING ORDINANCE

Because the proposed concession building will be in a prominent, visible area of the park, within the vicinity of the park's most significant and historic structures, and because the proposed concession building will be a permanent structure with year-around use, the Planning Division Staff determined that the proposed construction merited full HLC review.

In considering the proposed work of constructing a new concession building and associated site work, the Historic Landmark Commission should make findings based on the following section of the zoning ordinance, *Standards for New Construction or Alteration of a Noncontributing Structure*:

21A.34.020 H Historic Preservation Overlay District:

H. Standards for Certificate of Appropriateness Involving New Construction or Alteration of a Noncontributing Structure. In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the historic landmark commission and city council and is in the best interest of the city.

1. Scale and Form.

a. Height and Width. The proposed height and width shall be visually compatible with surrounding structures and streetscape;

b. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;

c. Roof Shape. The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and

d. Scale of a Structure. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

DISCUSSION: The proposed building is similar in height to nearby buildings found along 600 East: the Chase Mill (32'), the Chase House (28'), and the greenhouse (17'). The height of the proposed building is 28, 7' less than the 35' required by the zoning ordinance in this zoning district (OS - Open Space). The square footage of the proposed concession building is 3,400 sq. ft., comparable to the square footage of the footprint of the Chase House (2,550 sq. ft.) and the Chase Mill (2,000 sq. ft.), and smaller than the greenhouse (8,300 sq. ft.). The width of the proposed building is broken by the strong vertical elements of the cross gables, and the width is not unduly wide in proportion to the height of the building. The proportion of the principal

d. Streetscape-Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

DISCUSSION: The proposed building replaces a structure that dates to the late 1930's, and will be one of several structures found along 600 East within the confines of the park. The buildings, including the greenhouse, the Chase House and the Chase Mill, represent various historical phases of the park's development and have been adaptively reused for purposes other than their original use. The alignment of the buildings on 600 East provide a formal, if spread out, "spine" of structures used for a variety of functions and venues within the park. They provide a visual, historical and functional "wall of continuity for park users. The new building will continue this "relationship" within the park and along 600 East. Although the new building will be approximately 2,000 square feet larger than the existing concession building, the length of 600 East is four blocks, and the nearby structures are far enough away that the existing visual relationship between the concession building, the Chase Mill and the greenhouse will be maintained. The directional expression of the proposed new building will be altered, as its east wall will no longer be parallel to the 600 East pedestrian way. It will be rotated slightly to the southeast, in order to orient it to the dock, proposed new gazebo and lake. Pedestrian improvements, such as new paving materials from the dock to the merry-go-round as indicated on the site plan, are not part of this review. They have been put on hold due to budget constraints.

FINDING: The proposed new structure is consistent with the standards in terms of walls of continuity and rhythm of spacing and structures on streets. It differs from the footprint of the existing building and from other structures on 600 East in orientation, but the scale of the park is large enough to absorb this change, and the building is small enough not to disrupt the alignment of structures along this axis of the park. Proposed streetscape-pedestrian improvements have been delayed because of budget shortfalls. The applicant meets the standards of this section of the zoning code.

4. Subdivision of Lots. The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

DISCUSSION AND FINDING: This standard is not applicable to the proposal, as no subdivision of lots is required.

RECOMMENDATION

Based upon the preceding findings of fact, Staff recommends approval of the project as proposed. Staff further recommends that the Commission delegate to Staff approval of any minor revisions that may be necessary as part of the completion of construction drawings for this project.

Elizabeth Giraud, AICP

Exhibit 1
Letter from SLC Planning Director Louis Zunguze to
SLC Architect Dat Phan

SALT LAKE CITY CORPORATION

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

ROSS C. ANDERSON
MAYOR

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

August 13, 2004

Mr. Dat Phan
Salt Lake City Engineering Division
324 S. State, Suite 310
Salt Lake City, Utah 84111

Dear Dat:

This letter is in response to your inquiry regarding the contributing status of the concession building in Liberty Park. My finding is that the building is non-contributing, for the reasons outlined below. I have also provided you with the process for demolishing a non-contributing structure.

Findings Regarding the Non-Contributing Status of the Concession Building in Liberty Park

Section 21A.34.020 "H" Historic Preservation Overlay Zone addresses the determination of contributing and non-contributing status in two places: Definitions (21A.34.020(B)(2) and (3)) and Criteria for Selection of an "H" Historic Preservation Overlay District or Landmark Site (21A.34.020(C)(2)).

The Ordinance cites three criteria for determining the contributing or non-contributing status of a property within a historic district: historical or architectural significance, physical integrity and the age of the site. The specific language is as follows:

Application of the Standards to the Concession Building

Your division provided Elizabeth Giraud with plans from their archives of the Concession Building. Elizabeth has told me that you believe that while you do not have complete certainty that these plans correspond to the existing structure, the shape and size of the building lead both of you to believe that there is a high degree of probability that the archived plans represent the subject property. Since Elizabeth has checked the plans against the existing appearance of the building *in situ*, my determination is that the building is non-contributing because it has lost so much of its original physical integrity, for the following reasons:

- The original materials are not intact. The rustic siding indicated on the plans is obscured by the current signage and awnings, the original brick below the counter openings appears to have been altered, and the west elevation currently has shingles that appear to obscure the original siding and wall openings.
- The counter openings as indicated on the plans have been changed. They no longer have the curved element at the top, the center opening has been filled in on the east

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111

TELEPHONE: 801-535-7757 FAX: 801-535-6174

WWW.SLCBOV.COM

 RECYCLED PAPER

elevation, none appear to have survived on the west elevation, and the overhead doors are no longer of the historic period.

- The Concession Building has an addition on the south side, obscuring all vestiges of the original design and materials. While the addition is compatible to the original building in terms of height, massing, and roof materials, it is incompatible in terms of window openings and the elevation design of the original building.
- As stated earlier, the center bay of the east elevation has been filled in with incompatible material and a door that is not of the historic period.

Liberty Park Landscape Scoping Project

The Liberty Park Landscape Scoping Project, completed and adopted by HLC in 1998, lists the concession building rates the building as "Building definitely to be retained and reused," and as one of the criteria, mentions that the building is "National Register listed or eligible." Cooper/Roberts Architects completed the building evaluation criteria. In this instance, I disagree with their evaluation, as it is my opinion that the building does not meet National Register criterion for the reasons stated above.

Conclusion on Findings of Non-Contributing Status

The building is part of the broad pattern of history, in the context of Liberty Park's development, was constructed more than fifty years ago, and retains some of its physical integrity in terms of location, setting and association. However, the alterations noted above have damaged its physical integrity in terms of design, materials, workmanship and feeling. Overall, my determination is that the physical integrity for the period of which the building is associated (1938 to 1954) has been compromised, and it would be difficult to reverse the alterations without extensive replacement of the building fabric. Thus, it is my determination that the building meets the definition of a non-contributing structure as defined by the Zoning Ordinance.

Process for Demolition of a Non-Contributing Structure

The process for demolition of a non-contributing structure requires the Planning Division to send a notice to surrounding property owners within 85,' and the Historic Landmark Commission. In the case of Liberty Park, the notice must be sent to the property owners within this distance of the entire perimeter of the park. The notice informs the recipients that the building has been determined to be non-contributing and of the possibility of demolition. There is a fourteen-day waiting period during which those noticed or any member of the public may protest the demolition.

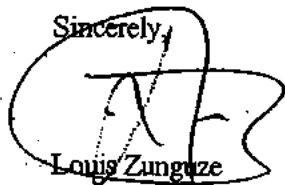
If the fourteen-day waiting period elapses without protest, the Planning Director approves the application for demolition. If there is any protest regarding the determination of non-contributing status or the demolition, the Planning Director may refer the application to the Historic Landmark Commission for review. In the case of the concession building, I do not anticipate public protest.

I have enclosed the necessary application form. We can use the labels for the surrounding property owners that were recently used for the duck pond and gazebo cases that were

reviewed by the Commission, so you don't have to provide them, but you will be charged postage. The postage and the application fee can be paid through interdepartmental routing.

If you have more questions, please call Elizabeth Giraud at 535-7128.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Zunguze", is written over a circular stamp or seal. The signature is somewhat stylized and overlaps the circular boundary.

Louis Zunguze
Planning Director

Cc: Elizabeth Giraud, AICP, Planning Programs Supervisor
File

Exhibit 2
Elevations of Proposed New Concession Building



PASKER GOULD AMES & WEAVER
ARCHITECTS PLANNERS • 2008 SOUTH 800 WEST LIBERTY PARK WEST • P.O. BOX 10000, SALT LAKE CITY, UT 84143

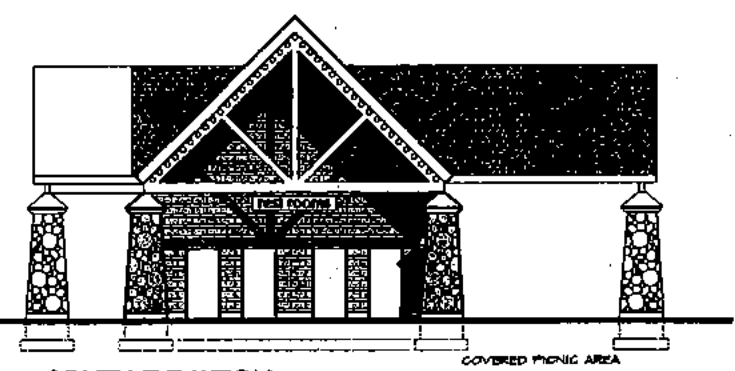


NORTH ELEVATION
SCALE: 1/8" = 1'-0"

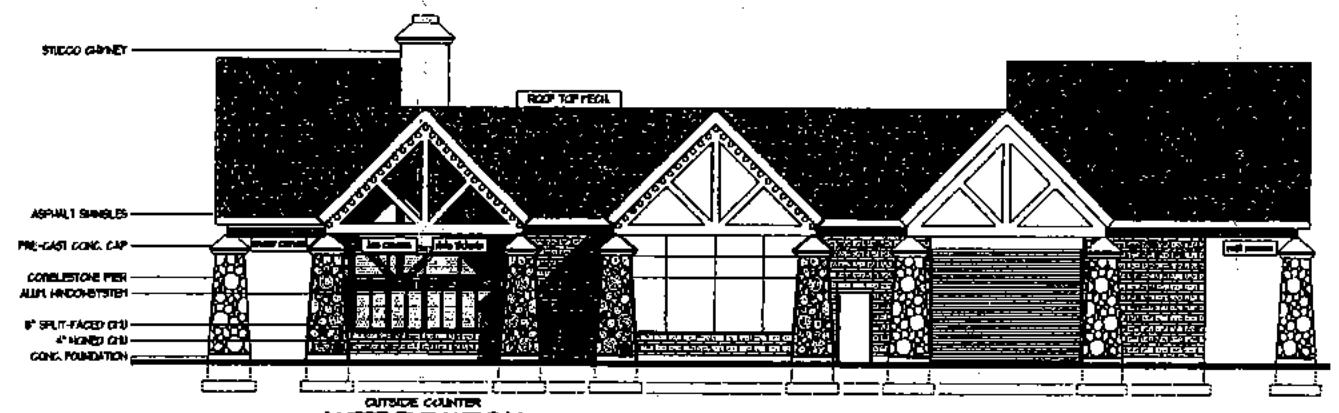


EAST ELEVATION
SCALE: 1/8" = 1'-0"

TO RIDGE EL. = 28'-0"
TO MASONRY EL. = 24'-6"
TO PER. EL. = 22'-0"
FINISHED FLOOR EL. = 10'-0"

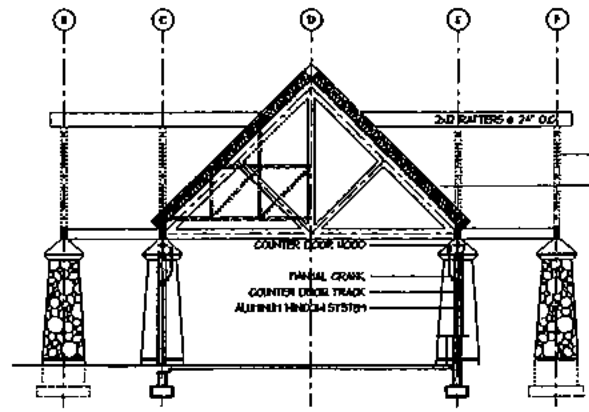


SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



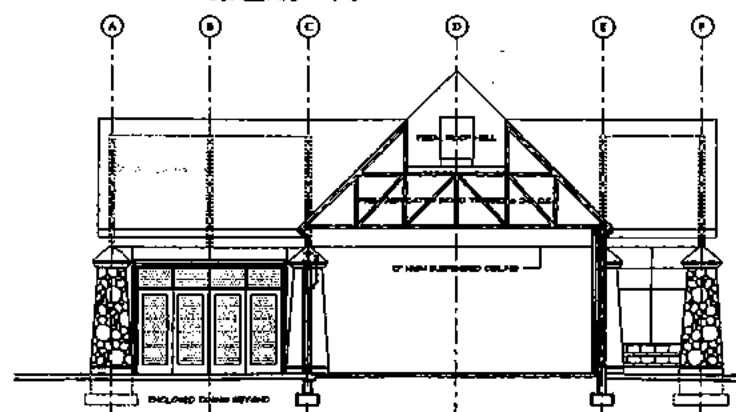
WEST ELEVATION
SCALE: 1/8" = 1'-0"

TO RIDGE EL. = 28'-0"
TO MASONRY EL. = 24'-6"
TO PER. EL. = 22'-0"
FINISHED FLOOR EL. = 10'-0"



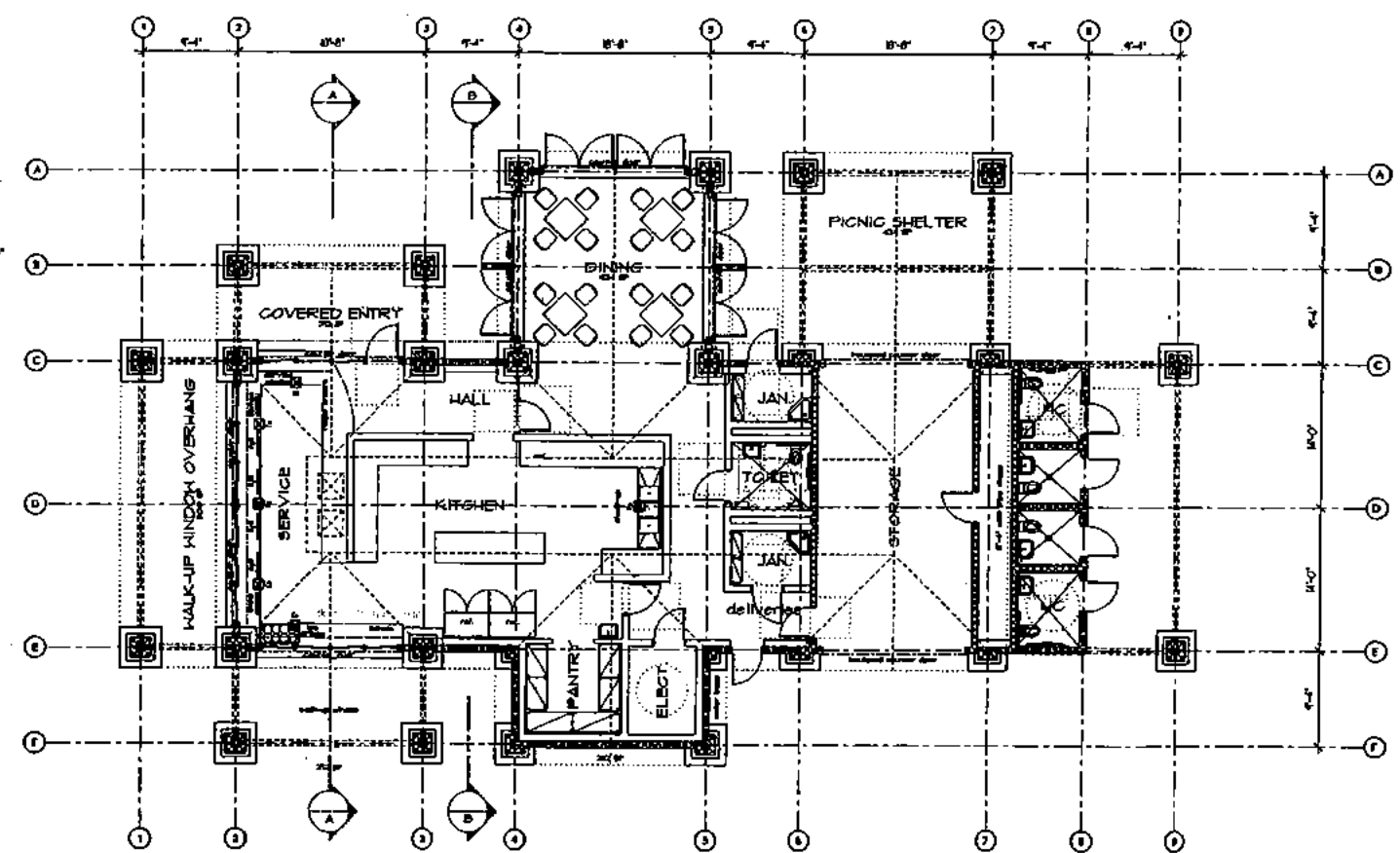
A - BUILDING SECTION AT GRID 2.5
SCALE: 1/8" = 1'-0"

STEEL TUBE TRUSS
2x12 RAFTERS @ 24" O.C. AT EXT.
TO ALIGN W/ SIDING TRUSSES
TO MASONRY EL. = 24'-6"
TO PER. EL. = 22'-0"
TO TRANSFER BEAM EL. = 10'-6"
FINISHED FLOOR EL. = 10'-0"



B - BUILDING SECTION AT GRID 3.5
SCALE: 1/8" = 1'-0"

TO MASONRY EL. = 24'-6"
TO PER. EL. = 22'-0"
FINISHED FLOOR EL. = 10'-0"



FLOOR PLAN
SCALE: 1/8" = 1'-0"



FLOOR PLAN & ELEVATIONS
PROPOSED NEW
LIBERTY PARK CONCESSIONS STAND

DESIGN DEVELOPMENT DRAWINGS
DATE: APR 14, 2008
JOB NO.:

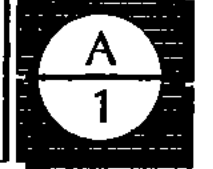
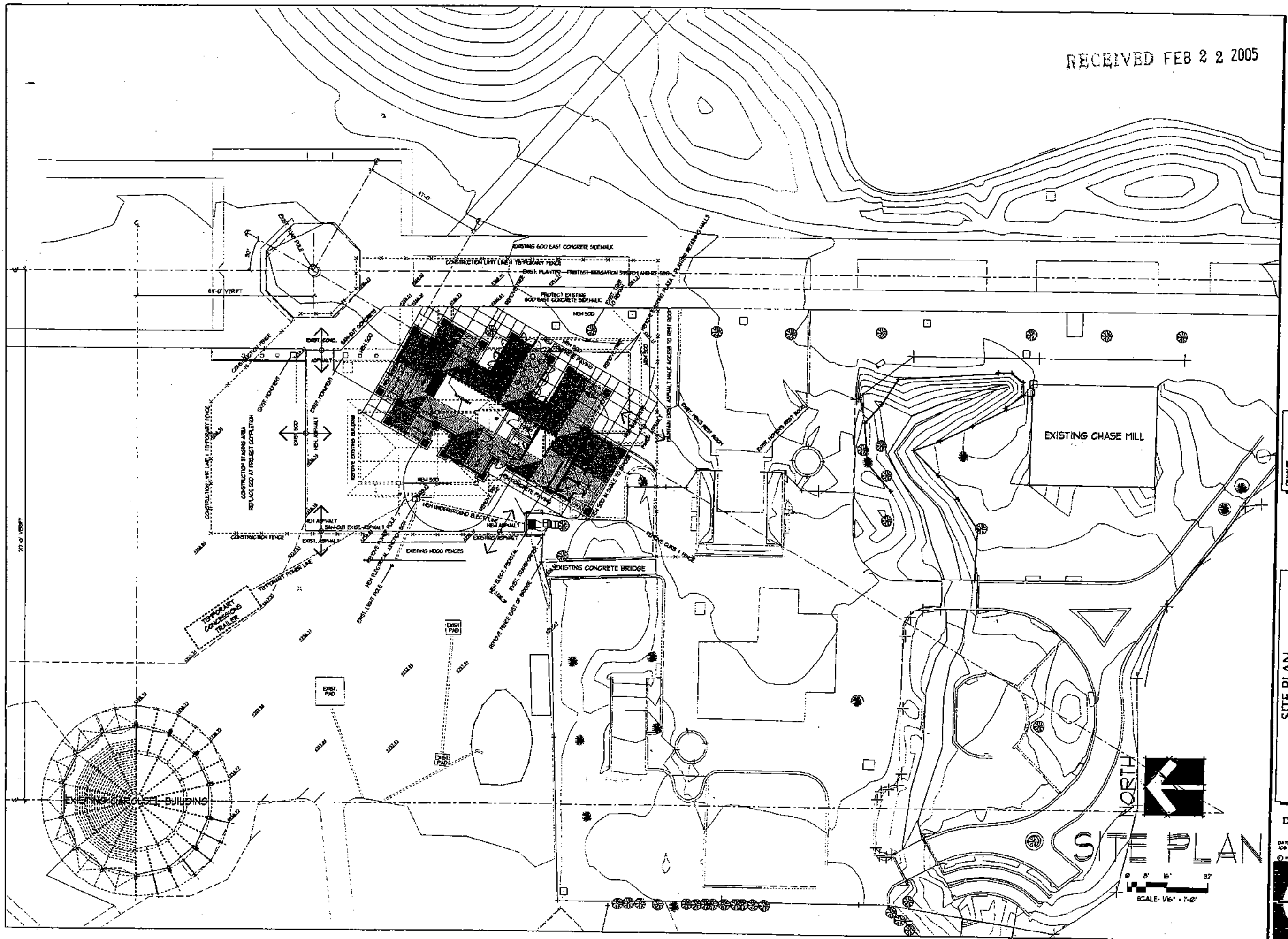


Exhibit 3
Site Plan of Proposed New Concession Building

RECEIVED FEB 22 2005



PASKER GOULD AMES & WEAVER
ARCHITECTS PLANNERS 2288 ROUTE 300 WEST HANOVER, VIRGINIA 22941 PHONE 804-226-9844 FAX 804-226-9243



SITE PLAN
PROPOSED NEW
LIBERTY PARK CONCESSIONS STAND

DESIGN DEVELOPMENT DRAWINGS

DATE: FEB. 21, 2005

SCALE: 1/8" = 1'-0"

C
1

Exhibit 4
Photographs of Site



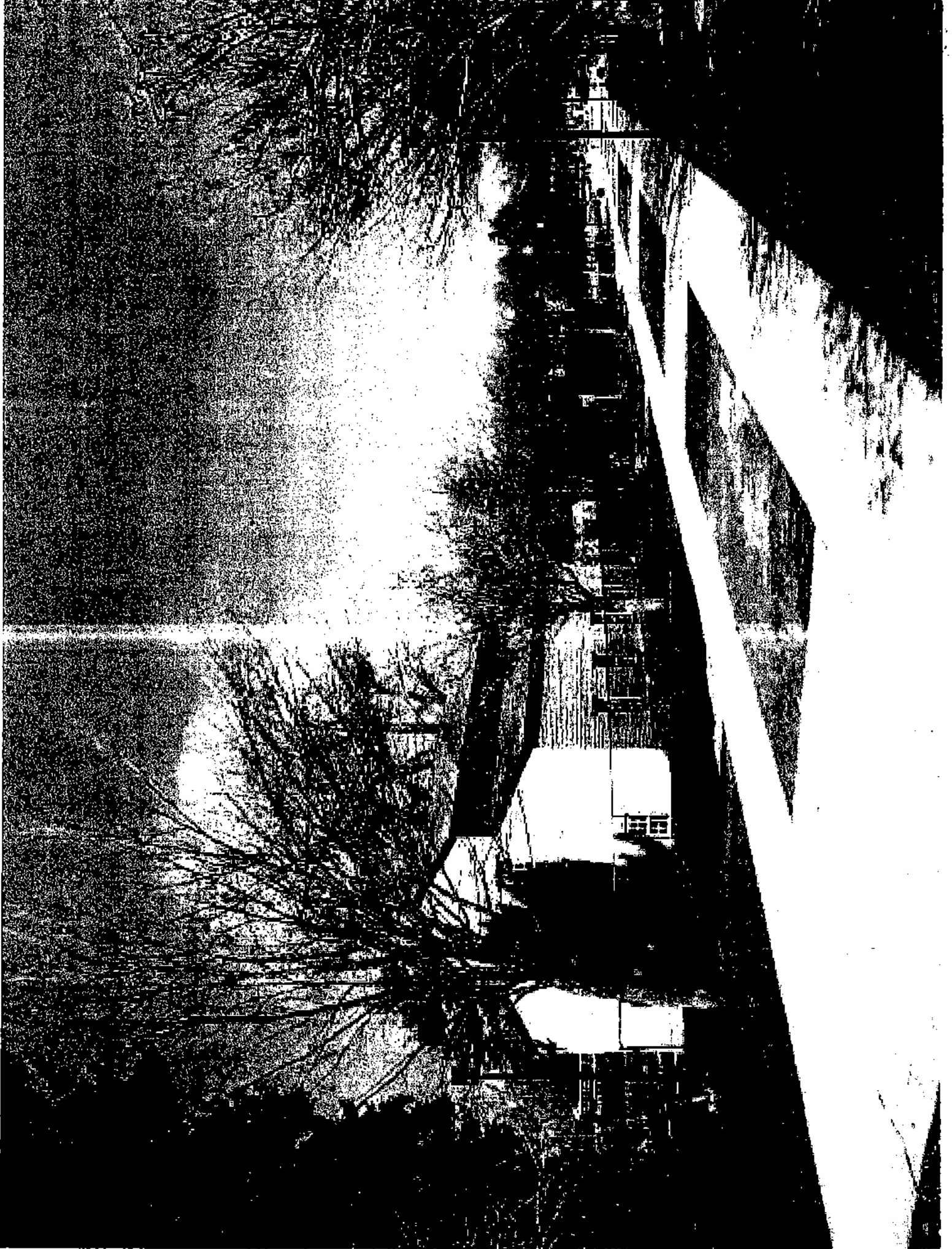


Exhibit 5
Notice to Surrounding Property Owners of Proposed
Demolition of Non-contributing Building

NOTICE OF DEMOLITION OF A NON-CONTRIBUTING STRUCTURE AS PART OF A LANDMARK SITE

SUBJECT TO 21A.34.020(F)(1)(d) OF THE ZONING ORDINANCE

Notice for Application for Demolition of a Non-Contributing Structure: An application for demolition of a non-contributing structure shall require notice for Determination of a Non-Contributing Site pursuant to Part II, Chapter 21A.10.020(F), which states:

Prior to the approval of an administrative decision for a Certificate of Appropriateness for demolition of a non-contributing structure, the Planning Director shall provide written notice of the determination of non-contributing status of the property to the Historic Landmark Commission and to all owners of land as shown on the latest published property tax records of the County Assessor within eighty-five (85) feet (exclusive of intervening streets) of the property. At the end of the fourteen (14) day notice period, the Planning Director shall either issue a Certificate of Appropriateness for Demolition or refer the application to the Historic Landmark Commission.

PHOTOGRAPH OF NON-CONTRIBUTING STRUCTURE PROPOSED FOR DEMOLITION



This structure is not considered to be contributing within the Landmark Site (Liberty Park) because the architectural integrity has been compromised. Most notably, the original openings have been obscured by material that is not of the historic period and the addition on the south side is inconsistent with the original design.

Re-Use Plan: The re-use plan for this building will be a new concession building.

Please direct all comments or questions on this demolition to:
Elizabeth Giraud, Planning Programs Supervisor, Salt Lake City Planning Division
Telephone (801) 535-7128 Email: Elizabeth.giraud@slcgov.com

COMMENTS MUST BE RECEIVED PRIOR TO MARCH 1, 2005

DATED THIS DAY: FEBRUARY 14, 2005

ATTACHMENT F

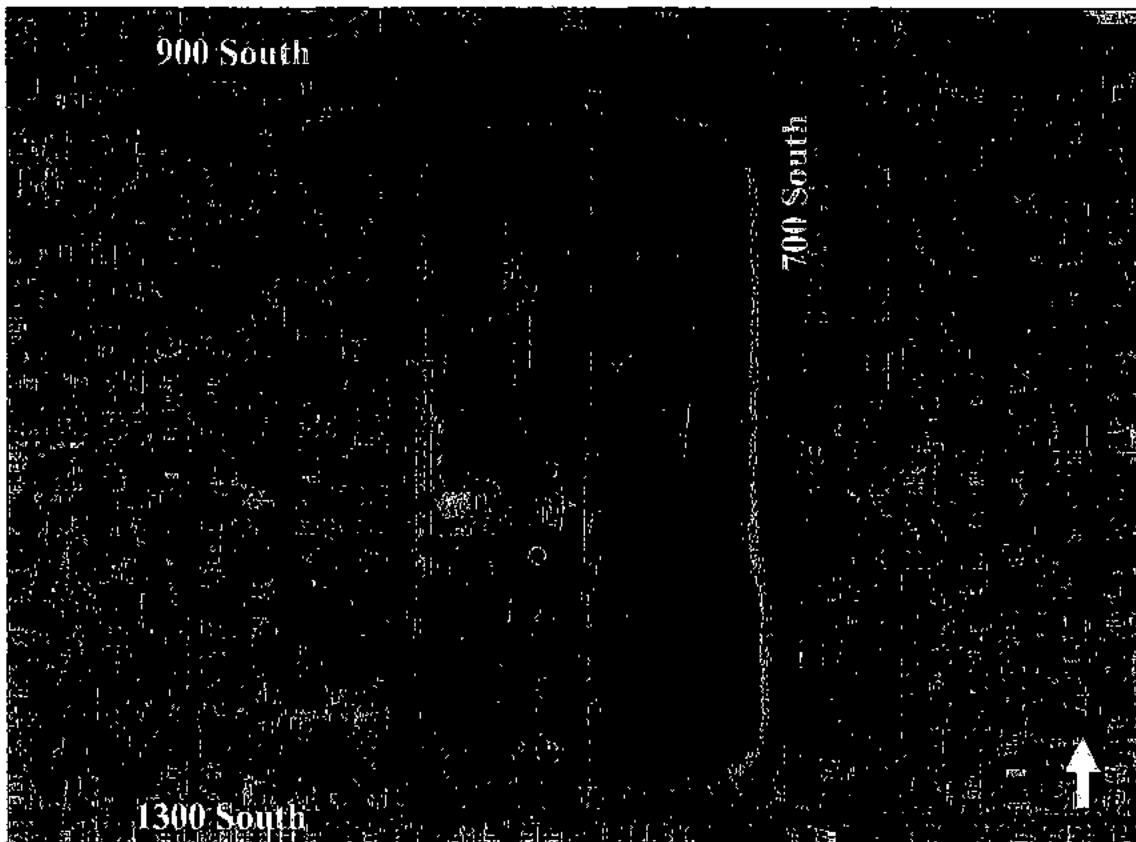
SALT LAKE CITY HISTORIC LANDMARK COMMISSION

REQUEST BY SALT LAKE CITY PARKS DIVISION FOR CONCEPTUAL APPROVAL FOR SEVERAL PROJECTS IN LIBERTY PARK

CASE NO. 470-06-02
WEDNESDAY, JUNE 7, 2006

OVERVIEW

The Historic Landmark Commission will review a number of projects as part of the proposed phased Conceptual Plan for alterations to Liberty Park by the Salt Lake City Parks Division. Liberty Park is located between 500-700 East and 900-1300 South streets. The entire park is listed as a "Landmark Site" on the Salt Lake City Register of Cultural Resources and is also a National Register Historic District. The Isaac Chase House and the Chase Mill are also individually listed in the Salt Lake City and National Registers.



BACKGROUND

Once the southern edge of the city, the park is on the site of a mill and farm established by Isaac Chase. Chase was assigned the plot in the original "Big Field" survey of 1847, which distributed farming plots to the first settlers of the Salt Lake Valley. Brigham Young obtained the property from Chase in 1860. His estate sold the land to Salt Lake City for development of a city park in 1881. The dedication of the park was celebrated June 17, 1882, the anniversary of the Battle of Bunker Hill. Originally the park included several pavilions, a bandstand, a small lake and several informal planted areas.

The park has been the focus of several major upgrades and the site of numerous smaller construction projects over the course of the last century. Planning for another major upgrade began in 1997, and Landmark Design and the City Parks Division completed the *Liberty Park Landscape Scoping Project*. The 1998 scoping plan outlines a phasing program for improvements, the first phase of which was reviewed by the Historic Landmark Commission in February of 2000. At that time, the Commission approved several infrastructure projects listed among the highest priority improvements. These improvements included new lighting, restrooms, a jogging path, a new basketball court and other upgrades to the park's infrastructure. Over the past eight years, most of the goals of the scoping plan have been achieved. Recent improvements reviewed by the Commission include:

- August 4, 2005 – Gazebo and bridge on the north island of the southeast quadrant and improvements to the duck pond;
- March 2, 2005 – New concession building; and
- December 7, 2005 – Signage and wayfinding program.

The extent of the current proposal includes:

- Improvements to the plaza area around the concession building.
- Extending and realigning the east-west pedestrian path and tree allée.
- Reshaping the northwest edge of Liberty Lake.
- Restoring the natural drainage channel west of Liberty Lake to the bridge.
- Relocation of the World Wars memorial.
- Transforming the children's garden into a picnicking and gathering area.
- Constructing a new amphitheatre.

The submittal contains a phasing program to accomplish the improvements. The plan identifies the concession area and pedestrian path and allée improvements to be completed first. The second phase would consist of improvements to the children's garden and streambed. The final phase would include construction of an amphitheatre and improvements to Liberty Lake.

The construction of an amphitheatre is identified in the *Landscape Scoping Project* document. The document organizes the proposed improvements by project. Project I includes the highest priority improvements and Project II includes the remainder of the work. The

construction of a new public entertainment center (bandstand/amphitheater) is listed in the Project II description of improvements.

PROPOSAL

First Phase

Concession Area – On March 16, 2005, the Historic Landmark Commission granted approval of the new concession building. The building which provides year-round use, is significantly larger than the previous structure and causes circulation conflicts. The applicant proposes improvements to accommodate the new circulation pattern that includes the following:

- The exiting amusement rides will remain, but the hard-surface around the equipment will be upgraded from asphalt to a concrete and paver pattern.
- The two existing concrete planters and five concrete bollards would be removed.
- An information kiosk that was proposed at part of the signage and wayfinding program would be installed. The kiosk would be designed to match the architecture of the concession building.
- The World Wars memorial constructed in 1999 would be rebuilt approximately 100 feet to the south. The new memorial would be similar in design to that of the original and incorporate seating.

Pedestrian Path and Allée Improvements – The applicant proposes to extend the pedestrian path and allée of trees from the parking lot eastward to the concession area. A concrete path would be constructed and trees planted along the existing formal allée. The improvements will define this entrance to the park and create a boundary to the concession area.

Second Phase

Adventure Garden – The children's garden was designed as an adventure park with high viewing platforms, ramps, steps, cargo nets for climbing and other play features. The area was closed several years ago due to safety concerns. The restroom facility adjacent to this area was also closed as it was an area conducive to vandalism and of concern from a safety aspect. The applicant proposes to reconstruct the children's garden. The design includes berms, benches, groupings of boulders, sandstone stepping stones and a woodchip walking surface. Several vertical poles will also remain to become part of a "forest". A new picnic pavilion is proposed on the edge of the adventure garden. The pavilion design will utilize the existing poles for supports and match the concession building in materials and form. The proposed scope of work would also include improvements to an old streambed in the area.

Third Phase

Amphitheatre – An amphitheatre is proposed to provide a place in the park for performances, lectures and other informal gatherings. The amphitheatre would be built into the hillside by extending the berm that runs along the northern side of Liberty Lake. The design of the park feature will consist of grassy seating levels, stone steps and a small stage that would be enclosed by flowering trees. A gazebo that is similar in design to that of the concession stand is also proposed at the knoll of the hill.

Liberty Lake - The northwest corner of Liberty Lake is proposed to be extended to the edge of the 600 East pedestrian walkway. This extension would increase the lake's capacity as a storm water detention basin and creates a direct connection to the boat dock. The existing grass paver path would be eliminated and a wider new dock installed. The concrete curb around the lake would also be replaced with a new sidewalk and shore protection.

ANALYSIS

REQUIREMENTS OF THE ZONING ORDINANCE

Alterations of a Landmark Site

In considering the proposed alterations to the park, the Historic Landmark Commission should make findings based on the following section of the Zoning Ordinance.

21A.34.020 (G). Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure. In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

- 1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;*
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;*
- 3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;*
- 4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;*
- 5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;*
- 6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;*

7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;*
8. *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;*
9. *Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;*
10. *Certain building materials are prohibited including the following:*
 - a. *Vinyl or aluminum cladding when applied directly to an original or historic material, and*
 - b. *Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;*
11. *Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in Part IV, Chapter 21A.46, Signs;*
12. *Additional design standards adopted by the historic landmark commission and city council.*

DISCUSSION: Many of the alterations proposed are necessary repairs or improvements to existing non-historic features of the park landscape and would have minimal impact on the historic character of the park. In a few instances, such as the amusement ride area, a large area of asphalt would be replaced with new materials more in keeping with the character of the park. The proposed scope of work also involves the removal of features of unknown age and origin, such as the columns and bollards. These features were not specifically identified as those historically associated with the park in the *Landscape Scoping Project* document or National Register nomination form. The path/allée concept proposes to link key park elements with a formal walkway. Staff is of the opinion that the Historic Landmark Commission should further examine the following issues:

Dry Stream Bed: The plans do not show sufficient detail for Staff to fully evaluate the proposed feature. Final details of this feature should be reviewed by the Historic Landmark Commission.

Boat Dock: It is not clear from the plans what the proposed width of the new boat dock will be. From the conceptual drawing, the dock seems large for such a small body of

water. Final details of this feature should be reviewed by the Historic Landmark Commission.

FINDING: The proposed Conceptual Plan for alterations to the park includes primarily necessary improvements to existing non-historic features. The design of the alterations and additions generally makes use of the basic principles recommended by the City's Zoning Ordinance and listed above. This helps in ensuring that the essential form and integrity of the park will not be adversely affected by the alterations. The application complies with the standards outlined in Section 21A.34.020(G) of the Zoning Ordinance.

New Construction

Several new structures are proposed. In considering the proposed amphitheatre, gazebo information kiosk and pavilion, the Historic Landmark Commission should make findings based on the following section the Zoning Ordinance.

2A.34.020 H Historic Preservation Overlay District:

H. Standards for Certificate of Appropriateness Involving New Construction or Alteration of a Noncontributing Structure. In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the historic landmark commission and city council and is in the best interest of the city.

1. Scale and Form.

a. Height and Width. The proposed height and width shall be visually compatible with surrounding structures and streetscape;

b. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;

c. Roof Shape. The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and

d. Scale of a Structure. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

DISCUSSION: In this case, the surrounding streetscape of the proposed new structures is the park landscape. The structures in the park are a wide range of sizes and scales. The size of the new pavilion would be similar to that of the existing restroom facility that it will replace. The proposed scale and roof shapes are consistent with other similar type park structures.

FINDING: The proposed Conceptual Plan meets the intent of this standard as the height and width, proportions, and scale of the proposed new structures do not overpower or detract from the natural and historic features of the park.

2. Composition of Principal Facades.

a. Proportion of Openings. The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;

b. Rhythm of Solids to Voids in Facades. The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;

c. Rhythm of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and

d. Relationship of Materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.

DISCUSSION: The proposed design of the new structures relates to the specific function of the use of the buildings. The Conceptual Plan indicates that the materials for the new structures would be in keeping with materials used for other buildings in the park, such as the concession building.

FINDING: The application complies with this standard as the simple designs of the new structures are largely functional. The proposed construction materials are consistent with material used for other buildings, would evoke historic elements of park structures and are thus appropriate for the park setting.

3. Relationship to Street.

a. Walls of Continuity. Facades and site structures, such as walls, fences and landscape masses shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;

b. Rhythm of Spacing and Structures on Streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;

c. Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and

d. Streetscape-Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

DISCUSSION: In this case, the park landscape is considered the streetscape. Walls of continuity and the rhythm of spacing and structures on streets is not a considerable issue because the proposed buildings are unique features that would be tied to their setting and location within the large historic park. The amphitheatre is a complementary addition to the park. It will blend into the hillside, and provide a significant terminus for the new allée of trees. The additional trees proposed for the hillside further replenish the important urban forest features of the Landmark Site. However, the proposed hilltop location of the gazebo is less compatible visually in this setting. It would compromise the integrity of the rolling landscape, one of the most important features of the park, and thus the Commission and applicant should explore other locations if another gazebo is desirable. The location of a new site feature should be as unobtrusive as possible and complement the visual continuity and cohesiveness of the historic site. Excluding the proposed gazebo, the location and orientation of the proposed structures are compatible with the alignment of surrounding park features.

FINDING: The siting of the new structures is generally compatible with the existing historic landscape. The proposed location of the gazebo, however, will affect the visual appearance of the rolling landscape, and thus is inconsistent with this standard.

4. Subdivision of Lots. The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

FINDING: This application has no subdivision issues.

RECOMMENDATION

Based upon the comments, analysis and findings of fact noted above, Planning Staff recommends the Historic Landmark Commission approve the Conceptual Plan for improvements to Liberty Park subject to the following conditions:

1. Approval of the final details for the First Phase improvements shall be delegated to the Planning Staff based upon direction given during the hearing from the Historic Landmark Commission.
2. Base upon direction given during the hearing from the Historic Landmark Commission, final details for the Second and Third Phase of the Conceptual Plan shall return to the Historic Landmark Commission for review. The location of the gazebo will affect the visual appearance of the rolling landscape of the park and is not permitted. A new gazebo shall be as unobtrusive as possible and complement the visual continuity and cohesiveness of the historic site. The relationship of the width and length of the boat dock shall be in scale with Liberty Lake and surrounding park features.

Janice A. Lew
Principal Planner
May 31, 2006

Attachments: Exhibit 1: Historical Documentation
Exhibit 2: Submittal

ATTACHMENT G



SALT LAKE CITY

[Info Center](#) [Contact us](#) [Search](#)
[Government](#)[City Directory](#)[Online Services](#)[News & Issues](#)[About the City](#)[Residents](#)[Business](#)[City Life](#)[Get Involved](#)

City tennis courts

Name	Location	No. of Courts	Fees
Bonneville	1265 South Wasatch Dr.	2	None
Constitution	1300 West 300 North	2	None
Dee Smith	1216 South Wasatch Dr.	8	\$4.00 per
Dilworth	1853 South 2100 East	2	None
11th Avenue	11th Ave. & "M" St.	8	None
Fairmont	900 East Sugarmont Dr.	5	None
Fire Station #7	273 North 1000 West	2	None

5th Avenue	5th Ave. & "C" St.	2	None
<hr/>			
Forest Dale	2445 South 900 East	2	None
<hr/>			
Glendale	1200 West 1700 South	8	None
<hr/>			
Jordan	900 West 1060 South	2	None
<hr/>			
<u>Liberty Park</u>	600 East 1000 South	16	\$4.00 per 1 (Mon-Fri)
<hr/>			
Lindsey Gardens	600 East 1000 South	2	None
<hr/>			
Pioneer	400 South 300 West	2	None
<hr/>			
Poplar Grove	1200 West Indiana Ave.	2	None
<hr/>			
Research	2000 East 400 South	5	None
<hr/>			
Reservoir	1300 East South Temple	2	None
<hr/>			

Riverside	739 North 1400 West	4	None
<hr/>			
Rosewood	1200 West 1300 North	8	None
<hr/>			
Sunnyside	1600 East Sunnyside Ave.	2	None
<hr/>			
Tanner	2600 East 2760 South	2	None
<hr/>			
Warm Springs	900 North Beck St.	2	None
<hr/>			

[Top of Page](#)

[Home](#) | [Info Center](#) | [Contact Us](#) | [What's New](#) | [Links](#) | [Privacy Statement](#) | [Site Info](#) | [Text Version](#) | [Accessibility](#)
Copyright © 2005 Salt Lake City Corporation. All Rights Reserved.

ATTACHMENT H

Citizen Opposition to Tennis Bubble At Liberty Park

Please take note that the following citizens disagree with the decision to place a tennis bubble at the tennis courts at Liberty Park where such decision was made with no public notice and no opportunity for public comment. Despite the fact that Liberty Park is both on the National Register and the Salt Lake City Register as a Landmark Site, the Landmark Commission decided that the addition of a 36 foot tall and 120 foot wide tennis bubble (which may violate Salt Lake City's Open Space Ordinance) is a minor alteration to a historic site not requiring a public hearing.

Because the addition of the tennis bubble qualifies as new construction and a substantial alteration of a historic site, there should have been a public hearing and the bubble should be required to comply with the scale and form requirements of the ordinances regarding historic overlay districts. The proposed height and width should be visually compatible with surrounding structures and streetscape. The relationship of the width to the height of the principal elevations should be in scale with surrounding structures and streetscapes. The size and mass of the structures should be visually compatible with the size and mass of surrounding structures and streetscape. The tennis bubble will not be compatible with the surrounding structures and streetscape and therefore should not be sited at Liberty Park. It will change the historic character of the site and is not in keeping with an open space.

Name: Melissa Barbanel
Address: 1062 S 500 E
SALT LAKE UT 84105
Signature: Melissa Barbanel

Name: Robin Rogers
Address: 712 Judge Bldg
S.L.C. UT
Signature: Robin Rogers

Name: Lynette Sharp
Address: 1218 S. 1300 E.
Salt Lake City Utah 84105
Signature: Lynette Sharp

Name: Louise Emery
Address: 8016 R. Parker West Drive
S.L.C. UT 84106
Signature: Louise Emery

Name: Margaret Plane
Address: 753 Logan Ave.
S.L.C. UT 84105
Signature: Margaret Plane

Name: Louise Emery
Address: 91513 Logan
S.L.C. UT 84115
Signature: Louise Emery

Name: April Anthony
Address: 1116/19. 500E.
SALT LAKE CITY, UT. 84105
Signature: [Signature]

Name: Matthew T. Wirthlin
Address: 2757 Wilshire Dr.
SLC, UT 84109
Signature: [Signature]

Name: John P. Harrington
Address: 809 17th Avenue
Salt Lake City, Utah
Signature: [Signature]

Name: Lesla Ellis
Address: 1056 South 500 East
SLC, UT 84105
Signature: Lesla Ellis

Name: INGA REGENASS
Address: 1221 4TH AVE
Salt Lake City, Utah 84103
Signature: [Signature]

Name: Lafayette Carter
Address: 1012 South 500 East
84105
Signature: [Signature]

Name: Richard Morrison
Address: 331 D. 500E
SLC, UT 84103
Signature: [Signature]

Name: John Erickson
Address: 1002 S. 500 E
SLC 84105
Signature: JOHN ERICKSON

Name: Sarah Johnson
Address: 1718 S 1000 E
Salt Lake City, UT 84105
Signature: [Signature]

Name: Jane D. Winn
Address: 990 So 5th East
SLC Utah 84105
Signature: Jane D. Winn

Name: Cara Cahoon
Address: 275 N. Main #1004
SLC, UT 84103
Signature: [Signature]

Name: Collin McIntire
Address: 1022 S. 500 E.
SLC, UT 84105
Signature: [Signature]

Name: Madeline Bromley
Address: 535 300e #10
SLC UT 84111
Signature: [Signature]

Name: Virginia Walton
Address: 733 Green St
SLC, Utah 84102
Signature: Virginia Walton

Name: Kelly H. [unclear]
Address: 1084 S 500 E
Signature: [Signature]

Name: Gina Merrill
Address: 737 Green Street
SLC, UT 84102
Signature: [Signature]

Name: TARA Ellen McFarland
Address: 312 Belmont Ave
SLC, UT 84105
Signature: TARA McFarland

Name: [unclear]
Address: 756 [unclear] St
Signature: [unclear]

Name: W. PAUL WHARTON
Address: 436 E 8th St
SLC UT 84111
Signature: [Signature]

Name: [unclear]
Address: 1140 [unclear]
Signature: [unclear]

Name: ETHEL WHARTON
Address: 436 E 8th St
SLC UT 84111
Signature: Ethel Wharton

Name: [unclear]
Address: 1179 S. Anna St
SLC 84111
Signature: [unclear]

Name: Mary Lee [unclear]
Address: 304 [unclear] St
SLC, UT 84111
Signature: [unclear]

Name: ELANOR B HALL
Address: 835 200 E 11th
SLC, UT 84111
Signature: Elanor B. Hall

Citizen Opposition to Tennis Bubble At Liberty Park

Please take note that the following citizens disagree with the decision to place a tennis bubble at the tennis courts at Liberty Park where such decision was made with no public notice and no opportunity for public comment. Despite the fact that Liberty Park is both on the National Register and the Salt Lake City Register as a Landmark Site, the Landmark Commission decided that the addition of a 36 foot tall and 120 foot wide tennis bubble (which may violate Salt Lake City's Open Space Ordinance) is a minor alteration to a historic site not requiring a public hearing.

Because the addition of the tennis bubble qualifies as new construction and a substantial alteration of a historic site, there should have been a public hearing and the bubble should be required to comply with the scale and form requirements of the ordinances regarding historic overlay districts. The proposed height and width should be visually compatible with surrounding structures and streetscape. The relationship of the width to the height of the principal elevations should be in scale with surrounding structures and streetscapes. The size and mass of the structures should be visually compatible with the size and mass of surrounding structures and streetscape. The tennis bubble will not be compatible with the surrounding structures and streetscape and therefore should not be sited at Liberty Park. It will change the historic character of the site and is not in keeping with an open space.

Name: Liane Citschias
Address: 1372 Gillespie Ave.
SLC UT 84104
Signature: Diane M. Citschias

Name: JOSETTE PRICE
Address: 2148 E EMERSON AVE.
SLC UT 84105
Signature: Jolette Price

Name: Rachel Rovni
Address: 1949 E. Ramona Ave.
SLC, Utah 84105
Signature: Rachel Rovni

Name: Stephanie Richardson
Address: 819 E. Roosevelt Ave
SLC UT 84105
Signature: Stephanie Richardson

Name: _____
Address: _____
Signature: _____

Name: _____
Address: _____
Signature: _____

Citizen Opposition to Tennis Bubble At Liberty Park

Please take note that the following citizens disagree with the decision to place a tennis bubble at the tennis courts at Liberty Park where such decision was made with no public notice and no opportunity for public comment. Despite the fact that Liberty Park is both on the National Register and the Salt Lake City Register as a Landmark Site, the Landmark Commission decided that the addition of a 36 foot tall and 120 foot wide tennis bubble (which may violate Salt Lake City's Open Space Ordinance) is a minor alteration to a historic site not requiring a public hearing.

Because the addition of the tennis bubble qualifies as new construction and a substantial alteration of a historic site, there should have been a public hearing and the bubble should be required to comply with the scale and form requirements of the ordinances regarding historic overlay districts. The proposed height and width should be visually compatible with surrounding structures and streetscape. The relationship of the width to the height of the principal elevations should be in scale with surrounding structures and streetscapes. The size and mass of the structures should be visually compatible with the size and mass of surrounding structures and streetscape. The tennis bubble will not be compatible with the surrounding structures and streetscape and therefore should not be sited at Liberty Park. It will change the historic character of the site and is not in keeping with an open space.

Name: Arthur Valdez

Name: _____

Address: 418 E. 800 So.
SLC

Address: _____

Signature: Arthur Valdez

Signature: _____

Name: SONNA FRAZIER

Name: _____

Address: 352 E. 800 SOUTH
SLC 84111

Address: _____

Signature: Sonna Frazier

Signature: _____

Name: Daniel McGuire

Name: _____

Address: 57 N. Chicago St #3

Address: _____

Signature: Daniel McGuire

Signature: _____

ATTACHMENT I

DESERET Morning News

SEARCH DESI 60
Google™ Powered by

- [SIGN IN](#)
- [REGISTER](#)
- [SUBSCRIBE](#)
- [E-EDITION](#)



[PHOTO GALLERY](#)

- [Home](#)
- [Utah](#)
- [Community](#)
- [World & nation](#)
- [Movies](#)
- [Sports](#)
- [LDS Newsline](#)
- [Business](#)
- [Arts & Entertainment](#)
- [Photos](#)
- [Opinion](#)
- [Obituaries](#)
- [Classifieds](#)
 - [Cars](#)
 - [Jobs](#)
 - [Shop](#)
 - [Real Estate](#)
- [Archives](#)

[Return to search page](#)

[Next Article](#)

[Previous Article](#)

deseretnews.com

Archives

Document no. 2 of 2
Thursday, February 17, 2005
Deseret News

Edition: All

Page: C01

Bubble[0] keeps Liberty[0] courts buzzing

Now tennis[0] players needn't put rackets away for winter

By Ray Grass
Deseret Morning News

For more than 90 years, now, winter tennis[0] was something Liberty[0] Park[0] players simply felt they couldn't have. It was that or risk frostbite.

So who would ever believe that Montana State University would bring them indoors?

Cal Nelson thought so when he heard from Linda Vincent, director of the Utah Tennis[0] Association, that MSU had a bubble[0] it wanted to deflate.

As founder of Friends of Liberty[0] Park[0] Tennis[0], Nelson saw the opportunities, and a bargain, and made an offer . . . Offer accepted. That was back in the summer of 2002.

On Nov. 1 of last year the deflated bubble[0] was spread over four newly refinished concrete courts at the park[0] and inflated.

Since then, said Debbie Robb, park[0] tennis[0] manager/teaching pro, "We've had more than 2,000 visitor/players."

Many of these players, in the past, were forced to store the rackets when it got cold and wait until spring to bring them out and dust them off.

Now, the park[0] courts are a hive of activity for the young and old and all those in between.

For example, said Nelson, "We've got more than 150 seniors — these are players between 55 and 90 — who frequently play. . . . It's keeping a lot of us active and playing tennis[0]. A lot of young people are also playing, which is great to see."

It was Friends of Liberty[0] Park[0] Tennis[0] that started the park's[0] tennis[0] makeover nearly seven years ago. Friends raised money for new courts, lighting and a new tennis[0] clubhouse, complete with lockers and showers. Salt Lake City officials found the project worthy of funding and put up most of the money.

Nelson said Friends raised about \$550,000, which included money for the bubble[0].



Young players enjoy the tennis[0] courts at Liberty[0] Park[0] under the four-year-old bubble[0], which was bought used from Montana State University.

Tom Smart, Deseret Morning News



Cal Nelson, left, Debbie Robb and Gaylen Young at the Liberty Park courts. Playing in the bubble costs between \$14 and \$16 an hour.

Tom Smart, Deseret Morning News

The remainder of the work should be completed this summer.

When completed, there will be 16 public courts open with the latest in playing surfaces, along with new lighting and a new tennis clubhouse. And, in the winter, now, when it's too cold outdoors, park players will have their bubble. Eventually, the bubble will be gifted to the city.

"I've seen public tennis centers all around the country," said Vincent, "and I can say that when the work at Liberty Park has been completed, this will be one of the finest public facilities in the country."

At this point there are only two playable winter bubbles open to the public during the colder months — Liberty Park and the Dee Tennis Center. The indoor facilities at the The Eccles Tennis Center at the University of Utah are also open to the public.

Tennis time in the Liberty Park bubble is between \$14 and \$16 per hour. Reservations are recommended.

Also available is a menu of tennis opportunities open to the public, including league play and lessons.

The bubble will be deflated on March 31 and inflated again around the time the snow begins to fall and the chill factor forces players indoors or, in this case, into the bubble.

For reservations and tennis information call 328-4711.

When Nelson heard MSU was selling its four-year-old bubble, knowing the price of a new bubble was too great, he went after the used bubble.

But just because Nelson had his bubble didn't mean he could immediately inflate it. First, he needed approval from city officials. Then he needed four courts with the necessary anchors to hold it down.

The bubble sat in storage for 2 1/2 years while all the necessary groundwork was completed. And, as noted, it went up on Nov. 1.

A great deal of the makeover of the tennis center has been completed.

E-mail: grass@desnews.com

*Melissa Barbanell, Esq.
1062 South 500 East
Salt Lake City, Utah 84105*

January 31, 2008

Via Fax: 535-6174

PETER ASHDOWN
PAULA CARL
DAVID R FITZSIMMONS
WARREN KNIGHT LLOYD
NOREEN HAMMOND
HISTORIC LANDMARK COMMISSION
451 South State Street
Salt Lake City, UT 84111

ESHTEH HUNTER
ANN OLIVER
JESSICA NORIE
CREED HAYMOND

Re: Tennis Bubble

Dear Members of the Historic Landmark Commission:

Upon my review of the Staff Report regarding the legalization of the tennis bubble at Liberty Park, I felt the need to address some of the false claims and positions stated therein. There are five issues raised by the Staff Report: (1) this Staff Report is effectively asking this Commission to ignore the standards by stating "the Design Guidelines are for residential districts and do not take into account the physical needs of different types of park structures;" (2) the Staff Report compares the size of the tennis bubble to the size of Liberty Park as a whole despite the fact that the Third District Court decision explicitly stated that this was inappropriate; (3) the Staff Report finds that the color and material are appropriate despite a finding in the Certificate of Appropriateness that the City issued administratively that they are not appropriate; (4) the Staff Report urges that because the bubble is temporary, the standards should not apply despite the Third District Court's finding that this is not an appropriate consideration; and (5) the Staff Report mischaracterizes the Architectural Subcommittee Report.

First and foremost, the Staff Report asks this Commission to ignore the substantive standards of 21A.34.020 H (H). The report states that the design guidelines for new construction should not apply in an "active park." The "design guidelines," however, are not the issue here. The tennis bubble fails to meet the *standards* of 21A.34.020 H (H). The staff does not have the discretion to argue that these standards should not be applied. The ordinance states "the historic landmark commission . . . shall determine whether a project substantially complies with all of the following standards that pertain to the application, [and] is visually compatible with surrounding structures and streetscape." It is wrong for the Staff Report to state that this Commission should ignore the standards since this is an active park. Additionally, a review of other staff reports for new construction in Liberty Park in the past all apply the standards of S.L.C. Ord. § 21A.34.020 H (H). The Staff Report attempts to obfuscate matters by interjecting the design guidelines. In this case, the staff urges you to ignore the standards because they

cannot be met by the tennis bubble. If tennis bubbles, band shells, pavilions, etc. do not meet the requirements of 21A.34.020 H (H), then they ought not to be built in Liberty Park which is a landmark site. In fact, on one occasion the staff report suggested not allowing a pavilion because of its impact on the park. I request that you focus on the actual standards rather than the design guidelines. The relevant standards are:

H. Standards For Certificate Of Appropriateness Involving New Construction Or Alteration Of A Noncontributing Structure: In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the historic landmark commission and city council and is in the best interest of the city:

1. Scale And Form:

- a. Height And Width:** The proposed height and width shall be visually compatible with surrounding structures and streetscape;
- b. Proportion Of Principal Facades:** The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;
- c. Roof Shape:** The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and
- d. Scale Of A Structure:** The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

2. Composition Of Principal Facades:

- a. Proportion Of Openings:** The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;
- b. Rhythm Of Solids To Voids In Facades:** The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;
- c. Rhythm Of Entrance Porch And Other Projections:** The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and
- d. Relationship Of Materials:** The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.

3. Relationship To Street:

- a. **Walls Of Continuity:** Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;
- b. **Rhythm Of Spacing And Structures On Streets:** The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;
- c. **Directional Expression Of Principal Elevation:** A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and
- d. **Streetscape Pedestrian Improvements:** Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

21A.34.020 H (H). Simply put, the ordinance requires a finding that these standards are met. As per my earlier letter, these standards cannot be met. I note that the Staff Report nowhere addresses these standards.

Second, the Staff Report continues to compare the tennis bubble's size to the footprint of Liberty Park as a whole. It states:

In this case, the tennis bubble's 27,000 square feet within the 4.8 million square feet of the park renders the bubble subservient in size to the overall park. The bubble is compatible with the size, scale and character of the site in that the spaciousness of the park can visually absorb the bubble.

The staff made the same argument before the Board of Adjustment: "The bubble is compatible with the size, scale and character of the property, neighborhood and environment, in that the spaciousness of the park can visually absorb the bubble." The court explicitly stated:

[T]he Board of Adjustment's focus on the size of the tennis bubble compared to Liberty Park as a whole was improper. Instead, looking to the totality of the relevant Ordinances, the suggested analysis would be to consider the size and impact of the proposed structure in and of itself and in relation to its environment.

The ordinance requires that the bubble be compared to "surrounding structures and streetscape" – not the "character of the site." The issue in evaluating the size of the bubble is whether it is visually compatible with the surrounding structures and streetscape – not whether "the park can visually absorb the bubble." Once again, the Staff Report is asking this Commission to ignore the requirements of the ordinance as well as Judge

Fuchs' directive on this very issue. This Commission has evaluated this same location previously when it considered whether to issue a Certificate of Appropriateness for the new tennis clubhouse – that analysis should be the guide in this matter.

Third, the Staff Report finds that the color and material are appropriate despite a finding in the Certificate of Appropriateness that the City itself issued administratively that they are not appropriate. The ordinance requires a finding that: "The relationship of the color and texture of materials . . . of the façade shall be visually compatible with the predominant materials used in surrounding structures and streetscape." The City ignores these requirement and states that the "color of the structure is appropriate since white is the most common color used for tennis bubbles." The most common color of tennis bubbles has nothing to do with the requirement set out in the ordinance – that the color be visually compatible with predominant materials in surrounding structures and streetscape. Even the Certificate of Appropriateness issued by the City administratively recognized this: "The color may not be conducive with the park The plastic material may not [be] in keeping with the character of the park" See Attachment A. The Staff Report does not address whether the texture of the bubble shell is visually compatible with the surrounding structures and streetscape – it is not.

Fourth, the Staff Report argues that the temporary nature of the bubble makes its design more acceptable. However, the Third District Court has already spoken to this issue.

The Ordinances at issue do not distinguish between temporary structures or buildings from other types of buildings, but instead focus on the potential impact to the landmark site in general. Therefore, the temporary or seasonal nature of the tennis bubble should not have been a relevant factor

The Court was evaluating this same argument that was made before the Board of Adjustment that the fact that the bubble is seasonal makes it minor. Just as the judge found that this was not the case, the fact that the bubble is seasonal does not make it comply with the substantive requirements of subsection (H).

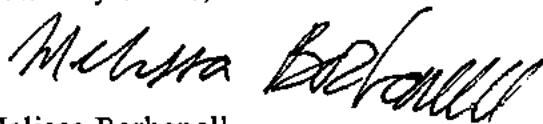
Finally, the Staff Report claims that the Staff took its action in approving the Certificate of Appropriateness based on the findings of this Commission's Architectural Subcommittee. It appears that two of the current members of this Commission were on the Architectural Subcommittee in January 2003 when this was brought before that body. The Architectural Subcommittee Report appears to be an initial evaluation. The subcommittee's recommendation was only "more acceptable if temporary." See Attachment B. It did not state that the criteria were met. In fact, one member of the subcommittee contacted me to state that he "was not aware of the administrative decision about the construction of a Tennis Bubble in the Liberty Park. . . . I walked in the Park and saw the Bubble that is probably the largest structure in the park, is semi permanent rather than temporary, is visible from the sidewalk at west side of the Park, and obstructs the views in the Park." See Attachment C.

I urge this Commission to insure that the standards that are applicable to new construction of buildings in landmark sites including Liberty Park be applied. The design

guidelines are secondary to the actual standards laid out in S.L.C. Ord. § 21A.34.020 H (H). A review of these standards will lead to the conclusion that they are not met. The Staff Report could lead you astray from a review of the standards. The standards require that the tennis bubble be reviewed in the context of the surrounding structures and streetscape. You have reviewed this very location before when you evaluated the Certificate of Appropriateness for the new tennis center. There is no basis for distinguishing your analysis in this case from that case.

Thank you for your consideration.

Sincerely Yours,



Melissa Barbanell

Enclosures

cc w/o enclosures:

MAYOR RALPH BECKER

DEPUTY MAYOR DAVID EVERETT

VAL POPE

JILL REMINGTON LOVE

SOREN SIMONSEN

LUKE GARROTT

Attachment A



Certificate of Appropriateness

ADMINISTRATIVE APPROVAL

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

ALTERATION / ADDITION

DEMOLITION

CASE #

1934

ADDRESS OF HISTORIC PROPERTY: Liberty Park Tennis Courts

Job # 220105

DESCRIPTION OF PROJECT: Renodel of area west of tennis courts, including installation of a new fence, bleachers and new landscaping.

STAFF ANALYSIS: The fence is consistent with the current fence and is a minor element in the park. The improvements will greatly enhance the tennis playing experience for those participating and will clean up a previously-neglected area of the park.

REPRESENTATIVE'S NAME: ~~John Swanson~~ Jerry Lyon

ADDRESS: Engineering

TELEPHONE: _____

OWNER'S NAME: SLC Parks

ADDRESS: _____

TELEPHONE: _____

STANDARDS ON WHICH DECISION WAS MADE:

ZONING ORDINANCE: _____

SLC DESIGN STANDARDS: _____

SECRETARY OF THE INTERIOR'S STANDARDS: _____

POLICY: _____

ATTACHED DOCUMENTATION:

PHOTO

DRAWING

FIELD INSPECTION

MANUFACTURER'S BROCHURE

Owner or Representative

17 BOA II

Staff

Date

Elizabeth Peterson

11/2/2008 7 ✓

Exhibit C
New Certificate of Appropriateness/Administrative Findings

18 BOA II



Certificate of Appropriateness Administrative Approval Historic District

OFFICE USE ONLY	
SC Case No.	
HLC Case No.	

New Construction Alteration/Addition Demolition Other

Address of Subject Property: LIBERTY PARK TENNIS BUBBLE

Description of the Project: CONSTRUCTION OF A 225' X 120' INFLATABLE COVER AT THE WEST END OF LIBERTY PARK. THE TENNIS BUBBLE WILL COVER FOUR EXISTING TENNIS COURTS.

Staff Analysis: PLEASE REFER TO ATTACHED FINDINGS FOR A MINOR ALTERATION TO A LANDMARK SITE -

Name of Representative: STEVE ENGLAND

Name of Company: SIC ENGINEERING Phone: 535-6144

Address: _____ Zip Code: _____

E-mail Address: _____ Cell/Fax: _____

Name of Property Owner: _____ Phone: _____

Address: _____ Zip Code: _____

E-mail Address: _____ Cell/Fax: _____

Standards upon which the decision was made

Zoning Ordinance: SECTION 21A.34.020 G.

Salt Lake City Design Standards: _____

Secretary of the Interior's Standards: _____

Compatibility with Compatible Residential Infill Regulations: Yes No DOES NOT APPLY TO OS ZONE

If no, which standards does the project meet? Describe how compliance with the present regulations allows the approval of the project, even though it does not meet Compatible Residential Infill Regulations.

Attached Documents

Photo Drawing Field Inspection Manufacturer's Brochure Other HISTORIC LANDMARK ARCHITECTURAL COMMITTEE

Signature of Owner _____ HLC Staff [Signature] Date 12/15/06
Or authorized agent

HISTORIC LANDMARK COMMISSION

Liberty Park Tennis Bubble

Salt Lake City's Zoning Ordinance, Section 21A.32.100 Purpose Statement for the Open Space District is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas. Liberty Park is located in the Open Space District and is used as a public park. The Salt Lake Zoning Ordinance defines Public Park as "a park, playground, swimming pool, golf course within the city which is under operation of management of the city's park department". Staff finds that tennis courts that are either open or enclosed is consistent with recreational uses that public parks generally offer as an amenity for its citizens and guests.

The following is the Code requirement for the Open Space District:

- Minimum lot area is ten thousand (10,000) square feet. Liberty Park complies with this standard.
- Minimum lot width is fifty (50') feet. Liberty Park complies with this standard.
- Maximum building height is thirty five (35') feet. The dome is subject to the height requirement of thirty five feet (35') provided that for each foot of height in excess of twenty feet (20'); each required yard and landscaped yard shall be increased one foot (1'). Based on the allowed zone height, the property complies with required yard and landscape setback.
- The Open Space District allows a maximum height of thirty five (35') feet.
- Minimum yard requirement:
Front yard is thirty (30') feet.
Corner side yard is thirty (30') feet.
Interior side yard is thirty (30') feet.
Rear yard is thirty (30') feet.
- Liberty Park complies with the minimum yard requirements.

Based on Salt Lake City Zoning Ordinance, Section 21A.34.020(F), administrative decisions such as minor alterations of or addition to a Landmark Site or contributing site, Staff basis its decision on the direction of the Historic Landmark Architectural Committee input from their January 22, 2003 meeting and finds that the Committee did not direct Staff to have the Historic Landmark Commission review this request. Staff finds that the tennis bubble is a minor alteration to Liberty Park based on the following findings:

- Liberty Park is the Landmark site, not the tennis courts.
- The park's principal use offers a variety of activities to the public, including tennis, and these activities and their associated buildings and structures are accessory to the principal use of this particular Landmark Site as a park and therefore is considered a minor alteration to Liberty Park.

- Staff, on the advice of the Architectural Subcommittee was that the availability of four tennis courts under a bubble for up to a half-year is not a principal use within a park of 110 acres.
- The tennis bubble covers approximately 27,000 square feet of City Park that comprises approximately 4.8 million square feet of area.
- The tennis bubble as a minor alteration to Liberty Park because it is not a permanent change to the character of the park and is reversible.

Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure, Salt Lake City Zoning Ordinance Section 21A.34.020(G)

- G. Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure. In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

1. **A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;**

Finding: The tennis bubble will cover four tennis courts, in order to allow for on-going tennis playing during the winter months. The bubble is not proposed to cover or shelter other uses that could occur on the courts. Although a low foundation wall is proposed and a small mechanical pad will be installed on the east side of the courts, once the bubble is taken down the four courts and the environment of the park will remain almost identical to their pre-bubble state. The installation and inflation of the bubble will not require permanent changes that alter the character of the tennis courts or the park

According to the National Register nomination for Liberty Park, tennis courts were installed in the park about 1915. While the courts may have been re-surfaced, added to, etc., the bubble will accommodate the continuation of tennis playing in the park.

2. **The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;**

Finding: As stated above, a minimal amount of infrastructure is necessary to accommodate the bubble. No removal of historic materials or alterations of features are necessary for the bubble. No site work, in terms of berming, revision of trails, roads or paths; landscaping; or topographic work is necessary.

3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;

Finding: Staff is not aware of historic tennis bubbles. The bubble clearly reads as a product of recent (post 1956), and is not seeking to create false sense of history or architecture.

4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;

Finding: Staff is unaware of alterations or additions that have acquired historic significance in their own right regarding the tennis courts. The courts have been re-surfaced, with new chain link installed, within the last ten years.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;

Finding: Staff is unaware of distinctive features, finishes or construction techniques that render the tennis courts a historic property, and would be harmed or compromised by the erection of the bubble.

6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;

Finding: The tennis bubble was erected for the first time in October 2004 and was taken down in April of 2006. There are no architectural features that are considered as part of the tennis bubble. In the event that the bubble will require replacement, a similar bubble will replace the existing.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

Finding: This standard does not apply to this proposal.

8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;

Finding: Liberty Park contains a variety of cultural, historical, architectural and archaeological material. This includes, but is not limited to: the Folk Arts Museum (cultural); the alley of trees along 600 East and the millstone with the DUP sign attached to it (historical); the Chase House, the green house, the North Shelter, and the trellises (architectural); and pre-historic or historic artifacts (most likely found near the Chase Mill). The park serves as both a place of on-going recreation and as a repository of cultural resources that tell the story of its transition from pioneer farm to City Park. The cultural resources in the park will not be affected by the installation of the bubble, nor would the bubble detract from park in conveying its historic significance. Because its most prevalent feature is its landscaping, this has been subject to substantial changes during the past 125 years. These changes include the Victorian curvilinear paths associated with landscape advocate Andrew Jackson Downing of the late nineteenth century, the rigid formality of the City Beautiful movement of the teens and twenties, and "Mount Gust," built to accommodate the excavation work to enlarge the lake after the 1983 floods. The character of the park should be considered in its entirety (110 acres), and should be assessed within the transitory nature of landscaping materials. The bubble is compatible with the size, scale and character of the property, neighborhood and environment, in that the spaciousness of the park can visually absorb the bubble. The color may not be conducive with the park, but the Historic Landmark Commission does not review color. The plastic material may not in keeping with the character of the park, but the bubble is seasonal and reversible, and will not have a long-term, permanent, adverse effect on the park.

9. **Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;**

Finding: The tennis bubble can be removed, every spring. Because little infrastructure is required, the essential form and integrity of the courts, which consist of concrete and chain link fencing, would be unimpaired.

10. **Certain building materials are prohibited including the following:**

- a. Vinyl or aluminum cladding when applied directly to an original or historic material, and
- b. Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;

Finding: This standard does not apply to this case.

11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in Part IV, Chapter 21A.46, Signs;

Finding: This standard does not apply to this case. The tennis bubble does have a sign.

12. Additional design standards adopted by the historic landmark commission and city council.

Finding: The Historic Landmark Commission did not review the construction of the tennis bubble. However, the Historic Landmark Architectural Committee at their January 22, 2003 meeting reviewed this request and did not require that the tennis bubble be subject to the city's Design Guidelines.

24 BOA II

Attachment B



Historic Landmark Commission Architectural Subcommittee Report

W. Gordon W. Littig O. Parvaz S. Simonsen Fitzsimmons Ashlow Other _____

Date 1/22/2002 Staff: Elizabeth Nelson Janice

Address of Project Liberty Park

Representative Steve Angard

Owner _____

Proposal: Bubble over courts 9-12 - preliminary
225' x 120' -
White

Discussion: mechanical equip. at east end.
maintain a fence at east end

- 1-4 - post-tension concrete
 - 5-8 - too crowded to new tennis bldg
 - 13-14 - practice wall on south - snow will slide on to bubble from wall
 - East end - no trees to interfere w/ mechanical pad. low screening fence. lighting 13 contact in the bubble.
- } why not other courts

Recommendation: ~~Bubble goes~~
Exist fencing? - bottom 6' would be removable.
When bubble isn't there then these courts won't be

Action Items: lit.
Fan - noise - continuous.

SALT LAKE CITY PLANNING



Historic Landmark Commission Architectural Subcommittee Report

W. Gordon

W. Littig

O. Parvaz

S. Simonsen

Other Vicki Peter

Date 1/22/2003

Staff: Elizabeth Nelson Janice

Address of Project Liberty Park - Tennis Center

Representative Steve England

Owner Friends of Liberty Park Tennis

Proposal: bubble 225' x 120', covers 4 courts in flatable just for winter use - Oct or Nov - March or April. East end mechanical equipment - fan. Fence away from bubble - east end around mechanical

Discussion:

Screen - temporary structure. - low profile screening

EIT - reversible

Probably not illuminated - need to take existing lighting into install.

David. What is the noise level.

Pete - Retractable roof?

Recommendation: More acceptable if temporary.

Action Items:

16 BOA II

SALT LAKE CITY PLANNING

Attachment C

Oktai Parvaz AIA
710 East 200 South #8G Salt Lake City, Utah 84102 Tel. 801 328-8051

November 15, 2004

Ms. Melissa Barbanell
1062 South 500 East
Salt Lake City, UT 84105

Re: Tennis Bubble in Liberty Park

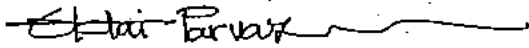
Dear Ms. Barbanell,

Thank you for your letter dated October 20, 2004 to Historic Landmark Commission (HLC). As a member of the Commission I received a copy of it. Your letter was informative for me because I was not aware of the administrative decision about the construction of a Tennis Bubble in the Liberty Park. I had been out of town for three weeks. Two weeks ago I walked in the Park and saw the Bubble that is probably the largest structure in the park, is semi permanent rather than temporary, is visible from the sidewalk at west side of the Park, and obstructs the views in the Park.

I think your comments about the importance of having a public hearing in this case were reasonable. It could clarify many questions. It seems that the Historic Landmark Commission could not put a stay on the construction. Based on Mr. Joel Paterson's letter to you this case could be appealed to the Board of Adjustment. On my behalf, I wrote a letter to the chair of Historic Land mark Commission and expressed my concerns about this case and requested the commission to study the impacts of these kinds of administrative decisions on the future of Salt Lake City historic landmarks.

What I wrote for you in this letter are my personal views and thoughts.

Sincerely yours,



Oktai Parvaz

Weiler, Kathryn

From: Zeigler, Robin
Sent: Tuesday, February 12, 2008 1:15 PM
To: Weiler, Kathryn
Subject: FW: Petition 470-07-47, the Tennis Bubble
Categories: Program/Policy

Katie:

Please include the following in the tennis bubble staff report. Thank you.

*Robin Zeigler, Sr. Historic Preservation Planner
Salt Lake City Corporation
451 South State Street #406
Salt Lake City, UT 84111
801-535-7758
801-535-6174 fax
www.slccgov.com/ced/hlc/*

Proud to be a Preserve America Community.

From: cindy cromer [mailto:3cinslc@live.com]
Sent: Tuesday, February 12, 2008 11:43 AM
To: Zeigler, Robin; Paterson, Joel
Cc: ccnc@rock.com
Subject: Petition 470-07-47, the Tennis Bubble

Robin-In order to submit comments to the HLC in time for the packet, I have to respond before your final staff report is available. I would like to get a copy later this week of any documents that have been revised. I already have the lengthy materials made available prior to the last HLC meeting.

Please include the following comments in the packet going out to members of the HLC tomorrow. Thanks, cindy cromer

Dear Members of the Historic Landmarks Commission,

My focus is on public process with respect to this petition. I do own property near Liberty Park, but short of hanging out of the third-floor window on the gable end and looking west, I can not see the "Bubble" from my property. I am however affected by the lack of public process which has occurred in the handling of this petition and therefore have a keen interest in the outcome.

Liberty Park is a regional asset and as such must respond to the needs of many users. First and foremost, however, it is a public asset. Everyone in the region is a stakeholder in this historic park, and therefore the most important need is to recognize the ownership by the public.

I agree with the decision by Judge Faust. I won't repeat his analysis.

1. Logic that the Bubble is a minor alteration: Years ago I had a discussion with Barbara Murphy about two windows on a building. Barbara insisted that I replace a circa 1950 metal window with the original one-over-one, double-hung windows. I argued in favor of wooden French windows. Barbara said that she would nix the tax credits on the entire restoration unless the windows were the original style. Relative to the size of the structure, those two windows were like the Bubble in Liberty Park. "Minor alteration" is not about square feet or cubic feet. It is, I believe, about whether the alteration distracts from the historic whole. Barbara was telling me

2/13/2008

that changing two windows on a very large structure did in fact affect the historic whole, and she wasn't going to budge.

2. Standards for approval: I have spoken to you numerous times about the inadequacy of the standards for commercial and multi-family structures. The design guidelines focus on single-family residential buildings. They are so inappropriate in the case of the Bubble that you need to call for a time-out and direct the staff to come back to you with reasonable standards for a recreational structure in an historic site. I view it as unfortunate and short sighted that the ordinance does not allow you to initiate petitions to revise the standards. You certainly know more about the issues than the people who have the authority to change the standards. You should not proceed, however, when the standards do not fit. Doing so affects the credibility of the process.

3. Conflict of interest: When the City is the applicant, all requests should come before this Commission, whether the request is for a minor alteration, which this petition was not, or a major change. The City has a conflict of interest as the applicant and the employer of the staff members reviewing the application. The ownership, in my opinion, is with the public, with the City serving as a steward. I plan to write the Mayor in the coming week and ask him to instruct his staff to process all applications involving the City within a public process.

The decision about the Bubble was made before any applications were completed. A time line of the process will show that the decision was made when the Bubble was acquired in 2002.

Sincerely,

Cindy Cromer

Shed those extra pounds with MSN and The Biggest Loser! [Learn more.](#)