

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street, Room 315
February 20, 2008**

The field trip was attended by Paula Carl, Noreen Hammond-Heid, Dave Fitzsimmons, and Anne Oliver. A quorum was not present therefore; minutes were not taken of the trip.

MINUTES OF THE MEETING

The Historic Landmark Commission and staff assembled for the meeting. Present from the Historic Landmark Commission were Chairperson Fitzsimmons, Commissioner Carl, Commissioner Hammond-Heid, Commissioner Haymond, and Commissioner Oliver.

Present from the Planning Staff were George Shaw, Planning Director; Joel Paterson, Planning Programs Supervisor; Janice Lew, Principal Planner; Nick Norris, Principal Planner, and Robin Zeigler, Senior Planner. Lynn Pace, Deputy District Attorney also attended.

To better accommodate the public, the meeting was moved from Room 326 to Room 315. Chairperson Fitzsimmons called the meeting to order at 4:41 p.m.

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

Chairperson Fitzsimmons inquired if all Commissioners had the opportunity to visit sites that would be the subject of discussion at this meeting. Commissioner Haymond indicated that he had not visited the sites.

APPROVAL OF MINUTES

Motion

Commissioner Oliver moved to approve the minutes for February 6, 2008 with one minor correction.

Commissioner Haymond seconded the motion.

Commissioner Carl, Commissioner Haymond, and Commissioner Oliver, voted, "Aye." Commissioner Heid abstained.

The motion passed by majority vote.

REPORT OF THE PLANNING DIRECTOR

Mr. Shaw turned the time over to Ms. Zeigler to give a Presentation Plan update.

Ms. Zeigler gave a brief update on the efforts undertaken to promote the Preservation Plan:

- ✓ There was a direct link to the Preservation Plan on the City webpage.
- ✓ A location on the website for the public to log general comments has been provided.
- ✓ The current Preservation Plan questionnaire (in PDF format) will be replaced with an electronic version shortly.
- ✓ Kirk Huffaker gave a presentation to the Utah Heritage Foundation.
- ✓ Staff gave a presentation to the Liberty Wells Community Council.
- ✓ Questionnaires and handouts were distributed at the Fisher Mansion Open House.
- ✓ Presentations have been discussed for the Sugarhouse District, Downtown Alliance, and the Business Advisory Board.
- ✓ Several Community Councils granted permission to include a short article in their newsletters or a flyer into one of their mailings.
- ✓ The Community Advisory Committee expects to have an exhibit table to promote the Preservation Plan at the upcoming Utah Heritage Foundation's Statewide Conference.

Ms. Zeigler stated that a Salt Lake City Redevelopment Agency (RDA) grant application for \$20,000 to \$30,000 was due by February 25, 2008. She did not have a draft of the grant for the Commissioners to review, but described it as a grant for funding to hire a consultant to create commercial design guidelines. She asked the Commission to grant permission to apply for these funds. The Commission generally agreed that Ms. Zeigler should proceed with the grant application.

Mr. Shaw informed the Commission that the Historic Landmark Commission Retreat had been scheduled for March 19, 2008. He asked the Commissioners to contact the Chair if they had issues or items they wanted to appear on the agenda.

COMMENTS TO THE COMMISSION

The Chair opened the meeting to Public Comment on items which were not related to cases being heard during the course of the meeting.

Seeing as no member of the public expressed the desire to speak at this time, the Chair moved to the next item on the agenda.

PUBLIC HEARINGS

Petition 470-07-41 Oettli Single-family Dwelling (new construction). A request to construct a single-family residence (plans revised) with an attached garage located at approximately 768 East Fifth Avenue in the Avenues Historic District. The Historic Landmark Commission denied the original request at the January 16, 2008 meeting.

The Chair deviated from the agenda by bringing Petition 470-07-41 forward. The Chair asked the Commission to approve the continuance of the public hearing to March 5, 2008, which was the next regular meeting of the Historic Landmark Commission. Commissioner Oliver recused herself from past consideration of this petition and without her, a quorum would not be present and no action could be taken.

Commissioner Carl moved to continue Petition 470-07-41 to the March 5, 2008 meeting of the Historic Landmark Commission.

Seconded by Commissioner Hammond-Heid.

Commissioner Carl, Commissioner Hammond-Heid, and Commissioner Haymond voted, “Aye.” Commissioner Oliver abstained.

The motion passed by majority vote.

Petition 470-07-47 Liberty Park Tennis Bubble New Construction – A request by the Salt Lake City Public Services Department to legalize the construction of the Liberty Park Tennis Bubble at approximately 1051 South Constitution West Drive. Liberty Park is a Landmark Site located in the OS Open Space District.

Mr. Paterson gave a brief history of the legal proceedings regarding the Liberty Park Tennis Bubble.

January 22, 2003:	Architectural Committee met and discussed the Tennis Bubble
June 30, 2004:	Staff administratively approved and issued a Certificate of Appropriateness for the construction of the Tennis Bubble based on the discussion with the Architectural Committee.
January 24, 2005:	The Certificate of Appropriateness was appealed to the Board of Adjustment. The BOA upheld the Certificate of Appropriateness.
May 26, 2006	The Certificate of Appropriateness was challenged in Third District Court. The

	Court found that the Certificate of Appropriateness was not included in the packet that went to the Board of Adjustment and therefore, was not part of their record. The Third District Court remanded the case back to the City to reconsider.
June 15, 2006:	A new Certificate of Appropriateness was issued by staff.
July 17, 2006:	The Certificate of Appropriateness was appealed again to the Board of Adjustment. The Board upheld the new Certificate of Appropriateness.
June 15, 2006:	A new Certificate of Appropriateness was issued by staff using Standards, subsection G.
July 17, 2006:	Certificate of Appropriateness was appealed again to the Board of Adjustment. The Board upheld the new Certificate of Appropriateness.
October 16, 2007:	The decision was appealed to Third District Court. The Third District Court found that the standards used to determine whether the tennis bubble was new construction or a minor alteration to a landmark site were the incorrect standards to apply. The Court instructed the City to review the case using the standards for new construction to a landmark site.
February 20, 2008:	The petition would be heard as a request for new construction by the Historic Landmark Commission as instructed by the Third District Court, using Standards, subsection H.

Ms. Zeigler gave a detailed outline of the tennis bubble and the request for new construction. She noted following the July 17, 2006 Board of Adjustment decision to uphold the Certificate of Appropriateness, Melissa Barbanell, filed for Judicial Review. Judge Fuchs entered an Order of Dismissal, indicating that another hearing would be conducted. The case was reviewed by the Court on October 16, 2007. The Court determined that:

The Board of Adjustment erred in it's 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 continued to say that the size of the tennis bubble compared to Liberty Park as a whole and the seasonal nature of the structures were not appropriate criteria in evaluating whether or not the tennis bubble should be considered as a "minor alteration". Ms. Zeigler directed the Commission to See Attachment C, Order of the Court.

The Court remanded the matter back to the Historic Landmark Commission, "Without reaching the issue of whether the standards of Subsection 21A.34.020 H are met." The Court denied the Petitioner's request that the Court order the permanent removal of the tennis bubble.

Ms. Zeigler stated that the tennis structure could not be evaluated according to the guidelines for residential historic districts as the park clearly was not a residential district. She explained that within a residential historic district the height and size of a new structure would be compared to the height and size of other structures in the district to determine compatibility. Although there are multiple buildings and structures in the park, it was not considered an historic district, rather the park as whole was a Landmark Site. Therefore, staff did not consider the compatibility of the tennis bubble's height with other structures within the park.

The staff report had been written according to the Zoning Ordinance, subsection 21A.34.020. H for New Construction. Stating that the bubble met the standards for height and yard minimums in section 21A.32.100 OS for the Open Space Zone, she explained that the tallest point of the bubble was proposed at thirty-six (36) feet. Ms. Zeigler stated that the bubble, as shown in the plans, was one foot taller than allowed by the Open Space (OS) Standards; however, presently the bubble was kept at thirty-five (35) feet, which met the maximum building height standards. She stated that staff understood that the bubble could be lowered in height with an adjustment of interior air pressure.

Staff evaluated the scale and form of the structure in comparison to the ordinance for New Construction. Ms. Zeigler explained that park structures are rarely considered compatible with each other in the manner that residential structures within a Historic District are because they have varied uses.

Staff recommended that the Historic Landmark Commission approve the Certificate of Appropriateness for a tennis bubble located at approximately 1051 South Constitution West Drive based on the discussion and findings of fact in the staff report with one condition:

1. The bubble should be erected to no more than thirty-five (35) feet at it's highest point, which according to Public Services is the height of the bubble currently. It is regulated by forced air.

Ms. Zeigler also recommended that the Commission consider guidelines for Open Space or Urban parks, but to not postpone the decision for the project until those guidelines had been finalized. The applicant has the right to have a decision made based upon the rules and guidelines in place at the time of the application.

The tennis bubble met the criteria of 21A.32.100 and the requirements of 21A.34.020 (H) in terms of design and character.

In response to a request from the Chair for clarification, Ms. Zeigler stated that the Court determined that the size and temporary nature of the structures were not relevant factors to determine whether the project was a minor alteration or new construction. The court did not make any decision in regards to whether or not the standards had been met.

In response to a question posed by Commissioner Oliver, who wondered if the Certificate of Appropriateness application specified that the structure was temporary, Ms. Zeigler explained that the application did specify that the structure was to be temporary (seasonal) in nature.

Public Comment

The Chair invited the applicant to approach the Commission.

Rick Graham, Director of Public Services for Salt Lake City, addressed the Commission. He stated that he administered the City's parks and open space as well as the development and construction programs.

He stated that the City philosophy was that the public had a right to participate in the design and use of parks, and public spaces should meet individual and community needs. Millions of dollars were spent on Liberty Park design and renovation to meet the public needs. The 110 acre Liberty Park was typical of parks found within many large cities. It is regional in nature and the largest developed park within City ownership.

Historically, Liberty Park complied with the ordinance while meeting the needs of the community. Activity spaces are large and have grown to meet public demand. An example would be Tracey Aviary, which was not originally within the confines of the park, but was added to meet the needs of the community. Prior to the Aviary's incorporation into the park, it was the first Salt Lake City Zoo. The running and biking trails are new, along with restrooms and playgrounds.

Over the years, additional changes had taken place in the park. The tennis bubble covered four of sixteen tennis courts. The bubble introduced a new shape into the park, but the scale was not out of line.

Mr. Graham asked the Commission to consider that many of the features of the park were donated from private funds in response to needs that the Community perceived.

Seeing as the Commission had no questions for the applicant, the hearing was opened for comment from other members of the public.

Melissa Barbanell stated that she was in opposition of the bubble. Noting that the Third District Court remanded the case back to the City because it found the City did not apply the correct standards when the case was considered as a minor alteration rather than new construction of a principle structure. Therefore, the Commission had been instructed by the court to decide if the zoning standards as outlined in 21.A.34.020 H Historic Preservation Overlay District guidelines had been met.

She said the staff report was confusing and misleading. Stating that the staff report said the Design Guidelines did not apply because Liberty Park is a Landmark site, not a historic district. Her study of the typical staff report presented to the Commission in regards to Liberty Park did not include a discussion of the Design Guidelines. They contained a simple discussion of standards, scale and form, principle façade, roof shape and whether the criteria were met. The staff report indicates that the standards should be ignored because the design guidelines did not apply to the project.

In response to Mr. Graham's comment regarding scale, Ms. Barbanell noted that the bubble was 27,000 square feet and three times larger than any other structure in the park and stated that it would be a mistake to consider the project inline with the scale of the park.

She argued that the staff report stated that the park as a whole should be considered when looking at the tennis bubble. The court said specifically in regards to this that the bubble could not be compared to the entire park, but to it's immediate environment and own standards based upon what was contained in the ordinance as a whole.

Cindy Cromer stated that while she was not in opposition to improving Liberty Park, she did not believe a decision should be made on the project until guidelines had been developed to address the treatment of properties such as Liberty Park. Referencing her memo to the Commission which was and included in the packet, she reiterated three concerns:

- 1) The project was not about tennis it was about public process on public property.
- 2) It was not the first time the City had dismissed the Master Plan.
- 3) Appropriate standards are not in place to deal with projects such as this one.

She urged staff to approach the Planning Commission, City Council, or Mayor to amend the Ordinance to address these types of projects.

In the course of the hearing, two handouts were passed to the Commission. Copies of these documents were filed with the minutes.

The following members of the public spoke in opposition to the project: Tom Mutter, John Erickson, Paul Wharton, and Shane Carlson.

The objections were:

- The City needed to come up with standards for recreational structures in Open Space and on Landmark sites.
- The bubble was supposed to be of a temporary nature and the structure was not allowed to remain for more than six months each year. The bubble actually remained erected in excess of six months.

The following members of the public spoke in favor of the project:

Jim Fisher, Bob Jahnke, Rick Cohen, Azat Hankuliyev, Debbie Robb, Stephen T. Hard, Lani Wilcox, Kevin Smith, Eddie Fung, Jeff Apperson, Joseph Newton, Chris Haas, Dwight Marchant, Debra Lund, Alec Daublia, Derry Quintana, Victoria Lara, Pamela K. Hardin, Vanessa Martinez, Allyson Iwasaki, Don Clark, Krista Airam, Kathy Roberts, Don Adolphson, Ki Mickelsen, Doug Macdonall, Karen Nickolaisen, Janet Kaufman, Denise Apperson, Matt Bell, James McIntyre, Hiro Iwasaki, Fumiko Iwasaki, Jaqi Pok, Gaylen S. Young, Jr., Cal Nelson, Nancy Futrell, M.D., Brent Goates, and Linda Vincent. Danny Quintana, Monica Wheaton Alison Hartman, and Kai Nickolsen.

The supporting comments were:

- The West facing part of Liberty Park was traditionally designated as a recreational area with the tennis courts in existence since 1915.
- Tennis should be encouraged as a healthy, low impact exercise alternative.
- The installation of the tennis bubble over four courts allows access to the amenities through the winter.
- The bubble encouraged groups who otherwise might not be able to access the tennis facilities to participate year round.
- The tennis bubble provided social benefits by allowing year round access to the public, specifically the elderly and disabled.
- Park safety had improved since the installation of the bubble.
- SLC statistics: fifty percent (50 %) decrease in crime after the bubble went up and continues to decrease by thirty percent (30%) yearly.
- The tennis bubble protected the tennis court surface.
- Argument against the bubble should have been made prior to construction, not after.
- The hearing was a bureaucratic technicality.
- Removal of the tennis bubble would result in the loss of jobs.

Ms. Barbanell was allowed an opportunity for rebuttal. She argued that she was concerned about the tennis bubble prior to construction. She looked into the ordinances and found that the City was attempting to bypass the Historic Landmark Commission and thereby, avoid public process. The City constructed the bubble without consulting the Historic Landmark Commission, which was a violation of the

ordinance. Following the ordinance was not a technicality. The City used public and private funds and constructed the structure without the public's approval. Had the City followed the Ordinance and held a public hearing, there would not be an issue. Had the City been allowed to keep the bubble without public process, then the City could construct anything there without public input. Liberty Park was at risk; ignoring the ordinance puts all historic sites at risk.

Mr. Graham was given an opportunity for rebuttal. He stated that accusation that the City did not allow public discussion was incorrect. The City followed the process and approached Planning Staff, submitted the required documentation, had a drawing and review with the Architectural Committee and received a Certificate of Appropriateness before installation. The steps taken by Mr. Graham had been detailed in the staff report.

Mr. Graham concluded that the City built parks for the people and that testimony during the meeting emphasized how important parks were for the public. The needs of the public have changed over time and the City tried to modernize the park while complying with the criteria for improvement, and the criteria had been met. Park facilities must be sustainable, maintainable, and meet the standards. The project had already gone through the process and he asked that the Commission approve the Certificate of Appropriateness.

The Chair closed the public hearing and moved to Executive Session.

Executive Session

Motion

Commissioner Hammond-Heid moved in regards to Petition 470-07-47 that the Historic Landmark Commission accepted the staff recommendation to approve the Certificate of Appropriateness with the condition that the height of the bubble be controlled so that it did not exceed the thirty-five foot maximum.

Commissioner Carl seconded the motion.

Discussion

Commissioner Carl referred to page six of the staff report acknowledging that there were no established standards for a tennis bubble in a Historic District. She stated that she was not sure how else a tennis court could be covered, and did not know what other standard would be appropriate to apply. The question was whether to allow a covered tennis court or to not allow a covered tennis court. Part of the ordinance does state that the Commission was allowed to consider what was in the best interest of the City. There was overwhelming support for the bubble.

Commissioner Oliver wondered, as Liberty Park was a Landmark site, and the Commission was being asked to consider the bubble using Residential Historic District guidelines, were there default standards in place that the Commission could

fall back on, such as the Secretary of the Interior Standards rather than the Residential Historic District guidelines.

Ms. Zeigler stated that the ordinance was based upon the Secretary of the Interior Standards. Staff did not recommend that the Ordinance be discarded in this case simply that the Commission kept in mind that the Design Guidelines were specifically written for Historic Districts. One of the reasons a public process was established was because there was no way for the ordinance and Design Guidelines to conceive every situation. Each project should be viewed as a unique situation. Staff reviewed the tennis bubble with the ordinance; however, there were situations where the standards in 21A.34.020.H did not apply, such as the rhythm of front porches which did not typically exist on structures within a park.

Commissioner Oliver stated that a year round tennis facility was a fine thing and served many useful functions such as health, safety, and improved services in the park; however, the Commission was required to base their decision on written ordinance standards and guidelines. If the Commission did revert to the Secretary of the Interior's Standards, then she agreed with the staff report and would like to add that one of the basic tenants of historic preservation and the Secretary of the Interior standards was to use a structure for its intended purpose. Furthering the use of the tennis courts throughout the winter would be in support of that. Another major tenant of the Secretary of the Interior Standards were that any additions to a historic site were to be reversible, and the project was reversible. It did meet two of the twelve Standards. The other standards did not apply to the case.

She also stated that she did not believe that sufficient tools existed for evaluating the proposed changes at these types of sites. It is assumed that the Commission reverted to the Secretary of the Interior Standards, but the Commission was using the Historic District Guidelines without written documentation to show that the Commission did use those Standards as a default. The City ordinance needs to be written to demonstrate that the City did use those Standards in cases such as these.

Finally, she asked the Commission if they felt they needed further clarification of the ordinance to continue the case or deny the certificate. If this action was taken the new Guidelines should support structures such as the tennis bubble because it did meet the Secretary of the Interior standards. In the meantime, the Commission needed a predictable process and clear guidelines for the public to avoid situations such as this one, which has been a lengthy process.

The Chair asked if the bubble should be considered as similar to the improvements on the playground, swimming pool, and other improvements, because there was a precedent for improvements.

Commissioner Oliver responded that the tennis bubble was much larger and more visible than those improvements. The tennis bubble was such an obvious modern intrusion on the park that differed from a structurally open space playground. She was inclined to go against the motion and continue or deny the petition to seek

clarification of the City ordinance. In general she supported staff findings, but believed that the issue needed to be addressed before it came up again.

**Commissioner Carl, Hammond-Heid, and Haymond voted, “Aye.”
Commissioner Oliver voted, “Nay.”**

The motion passed by majority vote.

BREAK 6:56 p.m.

RESUMED 7:08 p.m.

Petition 470-07-45 Church Light of the World Legalization. A request by the Church Light of the World to approve work done to a landmark site located at approximately 352 East 300 South without first receiving a Certificate of Appropriateness. The property is listed on the Salt Lake City Register of Cultural Resources.

Mr. Norris described the history of the church which was listed on the Salt Lake City Register of Cultural Resources. The current owner recently purchased the property and obtained permission to operate as a church in June of 2007. As part of that permit, it was noted that the property was a Landmark site and the Church was to adhere to all applicable City regulations.

He further explained that the applicant was requesting that the Historic Landmark Commission legalize the painting of the exterior of the building on the subject property.

According to the written statement of the Church representative, Solomon Lugo contacted Salt Lake City Building Services in regards to painting the structure; Mr. Lugo stated that he was told by Salt Lake City Building Services that the City did not regulate paint. He did not obtain a written statement to that affect.

Mr. Norris explained to the Commission that the preservation guidelines did not typically cover paint color, but they did address the treatment of exterior surfaces and historic building materials and the alteration of those materials. Based upon the information the applicant stated he received, the structure was painted without obtaining a Certificate of Appropriateness and latex primer and paint now covered portions of the building, and it is uncertain as to whether the final coat had been applied. In some areas, the original color of the brick was apparent.

In the 1970s the building underwent renovation and a prior coating of paint was analyzed for removal, that report was included in the staff report. The report described brick repair, which was done as part of the renovation, including the removal of paint from the exterior of the building. The photos and a visual inspection by staff did show that the bricks were relatively intact with some weathered surfaces in need of repair.

Mr. Norris stated that staff recommended that the Historic Landmark Commission continue the request to legalize the painting of the building located at approximately 352 East 300 South to allow a qualified professional to perform an existing condition report on the exterior building materials, including a review of removing the paint. Once that report was done, it shall be submitted to the Historic Landmark Commission for their review.

He further explained that, in this matter, the Historic Landmark Commission had the following options:

1. The Historic Landmark Commission could legalize the structure to be painted upon findings that indicated that the painted structure substantially complied with the applicable standards and was in the best interest of the City as stated in Zoning Ordinance Section 21A.34.020.G Standards for Certificate of Appropriateness for Alterations to a Landmark Site or Contributing Structure;
2. The Historic Landmark Commission may determine that the petition cannot be approved as proposed and make a motion to deny the request upon finding that the request did not substantially comply with the standards in Zoning Ordinance Section 21A.34.020.G or
3. The Historic Landmark Commission may continue the petition and require additional information from the applicant or staff.

Public Comment

A representative for the applicant, Julio Angelito, was invited to approach the Commission. He stated that the members of the church had agreed to abide by any decision which would be made by the Commission. He specifically stated support for staff's recommendations.

Seeing as the Commission had no further questions for the applicant, the Chair opened the hearing for comments from the public.

Cindy Cromer spoke in opposition of legalization of the building paint. She referenced her memo regarding the proposal, which was contained in the Commissioner's packets. She noted that the structure was purchased by the current owner in 2007. She spoke in support of the continuation and stated that when she did a visual inspection of the brick in 1995, the brick at that time was in excellent condition.

Kirk Huffaker, Utah Heritage Foundation, stated agreement with the staff recommendation. He also noted that the findings in the staff report were good and thorough. The paint obscured the pristine building and architectural significance. He suggested that the Commission follow staff recommendation and help the applicant to get a technical report, which would help him to restore the property to it's pre-painted condition.

Tom Mutter, Chairperson of the Central City Neighborhood Council, stated opposition to legalizing the paint on the building. He further said that the

Commission should inspect the interior of the structure. He objected to a rumored project to remove the stained glass windows from the structure.

Mr. Norris noted that the stained glass windows were not relevant in regards to the consideration of the legalization of the paint; however, he did clarify that the applicant did at one time submit a request in regards to the windows, but staff administratively denied the request to alter those windows.

The Chair closed the public comment portion of the hearing and moved to Executive Session.

Executive Session

Motion

Commissioner Oliver moved in regards to 470-07-45 to approve staff's recommendation that the case be continued to allow time for a qualified professional to perform an existing condition report, including a review of removing the paint with emphasis that the analysis must be conducted by a qualified professional: an architectural conservator or a restoration masonry specialist.

Clarification

Ms. Oliver clarified the motion by stating that as an architectural conservator by profession, she knew that the paint could be removed, but the removal process was critical to the preservation of the brick underneath.

Commissioner Haymond seconded the motion.

All voted, "Aye." The motion passed unanimously.

Petition 470-07-48 Horton Appeal of an administrative decision. A request by Katharine Horton for approval to install vinyl windows with an internal muntin system on a contributing building located at 124 North Canyon Road in the Avenues Historic District. The Administrative decision being appealed is; Planning Staff's denial of an administrative approval request because the resulting appearance of the proposed alteration would not match that of the original window treatment in terms of design.

The applicant requested approval to install vinyl windows with an internal muntin system on a contributing building located at approximately 124 North Canyon Road. The proposed window treatment would replace original wood windows with a multi-paned upper sash. The applicant was appealing the Planning Staff's decision to deny the request. Staff determined that the resulting appearance of the proposed replacement material would not match that of the original window treatment in terms of design, materials, and finish and would noticeably change the sash, depth of reveal, and muntin configuration.

Staff finds that the proposed alterations to the existing building located at approximately 124 North Canyon Road, do not comply with the City's Historic Preservation Standards 2, 4, 5, 6, 8, and 9 as stated below and were inconsistent with the architectural character of the building. Therefore, Staff recommended the following:

1. That the Historic Landmark Commission deny the request to replace the existing wood windows with vinyl windows with an internal muntin system, as this design is not consistent with the historic character of the building. Should the Commission determine that the windows are of a condition that warrants replacement, staff requests that the Commission direct staff to administratively approve a replacement window that matches the appearance of the original to the greatest extent possible or approve an appropriate storm window.

Commissioner Carl noted that she did not observe significant deterioration of the original windows on the field trip. She asked Ms. Lew if she had visually noted deterioration of the windows to the point that they could not be repaired.

Ms. Lew responded that she believed the windows needed repair, but they were not beyond salvaging.

Commissioner Haymond asked Ms. Lew if the applicant had proposed to replace the windows with a material that would not look like the original.

Ms. Lew explained that the windows would have muntins between panes of glass, which would not allow the same visual effect experienced by the originals.

Commissioner Haymond asked if the applicant had proposed using windows of the same design, if Ms. Lew would recommend the vinyl replacement.

Ms. Lew stated that it was not the preferred treatment of windows in a historic district. The original windows were redeemable if repaired.

Seeing as the Commission had no further questions for staff, the applicant was invited to address the Commission.

The applicant, Katherine Horton, stated that the replacement of the windows would culminate in the completion of a two year process to rehabilitate the building while keeping the architectural integrity to the building. She showed the Commission a sample of the proposed windows. The proposed windows were more energy efficient than the originals, consisted of the same design and the difference in material could not be discerned from the street.

Staff did suggest that storm windows could be used to make the original windows more energy efficient, but those windows were of one sheet of glass and with reflection, obscure the pattern of the window grid. They would be more visible from the street than the replacement windows she proposed.

The Chair opened the hearing for comments from the public.

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

Executive Session

Commissioner Carl asked how well a storm window performed over time.

Ms. Zeigler stated that the majority of heat loss from a home comes from the roof and not the windows. She stated that vinyl windows could not be repaired as wood ones could and therefore are not sustainable. Finally, in most cases, the energy cost savings for new windows would not be recovered until after the warranty of the window had expired. In terms of energy efficiency versus cost and green rehabilitation, to keep the original windows and using storm windows makes the most sense.

Motion

Commissioner Carl moved in regards to 470-07-48 that the Historic Landmark Commission deny the request to replace existing windows with vinyl windows. The applicant was encouraged to consider installing a quality storm window or other methods of preserving the existing windows.

Commissioner Hammond-Heid seconded the motion.

Anne asked staff to support the applicant in the best way that they could. She suggested an article in the New York Conservancy magazine on restoring historic windows. Aside from aesthetics, historic windows hold informational value to historic preservation because there is a certain irregularity in the surface of wood and glass.

All voted, "Aye." The motion carried unanimously.

As the following petitions were similar and had been initiated by the same applicant, the Chair instructed staff to present them together.

Petition 470-07-49 Overland Development Determination of Non-Contributing Status. A request by Overland Development for a determination of Non-Contributing Status for a residential building located at approximately 46 South 700 East in the Central City Historic District. The property is located in the RMF-35 Moderate Density Multi-Family District.

Petition 470-07-50 Overland Development Determination of Non-Contributing Status. A request by Overland Development for a determination of Non-Contributing Status for a residential building located at approximately 50 South 700 East in the Central City Historic District. The property is located in the RMF-35 Moderate Density Multi-Family District.

Ms. Zeigler explained the applicant requested consideration of changed statuses of the two structures from contributing to non-contributing.

Ms. Zeigler stated that the properties had not undergone significant changes since they received contributing status in 1991 and in 1996; however, both structures had been subjected to neglect.

Based upon analysis and findings in this staff report, Planning Staff recommended the Historic Landmark Commission deny the application for non-contributing status for 46 South 700 East and 50 South 700 East because:

1. The structures meet the criteria in 21A.34.020.C.2. iii and iv, and
2. the structures retain their historic integrity.

Commissioner Carl asked if staff had investigated whether the buildings were structurally sound.

Ms. Zeigler responded that the issue had not been investigated as it was not a factor as to whether the structures were contributing or non-contributing.

As there were no further questions for staff from the Commission, the applicant was invited to address the Commission.

Public Comment

The applicant, Overland Development represented by Devin Stephenson, explained that his company was seeking non-contributing status for both properties so that the structures could be demolished and apartment and condominium units could be constructed on the properties.

The property at 46 South 700 East had suffered a kitchen fire which damaged the rear addition and roof. Upon inspection by both his self and his company, it was determined that the house was not structurally sound. The non-contributing status was based upon the condition of the buildings.

As there were no further questions for the applicant, the Chair opened the hearing to public comment.

Nancy Saxton stated that in 1995 a zoning rewrite was done with specific attention to the 700 East corridor. Previous to the down zoning, the area had high density zoning. The zoning rewrite was a response to the desire to enhance the possibility of preservation for the single family homes and commercial apartments in the area by applying zoning districts that required less density.

She stated that the area rapidly lost several historic structures and others were earmarked for demolition. The loss of two additional structures with a troubled history of drug activity, vandalism, and fires might not appear significant, but the issues these buildings faced were a result of neglect by the previous owner. If demolition of the structures was allowed, it rewarded the derelict care.

She further stated that the Masonic Temple sat on the corner by this property and there had been some discussion by the Temple to purchase the property and construct condominiums. She believed that this plan was consistent with the desires of the developer. If the two structures were lost, the remaining houses on the block would be a bed-and-breakfast on the corner of 700 East and 100 South and one other building; both of these were non-residential in use.

She also stated that not only did the mansions within Salt Lake City need to be preserved, but also the historic dwellings that belonged to the middle class, lower class, and the poor. She finalized her statements and said that the long term boarding of property needed to be negatively reinforced, especially in the case of historic structures.

Cindy Cromer stated that she submitted comments for the packets. She stated that, Nelson Knight of the State Office of Historic Preservation, asked her to document fires in Salt Lake City. After fires, an overwhelming percentage of these structures, both historic and non-historic, were rehabilitated rather than demolished. She commented that the structures were both built by "Armstrong women". The bed-and-breakfast on the corner was the Armstrong/Jones Mansion and part of a large complex of the Armstrong/Jones/Madson family, which extended from the mid-block of 100 South to Madsonian Court. The Madison's owned a furniture business and one of the Armstrongs was a City Mayor.

Kirk Huffaker, Utah Heritage Foundation, agreed with the staff recommendation to keep the property classified as contributing. The structures were not maintained, but they should not be demolished. The property owner needed a rehabilitation plan instead. The property should be inspected by a certified contractor to determine whether or not the property could be rehabilitated. The demolition of the two structures would result in the isolation of the remaining structure on the west side at 700 East.

Tom Mutter stated that some years ago the Central City Neighborhood Council stated that the property had been boarded up for some time and favored rehabilitation of the property. The same developer had the Jewel apartments demolished through the economic hardship process. They demolished five buildings and left a scar on the block.

Seeing as no other members of the public were present to speak, the Chair closed the public comment portion of the meeting and moved to Executive Session.

Executive Session

The Chair instructed the Commission to make a separate motion for each property rather than combine the two.

Commissioner Oliver stated that the preservation movement arose as a response to the urban renewal movement, which essentially demolished large tracts of historic

buildings to make room for modern structures. She stated that the Commission was formed to specifically address projects such as the one being considered.

Motion

Commissioner Oliver moved, in regards to Petition 470-07-49 and in favor of staff's recommendation to deny the application for non-contributing status of 46 South 700 East.

Commissioner Carl seconded the motion.

All voted, "Aye." The motion passed unanimously.

Commissioner Carl noted that it was important to have the Preservation Plan in place before additional historic properties were lost to demolition.

Motion

Commissioner Carl moved in regards to Petition 470-07-50 and in favor of staff's recommendation to deny the application for non-contributing status of 50 South 700 East.

Commissioner Haymond seconded the motion.

All voted, "Aye." The motion passed unanimously.

OTHER BUSINESS

Commissioner Oliver mentioned the need for haste in regards to moving the Economic Hardship Process changes to the ordinance.

Mr. Paterson informed the Commission that two petitions addressing the matter have been initiated.

The Chair noted that two of the Commissioners had forwarded their comments on to staff regarding the Downtown Master Plan.

Mr. Paterson reminded the Commission that the Historic Landmark Commission field trips would now begin at 4:00 p.m. and the Public Hearing would begin at 5:30 p.m.

Mr. Paterson also informed the Commission that as of March 19, 2008, the retreat was scheduled for March 19, 2008. There were various issues planned for the agenda and if the Commission had topics they would like to discuss at the retreat, the information should be forwarded to staff.

The meeting adjourned at 7:53 p.m.

