

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street, Room 126
January 2, 2008**

As all members of the Commission had visited the site previously, therefore the Commission did not take a field 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 Hunter, Commissioner Lloyd, and Commissioner Oliver.

Present from the Planning Staff were George Shaw, Planning Director; Cheri Coffey, Deputy Director, Joel Paterson, Planning Programs Supervisor; Janice Lew, Principal Planner; Nick Norris, Principal Planner; Lex Traugher, Principal Planner, and Robin Zeigler, Senior Planner.

Chairperson Fitzsimmons called the meeting to order at 4:02 p.m.

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

Chairperson Fitzsimmons inquired if all Commissioners had the opportunity to visit sites that would be the subject of discussion at this meeting. Commissioner Hunter indicated that she had not visited the site. The remaining Commissioners indicated they had visited the sites.

Economic Hardship Discussion

Ms. Zeigler stated in 1999 the Historic Landmark Commission looked into changing the ordinance to better address Economic Hardship issues. She presented to the Commission, for their review and comment, a draft of the ordinance language encompassing the expressed issues and concerns of the Commission with the current ordinance.

In the proposed change to do away with the review panel, the applicant would represent himself as petitioners do in a regular public hearing, but an expert could be retained to represent the City. Other changes included the definition of market value and how it would be perceived.

The Commission generally agreed that the language content was correct, but there was also a need for clarity regarding what instances the Historic Landmark Commission might choose to overrule the advice of an expert.

After receiving input from the Commission, staff will present it to former Commission members for their insight. After the draft has been reworked to encompass those comments, the draft would go to the preservation consultants who would revise the language.

Ms. Zeigler agreed with the Commission devising a “mock” hearing using the new language which could demonstrate any flaws with the new language. The final version would then be presented to the Historic Landmark Commission for their consideration and possibly a positive recommendation to the Planning Commission that the language be adopted into the ordinance.

Residential Design Guidelines for Residential Historic Districts in Salt Lake City.

Ms. Zeigler referred to the written document in the Commissioner’s packets that was created as a result of the concerns expressed by Commissioner Hunter. Specifically, when Staff or the Commission is reviewing applications, they are to keep in mind, not only the specifically numbered guidelines, but all applicable design guidelines within the publication when reviewing applications. Ms. Zeigler also stated contact information should be easily accessible to the public and a flow chart of the process of going through a Certificate of Appropriateness should be included in the guidelines. At the end of the each chapter, there will be a “see also…” statement to lead the applicant to the next section which would also apply to their project. She then referred to minor changes on page 4. The Commission agreed to email any suggested changes to the Chair. As the Design Guidelines were adopted by the City Council, the City Council would need to adopt the changes.

Clarion Associates has not been contracted to develop commercial design guidelines, but they will be providing samples of best practices for the City. Developing Commercial Design Guidelines would be a long process and a discussion between Planning Management and the Commission, which would be undertaken in the future to determine whether it would be compiled in house or through a consultant.

Commissioner Lloyd stated that there seemed to be interest within the Citizen’s Advisory Committee for developing such guidelines.

Grant Projects

The Chair questioned as to whether there were funds available to study Commercial Design Guidelines for Salt Lake City.

Funding is available from the Certified Local Government (CLG) grant every other year and therefore would not be available in 2008. Funding from the National Trust available every six months. A prioritized list was created excluding the Commercial Design Guidelines as staff believed it would be premature to work on the guidelines before the study by the preservation consultants was completed. The list is as follows:

- 1) Feasibility study for the new hope center, the 29th Ward meeting house is vacant City property. Small study to determine the condition and a new use for the structure.
- 2) Camp, a training program by the National Alliance for Preservation Commissions since 2002, is a program which provides four trainers, who are sent to Salt Lake City to provide a day or day and one half education, The training is specific to legal issues faced in planning, best practices for running a meeting, design guidelines, generic design issues such as infill. There

is a possibility that the training can be conducted a day before the conference. She expressed the opinion that the training was worth the money.

- 3) The Survey project is open at the moment,
- 4) Yalecrest nomination
- 5) Fall awards event.

City Funding is a small fund, it would be used to:

- 6) Hire an intern to start digitalizing files to add to Accela the City's upcoming integrated computer program.

The National Trust Cynthia Wood Foundation for Historic Preservation:

- 7) The cash match is not available at this time.

After further discussion, the Commission suggested that the awards event might be tied into the American Institute of Architects to conserve costs, mailings sent to all of the historic districts and property owners of Landmark sites to remind residents of all of the tax credits and benefits of living within the district, mailings could be sent out with City water bills. The contract for the preservation plan does include printing of the new plan, but does not include outreach beyond that.

REPORT OF THE PLANNING DIRECTOR

Mr. Paterson drew the Commission's attention to two memos, which were contained within the packet.

- 1) The memo authored by Doug Dansie regarding the Downtown master plan. The Master plan would be presented at the next regular meeting of the Historic Landmark Commission.
- 2) Memo from Cheri Coffey regarding the status of the surveys. Sherrie Ellis from SWCA Environmental Consultants conducted the survey on Liberty Wells, a copy of the survey is attached to the memo.

PRESERVATION PLAN

Mr. Paterson reminded the Commission that in mid-December the preservation subcommittee met to discuss the preservation plan. One of the documents that came from that plan was the Vision Statement document. The subcommittee will be meeting periodically with the Citizen's Advisory Committee with and without Clarion.

Commissioner Oliver stated that the Citizen's Advisory Committee (CAC) met monthly on every second Tuesday and the subcommittee met twice monthly. The CAC met every second Tuesday of the month and the agenda had been developed for the next meeting, which would meet the following Tuesday, January 8, 2008. She agreed to forward a copy of that agenda to the Commission.

The Chair requested that an updated list of Committee members be issued to the Commission.

COMMENTS TO THE COMMISSION

Chairperson Fitzsimmons stated comments would be taken from the public for issues impacting the Historic Districts and Historic Preservation in Salt Lake City.

Ms. Cindy Cromer, stated she would like to see design guidelines for multiple units for Historic Districts. In referencing a subcommittee meeting back in December she described the circumstances where, prior to the subcommittee, Staff concluded that they could not make a decision regarding the appropriateness of the mass and scale of the project. Staff then collected data about what was left of the historic development pattern within the district.

Ms. Cromer stated there were substantial benefits to having the biggest buildings on block corners. She believed the developer left the subcommittee with the impression that his proposal was close to meeting the expectations of the Commission. She had contacted the developer and expressed her concerns and plans to attend the hearing for this project and speak against it.

Seeing as no further members of the public expressed the desire to speak, he turned to the next item on the agenda.

CONSIDERATION OF THE MINUTES

Commissioner Hunter put forward a motion to approve the November 7, 2007 minutes with minor corrections. Commissioner Carl seconded the motion. The minutes were approved unanimously.

Commissioner Lloyd put forward a motion to approve the minutes of DECEMBER 5, 2007 without any corrections. Commissioner Oliver seconded the motion. The minutes were approved unanimously.

LIBERTY WELLS

PowerPoint presentation was provided by Sherrie Ellis, SWCA Environmental Consultants.

Ms. Ellis explained what options existed for the future of a Liberty Wells Historic District:

- 1) Thematic nomination of type or themes of sites banded together in one nomination and not specifically based on area with some structures lying outside of the Liberty Wells area.
- 2) Nomination as a district is warranted with a positive 68 percent of the properties eligible or contributing.

She further stated that side yards are not present on most lots. The trend for development had been to preserve the deep back yards through expansion upwards and adding upper levels.

Mr. Paterson explained that the City had appropriated funds to do an intensive level survey and a national register nomination of Liberty Wells. He stated that Ms. Ellis would approach the Liberty Wells Community Council at their next meeting. Jim Fisher, Chair of the Liberty Wells Community Council called and was concerned that the survey recommends three separate surveys to be done in the future. He believed that raising funds for the three separate surveys would be difficult.

Commissioner Hunter asked Staff to provide background information regarding the boundary area of the survey as the District size was larger than the target area.

Chairperson Fitzsimmons called a break at 5:17 p.m.

Chairperson Fitzsimmons reconvened the meeting at 5:22 p.m.

PUBLIC HEARINGS

Petition No. 470-07-38 Green Office Major Alteration/Minor Construction. A request by Mathias Kellmer for minor alterations to a non-contributing structure located at approximately 182 South 600 East in the Central City Historic District. The proposal includes the installation of solar panels on the south elevation of the building and awning on the east elevation of the building. The property is located in an RMF-45 Moderate/ High Density Multi Family Residential Zoning District. (Staff Nick Norris at 535-6173 or nick.norris@slcgov.com)

Mr. Norris stated that the subject property was constructed in 1980. The brick and glass structure fronts onto 600 East with a pedestrian access to the sidewalk. The south façade of the building fronts on 200 South and provides vehicular access to a parking structure. The structure is considered a noncontributing building to the Central City Historic District.

The Historic Landmark Commission has approved solar panels on the structure located within a local historic district in the past. Earlier this year, the HLC approved solar panels on a structure within the Tracy Aviary located in Liberty Park and on a home on "N" Street in the avenues. Staff has administratively approved solar panels that have complied with the policies on solar panels. This proposal does not meet the policies on located solar panels and could not be approved administratively. Therefore, the matter is being reviewed by the Historic Landmark Commission.

The Historic Landmark Commission has the following options regarding this proposal:

1. The Historic Landmark Commission can approve the proposal by finding that the proposal substantially complies with all applicable ordinances and design guidelines;
2. The Historic Landmark Commission can deny the proposal by finding that the proposal does not substantially comply with applicable ordinances and design guidelines; or
3. The Historic Landmark Commission can refer the proposal to the architectural subcommittee for further review of the design of the proposed addition.

Based on the analysis and findings in this report, Staff finds that the proposed modifications to the structure located at 182 South 600 East do not comply with the standards for locating solar panels because:

1. The proposed location of the solar panels is visible from a public street, and
2. The proposed location of the solar panels is below the edge of the flat roof.

Staff would recommend approval of the solar panels if they were placed on the roof as stated in the Historic Landmark Commission Policy document.

Staff would recommend approval of an awning that encroached up to two-and-one-half feet into the required front yard as permitted in the Zoning Ordinance Section 21A.36.020 with the following condition: that the applicant supplies a material sample of the proposed awning.

Mr. Norris distributed structural renderings illustrating how the awning would be attached to the wall.

In response to a question from Commissioner Lloyd, Mr. Norris responded that the applicant planned to make changes to the proposed awning on the East elevation, which is fairly minor; however, Staff felt it would be appropriate for the Commission to consider it as they were already considering the remainder of the project.

Public Comment

The applicant, Michael Jepson, Green Earth Development, of Greenspace LLC, approached the Commission. He acknowledged that the proposal did not meet the current guidelines, but stated he believed the Commission would face an increased number of applications for solar panels as demand for renewable energy design has increased.

Photovoltaic solar panels provide a shading device on the south side as well as renewable energy. The structure is a non-contributing building with abutting structures to the north and south, which are also non-contributing. Mr. Jepson passed around a sample of the dark colored solar panel and solar panel brackets and one aluminum frame, which would be screened from the view of the street. The panels are six feet wide and thirty inches deep on the building, the angle is 44 inches from the building. The property sits back from the right-of-way fifty feet. The zoning dictates that the structure can not have a projection more than thirty inches.

The Chair reminded the Commission that the setback issue is not before the Commission.

Mr. Norris stated that the setback requirement for the South corner side yard of the structure is approximately twenty-two feet, and they are allowed to project up to two-and-one-half feet. The awning can conceivably be four-and-one-half feet from the wall of the building and still comply with the ordinance.

Mr. Jepson stated that the proposal is for forty-four inches.

A solar trellis was placed on the design as a placeholder for an architectural feature for the building. The entrance is actually a flat façade; there is a need for architectural relief. The placeholder is actually a six foot deep awning, which would be attached to the building and cover the building sidewalk only to the first step.

The awning is powder coated silver structural steel to match the emollients, which is attached to the building, but does not seat into the façade recess.

The applicant described a possible design for the awning, but acknowledged that he had not provided drawings and might need to return to the Commission with those illustrations.

The Chair opened the meeting to members of the public who might wish to speak.

Daniel Prins, a neighborhood property owner, expressed concern regarding the view of the solar panels from his building.

Cindy Cromer, a neighborhood property owner, stated that the developer did not state why he needed to exceed the policy, other than he has a membrane roof. She stated the placement of the solar panels was advertising of the solar panel product for the manufacturer rather than beneficial as renewable energy. The panels were attention seeking and distracting to the building and was shading brick, not windows. She recommended that the project be heard by the Architectural Committee.

Kurt Huffaker, Utah Heritage Foundation, stated the design goals are worthwhile, but the panel should be on the roof, even on a non-contributing building. The Secretary of Interior Standards, policies, and Design Guidelines states that the entry needs to blend in with the building, but be distinct from it. Additional information as well as drawings, would be needed to justify waiver of policies and standards. This would be a precedent to allow solar panels on a non-contributing south facing building. Consider how it is or is not reversible, our policies dictate it should be reversible. If it fits on the roof, not seen from the street, and is reversible without the reversibility mechanism visible, then perhaps it should be on the roof.

Seeing no other members of the public who wished to speak to the case, the Chair closed the public hearing and moved to Executive Session.

Executive Session

The Chair reminded the Commission that if they saw reason to go against the guidelines, they needed to state those reasons carefully.

Commissioner Carl stated that she did not see justification or any compelling reason to allow exception to the guidelines for the solar panel design.

Commissioner Oliver agreed that the idea was not appropriate for a Historic District. The design needed to disguise the solar panels.

Commissioner Hunter stated that she was supportive of energy conservation efforts, but they needed to blend in and needed to support the guidelines. She also stated that a non-conforming structure should not be used to set an example.

Commissioner Lloyd stated that the applicant had provided one solution with the intent to expose the panels. A sunscreen and a solar collector panel could be an appropriate use on this building, but it does get down to the design of the panels. In regards to the proposed design and sun shading, it could possibly demonstrate energy savings, but the technical description was not adequate to determine that. The Commission should be careful to not dismiss visible solar panels on non-contributing buildings, but there is a need to provide a way to address those in a design sense where they could be compatible with a more modern building.

Commissioner Carl stated that in this instance he could have more compatible design solutions. Commissioner Hunter agreed.

Commissioner Lloyd stated that the Commission will see more cases where visible solar panels are being proposed on modern buildings in Historic Districts.

The Commission agreed that strong guidelines for commercial structures were lacking.

Commissioner Hunter recommended adhering to the denial of the application. She further recommended that the Commission form a subcommittee to take another look at solar panels and other energy saving materials.

Commissioner Carl agreed, but stated that that the Community Advisory Committee should also look at Commercial Design Guidelines, which was an urgent need.

Commissioner Lloyd stated that the example of a precedent with visible solar panels approved by the Commission was the Tracey Aviary.

Commissioner Hunter stated view of the structure was obscured by a tree and so the exception was made.

The guidelines were specifically written for residences.

The Commission agreed that the design of the awning was not technically illustrated in drawings and therefore not specific enough to allow the Commission to come to a decision. They further agreed that the design of the solar panels could have been altered to comply with the guidelines. The example was given that if the solar design had incorporated a cornice on the roof, which hid the panels, the design would have been viewed differently than it is now. The Commission agreed there was a need to table the proposal and send it to an Architectural Review Committee for consideration. If, after meeting with the Committee, the redesign was not deemed appropriate by the Commission, then the application should be denied.

Motion

Commissioner Lloyd made a motion regarding Petition No. 470-07-38 to table and direct the Historic Landmark Commission to assign the Architectural Review Committee to review with the applicant modifications to his design and to review the proposal for the awning structure, and then the reappear before the Commission to submit his proposed redesign.

Seconded by Commissioner Hunter.

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

Chairperson Fitzsimmons and Commissioner Lloyd, agreed to serve on the subcommittee.

Petition No. 470-07-39 Toth Major Alteration/Minor Construction. A request by Bob Toth for major alterations to a contributing structure located at approximately 167 North "O" Street in the Avenues Historic District. The proposal includes adding a second story to the rear of the existing structure. The property is located in the SR1-A Special Development Pattern Zoning District.

Mr. Norris explained that the applicant was requesting approval of an addition to the single family home located at 167 North "O" Street. The addition consists of the following alterations to the structure:

1. Adding a second story to the home
2. Expanding the basement by excavating underneath the home
3. Addition of new windows to the basement
4. Adding an exterior doorway and stairs to the basement
5. Adding solar panels to the roof on the addition.

The Historic Landmark Commission has the following options regarding this proposal:

- The Historic Landmark Commission can approve the proposal by finding that the proposal substantially complies with all applicable ordinances and design guidelines;
- The Historic Landmark Commission can deny the proposal by finding that the proposal does not substantially comply with applicable ordinances and design guidelines; or
- The Historic Landmark Commission can refer the proposal to the architectural subcommittee for further review of the design of the proposed addition.

Based on the analysis and findings in this report, Staff finds that the proposed addition to the structure located at 167 North "O" Street does not meet the standards found in Zoning Ordinance 21A.34.020.G "Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure." Specifically, the proposed alteration does not comply with standards 2, 8, 9 and 10. Staff recommends that the Historic Landmark Commission refer the matter to the Architectural Review Subcommittee for further review of the proposed addition.

In response to a question posed by Commissioner Oliver, Mr. Norris stated that the staff report incorrectly stated that the roof pitch exceeded the height allowed by ordinance. One drawing in the staff report does differ from what was actually proposed, but there was a second drawing which correctly illustrated the pitch.

Public Comment

The applicant was invited to address the Commission.

Joe Prudden, the project architect and owner of ARK-OLOGY Achitecture, explained that the applicant had owned the house for four and one half years. He explained that he had worked extensively with staff to comply with ninety-five percent of the guidelines. He stated the materials are open for discussion, as the applicant was willing to blend the new materials with the existing ones, or to alter the design slightly to ensure that the existing structure stands out more. The previous owner changed the windows to vinyl without approval. Mr. Prudden proposed that the new windows would also be of vinyl to maintain consistency. He further stated that the use of vinyl is open for discussion.

He stated that the site was restricted by on the sides and in the back by several large trees. The trees in the back needed to be cut down to allow the addition. An accessory structure (garage) on the

south side would remain in place, but caused further restriction. There was a secondary 200 foot addition which was added to the kitchen on the back. The proposal is an attempt to increase the size of the house to accommodate family size. The applicant is seeking approval for massing and to work with staff to discover appropriate materials.

The front elevation windows need to be replaced. To visually break up the massing of the structure, the gable has been offset. The applicant was willing to make the gable symmetrical or remove it if the feature had a major impact on the approval.

Commissioner Lloyd commented that it appeared that the applicant had gone to great lengths to protect the shape of the front roof, even doing things which were more complicated by reversing the front roof, which caused a slope against the back roof which would have to be resolved with flashing.

Mr. Prudden stated that during his first discussions with the City, he was advised that the changes needed to stay beneath the original slope of the front gable. During a subsequent discussion, he was told he needed to move it back. He is proposing to improve the separation between the existing building and second addition by adding a trim board to accentuate the difference between the old and new construction. Right now there is no delineation on the north elevation between the secondary and existing structure.

He stated that they had looked at every possibility for increasing square footage without exceeding the ordinance.

Kirsten Steasser homeowner, approached the Commission and stated that the purpose for the proposal is to achieve greater square footage to accommodate a growing family. She stated that the roof addition does make it look different from the street, but that the original house remains defined.

Bob Toth, homeowner, stated that he did his due diligence to look into the property prior to purchase. He was not pleased with the first design given to him by the architect. This proposal was a redrawing which is more pleasing. He stated that he was willing to accommodate some changes. He was opposed to demolition of the garage which was built in 1940. He may have to move if the design is not approved. The home will gain 1000 square feet total with the addition.

Commissioner Lloyd commented that the drawings illustrate a divided light window on the northeast corner and bay window. The drawings show a divided light pane to be replaced on both windows.

Mr. Prudden responded that he was open to matching the original windows or a frame muttin would be placed in the window to give a feel of the original.

Seeing that there were no further members of the public who wished to speak regarding the project, the Chair closed the public hearing and moved on to Executive Session.

Executive Session

After entering Executive Session, the Commission had further questions.

The chair reopened the Public Hearing to allow the applicant's representative to answer further questions.

Public comment

Mr. Prudden explained the boundaries between the original floor plan and the addition as well as the proposed new addition. He described the main floor as a rectangle. He further stated that the kitchen was part of the secondary addition done in 1980s. There is no basement under the kitchen addition. The original kitchen and porch are part of the existing footprint. The only change is the stairway going up, taking out the bedroom and adding the stair.

Seeing as there were no further questions from the Commission, the Chair closed the public comment part of the hearing and moved back to Executive Session.

Executive Session

The Commission agreed that the design was sensitive to the historic nature of the home and to the Historic District. They also agreed that it was difficult to add on to smaller homes in Historic Districts and the Commission had approved similar projects before; however, Staff's recommendation was that the design did not meet the standards.

Commissioner Lloyd argued that finding number eight of the staff report finds that the mass increases the mass of the scale of the structure. Modification to the roof and windows would not improve that without significant impact on function of the proposed design. The new roof shape, which has a smaller scale gable and hip, are compatible with that roof mass because it does not mirror and scale does not overpower the original roof.

The Chair commented that vinyl windows were existing on the lower front elevation and the replacement windows were on the upper elevation, which could be approved by the Commission.

Commissioner Hunter stated that the approval of vinyl windows should not be the standard because other house windows were vinyl.

Commissioner Oliver noted that the bay window looked like it was originally a steel casement window, but was not sure. It was difficult to ask the applicant to restore original windows when it was unknown what they were.

Commissioner Lloyd said the applicant could respect the original history of the house by trying to restore the divided light pattern on the windows. The Commission should not propose that they be original steel windows, because they are not energy efficient.

Mr. Norris read from the guidelines regarding the replacement of non-wood windows.

The Commission generally agreed that that while the ordinance did dictate the appearance of windows, which were not primary, it was the will of the Commission to offer advice to the applicant via an Architectural Committee, which could offer suggestions on window replacement and on materials.

Motion

Commissioner Carl moved to table Petition No. 470-07-09 and recommend that the applicant meet with an architectural subcommittee of the Historic Landmark Commission.

Seconded by Commissioner Oliver.

Commissioner Lloyd moved to amend the motion that the petition be placed on the February 6, 2008 agenda.

The amendment was accepted by Commissioner Carl and Commissioner Oliver.

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

The Committee agreed to have one meeting for both proposals on the same date. Chairperson Fitzsimmons, Commissioner Oliver, Commissioner Carl, and Commissioner Lloyd will serve on the subcommittee. The subcommittee will discuss the overall design code coherence of the project windows on the primary elevation, the roof shape and mass.

Chairperson Fitzsimmons called a break at 6:48 p.m.

The meeting was rejoined at 7:01 p.m.

Petition 470-07-23, Capitol View Planned Development. A request by Jeremy Jones for approval of new construction located at approximately 690 North West Capitol Street in the Capitol Hill Historic District consisting of seventeen (17) new single-family dwelling units. This project also requests that the Historic Landmark Commission consider approving, for specific homes, building heights in excess of the twenty-three (23) foot maximum building height regulation of the base zoning district. The subject property is zoned SR-1A (Special Development Pattern Residential District).

Mr. Traugher provided the history of the petition:

- On April 5, 2006, the Historic Landmark Commission held an Issues Only hearing to discuss this proposal and take public comment.
- On May 17, 2006, the Historic Landmark Commission held a public hearing and denied the applicant's request.
- On August 9, 2006, the Planning Commission heard the request in an Issues Only hearing.
- On June 27, 2007, the Planning Commission approved the Planned Development/Conditional Use and Preliminary Subdivision requests.
- On October 10, 2007, the Planning Commission reconfirmed their approval decision granted at their hearing on June 27, 2007.

He explained that Cooper Roberts Simonsen Architects, representing the developer, Jeremy Jones, was requesting approval of new construction in the Capitol Hill Historic District consisting of seventeen new single-family residential dwelling units. The subject property is located at approximately 690 N. West Capitol Street and is zoned SR-1A, Special Development Pattern Residential District. The purpose of this district is to, *"maintain the unique character of older predominantly low-density neighborhoods that display a variety of yards, lot sizes and bulk characteristics."* The proposed development is subject to the Salt Lake City Zoning Ordinance and the Design Guidelines for Residential Historic Districts in Salt Lake City.

Based on the submitted plans, the discussion, analysis and finding of fact in this Staff Report, Planning Staff recommends that the Historic Landmark Commission approve the proposed Capitol Place Planned Development subject to the following conditions:

1. The proposed building heights shall conform to the plans submitted for each unit (A, B-1, B-2, C, D-1, and D-2), as attached to this staff report (Exhibit G).
2. The unit style on each individual lot shall conform to the attached "Preliminary Development Site Plan" (Exhibit G) with the exception of Lot 4. A D2 unit shall be constructed on Lot 4.
3. Any substantial changes to the design or proposed building materials shall require reconsideration by the Historic Landmark Commission.

Commissioner Lloyd, reading from page 17 of the staff report, noted that it mentioned the width of the attached garage facing the street exceeds fifty percent. He then stated that the garage is on a street that is serving the development units. It is not a street that would be accessed by other people of the neighborhood, unless they were visiting one of the development houses.

Mr. Traugher stated the street served to eliminate a dead end. If developed it would allow through traffic from West Capitol Street through Darwin Street.

The Commission noted that the proposal exceeds the SR-1A zoning by four feet.

Mr. Traugher clarified that the measurement of the grade was taken from every point grade to the highest ridge grade, which ever measurement was greatest would be the measurement of that particular structure.

Public Comment

Jeremy Jones, of Capitol Hill Development LLC, and Casey McDonough, from Cooper, Roberts, Simonson and Associates, was invited to approach the Commission. Casey McDonough read a letter from Allen Roberts, (a copy of the letter is filed with these minutes). Mr. Allen's letter described in detail his efforts to survey and propose the boundaries for the Capitol Hill historic District. Subsequently, the boundaries of the district were changed and adopted.

Mr. Jones gave a PowerPoint demonstration of the proposal.

Commissioner Lloyd stated that he had not seen such a extensively researched project presented before the Commission in the past.

Commissioner Hunter asked if the homes that sit behind the first row of houses on West Capitol Street sit higher than those fronting the street and thus block the sunrise as well? She also asked the applicant to describe the heights of the houses across the street from the proposal.

Mr. Jones referred to his PowerPoint presentation and described the different homes along the street.

Mr. Jones stated that the project does not overwhelm or take away the nature of what is there now and is in harmony. He conceded that new concrete, which would be used in the project, was a reflective material.

Referring to the minutes from the meeting on May 17, 2006, Mr. Lloyd commented that the minutes show the biggest change to the plan from that time was the breaking up of the retaining walls, the introduction of a stairway, and the reduction of the density along West Capitol. He stated that the design shows a great sensitivity to the elevations, which leaves no house which looked alike.

Seeing as the Commission had no further questions for the applicant, the Chair opened the meeting for the public to speak to the matter.

Polly Hart, Capitol Hill Community Council Chair, stated opposition to the proposal. She expressed the desire to impress upon the Commission the impact the proposal would have on the neighborhood. She stated the staff report read that her appeal to the Planning Commission was based on lot size. Her appeal was based on the fact that the Planning Commission had been told that the average lot size was 5000 square feet, when in fact it is was 3800 square feet. The density gives the lots an average of 5000 square feet, but each individual homeowner gets a lot of an average of 3800 square feet, which is a substandard lot. In her letter to the Planning Commission she did not itemize a concern which is itemized as the neighborhood concerns on page 5 of the staff report. She did not mention height issues, which is a neighborhood concern, but was discussed for the most part in trustee meetings of the Community Council.

She stated that height was an issue and acknowledged that density is not within the purview of the Historic Landmark Commission, but then stated that it was regarding to compatibility to the neighborhood. The Community Council does recognize that there are several small lots on the street which may be 3800 square feet or less and a small handful of homes on West Capitol Street are very large. However, the average home in the development is just less than 5000 square feet. That means that seventeen large homes will now be on that street and not compatible with the neighborhood.

She further stated that the Community Council wanted to avoid the placement of monster homes on this site. The house plans range from 5000 to 6000 square feet. The majority of the homes in the area are 1500 to 3000 square feet.

Karen Bisendine, neighbor directly across the street from the subject site, stated opposition to the proposal. She stated that her home is 1200 square feet. She stated that her measurements and math calculations differ from those of the applicant and that the applicant was being very deceptive about the lot size.

Sandy Anderson, resident of the neighborhood of the proposed project, stated opposition to the proposal. She identified her home on the map. She objected to the proposal and stated that she was in opposition to the stairs. She stated that the area should have been preserved as a green area. She further stated that back yards face West Capitol Street and worried that large fences and retaining walls would be erected. She further stated that when she renovated her house, she was required to use wood siding or wood composite. Stone and stucco were not allowed, her roof tiles had to match the flowers in her yard.

George Stutzenburger, Capitol Hill Community Council Trustee, stated he is in opposition to the proposal, and questioned the proposed height of the houses which exceed the zoning height limit. He asked the Commission not to approve a variance to the height limit. He asked if a new sewer line would be installed or if the old clay line would be retained. He also expressed concern regarding accountability if something were to go wrong with the sewer line.

Shirley McLaughlin, Historian of Capitol Hill Community Council, stated opposition to the proposal. She stated that she attempted to add part of her lot to another lot so a home could be constructed next to hers, but was told "No." by Doug Wheelwright, Deputy Planning Director. Mr. Wheelwright stated to her that her lot must be 5000 square feet. She was upset that the proposal would consist of lots less than 5000 square feet. She also expressed concern regarding drainage. She further stated that she resented having the back of a neighboring house fronting hers.

Minta Brandon, neighborhood trustee, stated opposition to the proposal. Read from the findings of the staff report. She admonished the Commission to be careful because what they read on paper would not be what was there when finished. She reminded the Commission that they were on the Board to preserve the City's heritage.

Katherine Gardner, neighborhood advocate, stated opposition to the proposal and said it still needed changes. She also stated that the proposed project does not fit in a historic district. She reminded the Commission that Victory Road receives a lot of traffic and wondered who would be responsible for wear as a result of additional traffic. She also stated that West Capitol Street was full of errors and not a typical historic district. She further stated by declaring that the proposal was not a popular plan in the neighborhood.

Donna Deyhle, neighbor to the proposed project, stated opposition to the plan. She expressed concern regarding the wisdom of the Council's last vote. She stated there was no need for variance, no reason to allow increased density in the area. The proposed structures were too large, height, and dense in a historic area.

Lewis Downey, a property owner in the neighborhood, expressed opposition to the proposal. He expressed concern about boulders moving off of the site and damaging his property. He stated that the statistics which had been used took in a larger area than the street. He said using those same statistics to compare with just the houses on the street, would demonstrate an extreme impact on the neighborhood. Calling the homes "cloned", he stated that the structures were too big, too massive, and too dense. The project got through the Planning Commission despite the fact that it is openly acknowledged that the planning process had serious problems which yield an inconsistent and sometimes negative result for neighborhoods and developers. It is reasonable that the neighborhood asks for consistency.

Polly Hart readdressed the Commission continuing her argument regarding the height issue. She noted that recently Salt Lake City enacted the SR-1 A overlay which reduced the height limits to twenty-three feet. Capitol Hill and the Avenues were two districts which were specifically targeted because there was so much concern about very high, large structures. going into these neighborhoods. While the developers did reduce the height of the proposed structures, they still exceed the height by five feet, which is one half of a story.

Rob Reinholt, partner of Jeremy Jones, addressed the Commission. He stated that he has tried to be empathetic to the neighborhood. He said that every time changes to the plan were discussed he would take a trip to the property to envision how that change would impact it and the neighborhood. The proposal brings families into the neighborhood. He asked the Commission to realize that approval of the project would be a positive thing for the area.

Katherine Gardner readdressed the Commission and stated that the plan does not look like it was good for families.

Mr. Jones addressed the density issues raised in public comment. He stated that the planned density is below what the ordinance would allow. He further stated that the proposed average home size is between 2200 and 2600 square feet rather than the 5000 to 6000 square feet stated by the public. The building footprint is deceptive and might lead to that misconception because none of the houses have full basements. The houses are not monster homes.

Commissioner Hunter asked the applicant if he had considered varying the size of the homes.

Mr. Jones responded that there was a dramatic variation in size already.

Commissioner Hunter asked if it was possible reduce the visible size by building full basements.

The applicant responded that layers of caliche soil on the site prevented full basements. Some basements could be expanded, but not all.

Mr. Jones further stated that the building size average was 2700 square feet.

Through further discussion, the Commission understood that the SR-1A Zoning Ordinance states the twenty-three feet height or average height of the principal buildings on the block face. The struggle with the subject site is that there is no block face on the opposite side of West Capitol to use as an average.

Executive Session

Commissioner Hunter asked the Commission to request that the City Council clarify the intent of the guidelines when they were put in place, specifically the intent in regards to granting an exception for height on new construction.

Commissioner Lloyd stated that he had not seen any language specific to overriding building heights and felt the key issue to keep in mind was what the average height of the proposed homes in the neighborhood.

The Commission agreed with Commissioner Lloyd that it was unnecessary to go back to the previous Council members for an interpretation of their intent when the Commission was granted the authority to grant a modification to the maximum building height.

The Chair stated that the burden is on the Commission to look at individual structures and apply that judgment to each.

Ms. Coffey stated that there were two tracts in regards to compatible infill. If the subject property lay outside the historic district, a petition requesting additional building height would go to the Board of Adjustment, if it is inside a Historic District, the Historic Landmark Commission would hear the case. The City Council felt comfortable enough with the Historic Landmark Commission's process to grant them the authority to grant height exceptions.

Chairperson Fitzsimmons wondered if the development height would be looked at differently if the slope were less steep.

Commissioner Oliver agreed that the twenty-three foot restriction on this parcel would prove burdensome because there is no block face on the petitioner's side of West Capitol Street with which to calculate an average building height, but that the applicant did do a survey of West Capitol Street and determined that the average height was twenty-seven feet four inches was reasonable.

Commissioner Lloyd noted that the staff report was well written and that the Commission needed to accept that staff has put together the average heights. It is very difficult to put two stories on a hillside lot and keep them under twenty-seven feet four inches. The height exception could be approved with conditions.

He further stated that while adjacent owners would be impacted, the Master Plan does approve increased density.

Commissioner Hunter wondered if the developer should be asked to add more variety to avoid such an imposition on the neighborhood.

Commissioner Lloyd stated that the conditional approval should require the developer to come back before the Commission to review final details regarding materials, retaining walls, and possibly other features.

Chairperson Fitzsimmons explained the question before the Commission was regarding height and style. He said that the size of the structure could be related to style, but it was important that any condition imposed upon the approval be explained clearly to show a relationship with height and style. The density of the project as allowed by the base zoning district has been approved.

Motion

In regards to Petition No. 470-07-23 Commissioner Lloyd moved to accept the staff recommendation to approve the proposed Capitol Hill Planned Development subject with the following conditions:

- 1. Proposed building heights shall confirm to the plans for each unit, with the exception that the maximum height of each structure shall be no more than be twenty-seven feet four inches, the block face average along West Capitol Street.**
- 2. The unit style of each plan shall conform to the attached preliminary development site plan, with the exception of lot 4, which shall include a D2 unit.**
- 3. Request that the applicant return to the Historic Landmark Commission with final building materials and finish materials.**

The motion was seconded by Commissioner Carl.

Discussion

Commissioner Hunter asked the Commission to consider revising the motion to include options for camouflaging or reducing the mass and size of the structures from the view of the five homes immediately across the street from the project on West Capitol Street.

Commissioner Lloyd stated that he did not feel inclined to alter the motion with that language.

Commissioner Hunter put forward a motion to amend Commissioner Lloyd's motion to provide some variation on five of the structures to diminish the impact of the project upon the neighborhood.

The amendment was restated by Commissioner Oliver on behalf of Commissioner Hunter, to read that the Historic Landmark Commission strongly recommends that the developer further increase the variety of structures 1, 2, 3, 4, 5, to reduce the mass, perhaps by lowering the roof height of the structures below the allowed twenty-seven feet four inches height, or to by some other means, and to further reduce the mass of the structure to relieve the burden on West Capitol Street.

Seconded by Commissioner Oliver.

**Commissioner Lloyd accepted the motion to amend.
The motion to amend the original motion passed unanimously.**

The Commission voted on the amended motion with the following result:

**Commissioner Hunter voted, "Nay." Commissioner Carl, Commissioner Lloyd, and Commissioner Oliver voted, "Aye."
The motion passed unanimously.**

OTHER BUSINESS

As there was no other business discussed during the meeting, Commissioner Hunter made a motion to adjourn at 8:59 p.m.

Dave Fitzsimmons, Historic Landmark Commission Chairperson

Kathryn Weiler, Historic Landmark Commission Secretary