

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street, Room 315
March 5, 2008**

The field trip was attended by Paula Carl, Dave Fitzsimmons, Warren Lloyd, and Jessica Norie. 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 Harding, Commissioner Haymond, Commissioner Lloyd, Commissioner Norie, and Commissioner Oliver.

Present from the Planning Staff were Mary De La Mare-Schaeffer, Acting Community Development Director; Joel Paterson, Planning Programs Supervisor; Janice Lew, Principal Planner; Nick Norris, Principal Planner; and Robin Zeigler, Senior Planner.

Chairperson Fitzsimmons called the meeting to order at 5:34 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 noted that all Commissioners had the opportunity to visit sites that would be the subject of discussion at this meeting.

APPROVAL OF MINUTES

Motion

Commissioner Norie moved to approve the minutes for February 20, 2008.

Commissioner Carl seconded the motion.

Commissioners Carl and Norie voted, "Aye." Commissioners Lloyd, Oliver and Harding abstained.

The motion passed by majority vote.

REPORT OF THE PLANNING DIRECTOR

Acting Community Development Director, Mary De La Mare-Schaeffer and Esther Hunter, Senior Policy Analyst gave the Report of the Director. Ms. De La Mare-Schaeffer explained that there had been some changes in the Planning Division.

Organizational charts were made available to the Commission and to the public. The Planning Transition team, consisting of Mary De La Mare-Schaeffer, Esther Hunter, Lynn Creswell, and Orion Goff will head up the planning division until a new planning director is appointed. Outcomes of the change will include:

- 1) The Preservation Plan will be a top priority
- 2) Emphasis on the Long range
- 3) Review and updates to the Ordinance
- 4) Stronger staff support for all commissions and board
- 5) Orion Goff will oversee neighborhood preservation and the Buzz Center
- 6) A Citizen's advisory committee will help to review processes

Ms. Hunter gave a brief description of some staff reassignments, specifically that of Cheri Coffey who would now fill a policy project role.

The University of Utah invited the City to take part in Project Universe. The City will be a collaborative partner in the development of a parking lot west of the stadium, which is adjacent to an historic district. The University has agreed to present the project before the Historic Landmark Commission and the Planning Commission with both boards taking an advisory role. Ms. Hunter anticipated that the subcommittee would participate in one or two public meetings in April. Chairperson Fitzsimmons and Commissioner Carl both volunteered to serve on the subcommittee.

Noting that Ms. Hunter, as a former member of the Commission, understood the need for robust promotion of the Preservation Plan, Commissioner Lloyd stated that the Economic Hardship process portion of the plan needed to be expedited and could not wait for the process to be completed.

Ms. Hunter responded that revision of the Economic Hardship process was a top priority. She asked Ms. Zeigler to explain what steps had already been undertaken.

Ms. Zeigler stated that a process had been formulated to move a draft of the Economic Hardship ordinance through internal and public review. She stated that a draft had been reviewed by the consultant and Staff is pushing to get the process started.

Commissioner Hunter stated that staff would work to have the draft presented at the next regular meeting of the Commission.

Further, Ms. De La Mare-Schaeffer proposed to form an internal advisory committee consisting of one member each from the Historic Landmark Commission, the Board of Adjustment and the Community to participate in City processes such as Project Universe. The Internal Advisory Committee should be in place within one month.

Mr. Paterson stated that due to the transition, the retreat for the Historic Landmark Commission had been postponed and would be scheduled at a later date.

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 and at the February 20, 2008 hearing, continued the hearing to the March 5, 2008.

(Commissioner Oliver declared that a conflict of interest existed and recused herself from the hearing.)

Ms. Lew provided the background and a brief description of the proposal. A detailed description of the proposal was included in the staff report filed with these minutes. She stated that on January 16, 2008, the Historic Landmark Commission considered a proposal by Mr. Jonathan Oettli for the construct of a new single-family residence with an attached garage on a vacant lot at approximately 768 East Fifth Avenue. Discussion during the meeting centered on the compatibility of the scale of the house with respect to the development pattern on the block and the dominance of the proposed two-car attached garage.

Ms. Lew explained that at the conclusion of the hearing, the Commission determined that the proposed design of the house would not be similar to the scale established on the block and voted to deny the applicant's request.

Ms. Lew continued that the applicant had submitted revised drawings in response to the discussion that occurred during the Historic Landmark Commission's January meeting and that includes the following:

- The proposed house would be a one-and-a-half-story cross-gabled building and reflects the form and decorative detailing of traditional homes. The front porch is protected by a projecting gable roof and supported by four piers with

slanted sides. The primary wall material for the new construction is fiber-cement cladding.

- The garage wall plane has been set back two feet (2') from the front of the building. A five foot (5') deep porch element extends across the front façade protecting the entrance to the house.
- The front facing gable has been relocated to cover the main porch element such that the porch and pedestrian entry become the dominant features. The garage is located under a roof line that runs parallel to the street with a wide eave overhang, and minimizing the appearance of the attached garage.
- The height of the proposed home has been reduced to approximately twenty-three feet (23') from the ridge of the roof to grade on the front façade and varies with the topography of the site. Because it meets the average height standard falls within the average height of other principal buildings on the block face as indicated in the January 16, 2008 staff report, the Historic Landmark Commission does not need to approve a modification of the building height requirement.

Ms. Lew stated that on January 16, 2008, the Commission determined the proposal inconsistent with Standard 11.5 of the Design Guidelines which states:

11.5 Construct a new building to appear similar in scale to the scale that is established in the block. Subdivide larger masses into smaller “modules” that are similar in size to buildings seen traditionally.

Ms. Lew stated that staff is of the opinion that this issue has largely been addressed in the current proposal and recommended approval with the conditions outlined in the staff report.

Ms. Lew added that public comment in the form of an e-mail submitted by Shane Carlson of the Greater Avenues Community Council states the potential for the applicant to purchase a portion of an adjacent lot to accommodate a detached garage. The email was included in the packet, but a proposal to acquire additional property and subsequently adjust property lines was not part of the revised proposal and therefore, not under consideration by the Commission.

Commissioner Lloyd noted that the previous plans and the revised plans do not demonstrate a change of the rear setback line.

Public Comment

Jonathan Oettli explained the proposed revisions in detail, pointing out how each change represented a response to concerns expressed by the Commission:

- 1) He stated that the minutes recorded Commissioner Lloyd's concern that the garage was a prominent element and a reduction of that prominence would bring the home into harmony with the surrounding architecture. The current

revision showed that the garage has been stepped back from the street and a porch has been pulled forward, a change representing a seven foot difference which gives prominence to the front porch rather than the garage.

- 2) The gable was no longer over the garage but was revised to be over the porch.
- 3) In response to Commissioner Carl's statement that she believed the proposed application of brick and cement exterior materials represented inconsistent coverage and was inappropriate for the area, he changed the exterior to be cementitious siding on all four facades of the house.
- 4) In response to Mr. Pace's comments about the determination of height he reduced the height of the home to twenty-three feet (23').

Mr. Oettli stated that he found the approval process frustrating and harrowing. He read directly from the minutes of January 16, 2008 to reinforce the following point:

Commissioner Haymond asked that if the double garage faced the street, but set further back, would that make a difference?

Commissioner Lloyd responded that the design of the house is traditional without the garage. If the garage were set back, then his proposed motion would have been different.

Commissioner Carl thanked the applicant for his willingness to make the proposed changes.

Jennifer Oettli addressed two issues; the garage and the process.

- 1) The majority of houses in the Avenues do not have attached garages, but a detached garage was not feasible on the lot. She stated that an attached garage was not in conflict with the design guidelines. New construction approved by the Commission in the Avenues did have front facing attached garages.
- 2) The garage on the lot next door was not attached, but it was prominently front facing on the street and similar to the garage which they were proposing.
- 3) They worked with the planner and followed the process and were still denied. The second hearing was postponed because the Commission lacked enough members to form a quorum as one of the members of the Commission declared a conflict of interest. She expressed the hope that the Commission would consider their willingness to make the modifications and to comply with the ordinance.
- 4) They were not looking for a variance as the design meets the requirements of the ordinance.

Jamison Ashby, attorney for the applicants, filled out a comment card, but had to leave the meeting. The Chair read his written comments into the record in support of the request.

Vickie Roundtree, resident on Fifth Avenue, stated opposition to the proposal. She argued that allowing the construction of a double-wide garage that fronts on a street would set a precedent and would destroy a unique character of the historic district. She suggested that a single garage door would be more in character of the Avenues.

Cheryl Gillilan, a resident across the street from the proposed house, opposed the project due to the lack of windows on either side of the house. The setback was changed from ten (10) feet to four (4) feet on the east side. The setback was done to preserve a tree and the house should be relocated to allow a larger setback than four (4) feet. A two (2) foot recess does not minimize the double-car garage, which is not in compliance with the design guideline 9.3 for accessory structures. The three examples used to illustrate double-car garages in the Avenues are ugly and should not have been used. There were no other houses in the Avenues Historic District with a double-car garage on the front.

Marianna Hoad, neighbor who owns a lot on the adjacent lot to the west side was opposed to the project because of its mass and in agreement with previous statements in opposition with the proposal. The proposal was thirty percent (30%) larger than the average American home and too large for the tiny non-conforming lot. The height impacts her directly because the rear dormer adds height to the rear roofline. The proposal results in a 30' high x 20' wide blank wall next to her property. The proposed position of this building was at the four foot shared lot line to her property and will deny her the right to have an accessory structure on her lot. She asked the Commission in the instance of approval of the proposal, that she be allowed a grandfather clause to allow her to construct an accessory structure on the lot.

Jeff Corsey, resident to the east of the lot was in opposition to the project. He stated that he did not own a garage and found the plan had changed little from the original proposal. He expressed concern about the change which caused a four foot (4') setback abutting his property rather than the ten foot (10) setback shown on the previous plan. The plan allows a windowless wall eight foot from his living room window. The windowless wall is not seen in the Avenues Historic District.

Mary Johnston Corsey acknowledged that there were strong feelings about this issue and objected to the design, not the applicants. She believed the building to be too large for the neighborhood and the lot, and should be in a different neighborhood. She stated that if the Otettli's proposed a single car garage detached at the back of the lot with a tandem parking variance, they (the Corsey's) would speak in support of the proposal even though the corner of the structure would be within five feet (5') of their home.

Doug Oliver, neighbor who lived diagonally from the subject site, spoke in opposition to the proposal due to the garage. He stated that he surveyed fifty-three dwellings in the area and none of them had attached garages. He would like to see a change to the design without the two-car garage facing the street.

Shane Carlson, Avenues Community Council Chair, explained that he had incorrectly stated the ownership of the parcel referenced. The parcel was not owned by Mr. Oettli, but by Jerry Kellgreen who owned the parcel and the one immediately to the south. Mr. Carlson stated that after the decision in January, Mr. Kellgreen approached him and asked him how he could construct a home on his lot when the garage was such a controversial issue. Mr. Kellgreen had approached the planning office and asked if it was possible to execute a lot line shift to create space for the garage and was told that this was not possible. Mr. Shaw had not issued a formal response to his letter, but he did speak to Mr. Carlson at the end of February and stated that there was no reason the lot line shift could not occur.

Mr. Carlson stated that he asked the planning office to include dimensions. The height of the building should not have been measured from the front of the façade, but from existing grade. In addition, the rear wall does not meet the standards for a dormer. According to Mr. Carlson, the maximum width for an additional dormer wall is ten feet (10ft). The drawing does not show the dimensions of the wall.

Mr. Carlson stated that he understood that the lot presented some challenges but that the mass and scale of the structure overwhelms this lot. His hope is that by adding additional acreage at the rear of the lot that that would combat this issue.

The applicant was invited to respond to any comments made by the public.

Mr. Oettli stated that his garage would be set back farther than other garages on the street. He stated the neighboring house and garage was set back approximately eight feet from the sidewalk.

Seeing as there were no further members of the public who expressed the desire to speak, the Chair moved the hearing to Executive Session.

Executive Session

Mr. Paterson responded to a comment made by Mr. Carlson. He (Mr. Paterson) stated that the ordinance states that interior side yard walls have a maximum height, but the ordinance provides for an exemption if the dormers meet certain dimensional standards. The dormer referenced by Mr. Carlson was on the rear of the property and so the maximum wall height and width did not apply.

Commissioner Lloyd stated that he calculated the setback on the property to the west to be approximately eight feet from the property line with the garage setback slightly more.

Mr. Oettli stated that his proposed garage would be approximately seventeen feet from the property line.

Commissioner Carl stated that she viewed the revisions as helping substantially to emphasize the living quarters over the garage.

Commissioner Lloyd noted that the main floor, west side of the house with the narrower setback had no windows and recommended adding one to alleviate the large blank wall. Commissioner Carl agreed.

Commissioner Haymond referenced page 11 of the staff report, specifically the findings regarding the double-car garage. The findings noted that Standard 9.3 recommends that garages or carports should not be attached to a primary structure and that a detached garage was traditionally found in the rear or side yard. The findings also stated that an allowance would be reviewed on a case-by-case basis. Staff argued that the attached garage was acceptable given the substandard size of the lot and the setback of the doors. The findings argue that the proposed garage meets the intent of the standard. Commissioner Haymond argued that the intent of the standard was not met when the standard said do not attach garages.

The Chair noted that the standard stated that the prominence of the double-garage could be diminished by using a single-garage door and the proposal incorporated two single-garage doors.

Commissioner Haymond continued by stating that there was an issue raised by public comment that the proposal would be the only single family house in Avenues with attached garage.

The Commission agreed that that statement had not been proven and could not be assumed as fact. Commissioner Harding noted that she once lived in a single family structure in the Avenues with an attached garage.

Commissioner Lloyd stated that disregarding the garages on the multi-family structures might be appropriate as the proposal was a single-family structure, but there was an existing pattern of garages along Fifth Avenue.

He further stated that he noted on the field trip that the proposed two single-garage doors were similar in scale to the two single-garage doors on the garage next door, and that the setback of the proposed garage was farther from the street than the existing detached garage to the west of the subject site.

The Commission generally agreed that the revision was definitely an improvement from the original proposal.

Responding to public comment that allowing an attached garage in the Avenues Historic District represented a precedent, Commissioner Carl clarified that an allowance, if granted, would be based on the subject proposal alone and not set a precedent.

Chairperson Fitzsimmons stated the intent of the Design Guidelines, Avenues Section, 13.7 spoke to new accessory structures to an existing house rather than to

new construction, which is the typical scenario when considering proposals for attached garages. The other requirement was that the building should speak to its own time.

Mr. Paterson clarified that the guideline was from the Avenues section of the Design Guidelines.

Motion

Regarding Petition 470-07-41 Commissioner Carl moved to accept staff's recommendation and approve the design as submitted with the provision that the applicant consider adding windows on the main floor level of the east and west façades and that final details were to be delegated to staff.

Commissioner Norie seconded the motion.

Commissioner Lloyd asked Commissioner Carl to consider amending the motion to require windows on the west side main floor rather than request consideration.

**The amendment was accepted by Commissioner Carl
The amendment was seconded by Commissioner Norie.**

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

BREAK 6:41 p.m.

RESUMED 6:45 p.m.

Petition 470-07-23 Capitol View Planned Development — A Request for final 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. Conditional approval was granted for this project on January 2, 2008. Final approval will be based on compliance with conditions stipulated at the January 2, 2008, Historic Landmark Commission hearing which include a maximum building height for residential structures fronting on West Capitol Street of twenty-seven feet four inches (27'4") and final building and finish materials. This project is located in City Council District 3.

Mr. Traugher provided a brief background to the case and description of the revised proposal. Noting that the proposal was approved conditionally by the Historic Landmark Commission on January 2, 2008, with the following conditions:

1. Proposed building heights shall conform to the plans for each unit, with the exception that the maximum height of each structure shall be no more than 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. The applicant would return to the Historic Landmark Commission with final building and finish materials.

The Historic Landmark Commission strongly recommended 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 by some other means, and to further reduce the mass of the structure to relieve the burden on West Capitol Street.

In response to the Historic Landmark Commission’s decision at the January 2nd hearing; specifically the building heights for units one through five which front West Capitol Street, the proposed new building heights were:

Unit Type	Max. Height
B1	27’-4”
B2	27’-4”
B3	27’-4”
D2	26’-3”

The proposed materials were as follows:

- Siding: Smooth Lap – Hardiplank
Staggered Edge Shingle – Hardishingle
Painted flat cementitious panels
Painted engineered wood trim
Stone veneer
Brick veneer
Cultured stone
Stucco
- Windows: Vinyl clad material resembling wood – single or double hung as well as some divided light windows.
- Doors: Entry doors - Fiberglass paneled doors to resemble wood. All the main entry doors have divided light windows at the top of the doors.
- Railings: Pre-finished metal or painted engineered/wood trim railing
- Roof Shingles: Low profile architectural shingles

Mr. Traugher stated that based on the discussion and findings of fact noted in the original staff report for this project dated January 2, 2008, and the revised elevation

drawings for units one through five, and the proposed building materials, which demonstrated compliance with the Historic Landmark Commission's conditional approval granted on January 2, 2008, Planning Staff recommended that the Historic Landmark Commission grant final approval of the Capitol View Planned Development.

Commissioner Lloyd clarified that the stairway between 383 and 438 was still part of the proposal.

Mr. Traugher stated that it was but that the applicant may have changed the design slightly.

Public Comment

The Chair invited the applicant to approach the Commission.

Jeremy Jones, developer for the project, stated that the requested changes had been made for the units fronting West Capitol and that units 6 and 7 were already below the maximum height. Changes include:

- Lowering the heights of buildings 1-5.
- The walkway has a jog in it, rather than being straight.
- Created more variety for buildings 1-5 with different roof structures, rooflines and gables.

Casey McDonough, architect with CSRI Associates, gave a PowerPoint presentation detailing the proposed changes, a copy of which is filed with these minutes.

Changes include:

- Hardi siding for the shingles, stucco panel and lap siding
- Stone and brick elements of three different types
- Columns will be brick, ashlar cut stone or river rock
- Double-hung vinyl windows with a high profile and interior muntins
- Front doors would be painted wood and rear doors are more patio doors with glazing
- Railing will be painted wood or metal
- Roofing will be various colors in low-profile architectural shingle
- The wall will be stamped or formed concrete or stacked block wall

In response to a question from Commissioner Lloyd, Mr. McDonough explained that the proposed window grids would be between the glass panes.

Seeing as there were no additional questions for the applicants, the Chair invited the public to speak.

Karin Grisendine who lived on the west side of the street filled out a speaker card, but left the meeting. Sandy Anderson was granted permission to state Ms. Grisendine's opposition to the proposal. Ms. Anderson stated that Ms. Grisendine stated that the drawings show the homes facing West Capitol Street when they were

facing the opposite direction. The homes were not at the sidewalk of West Capitol Street as drawn, but sat up eight feet atop a two-tiered retaining wall. She reasoned that the twenty-seven-and-one-half foot height of the home was in fact thirty-two-and-one-half feet (32.5) high when the eight foot grade increase was calculated into the height of the homes. She expressed concern as to whether the houses would have double or single-car garages, which street the garages would front, and their setbacks. Grisendine asked about the reason for the stairs which seems to promote parking on West Capitol Street rather than on Darwin Street.

Speaking for herself, Sandy Anderson, who lives south of the property distributed a copy of a petition to the Commission, which is filed with these minutes. She wants to see what is planned on the north and south of the project. She would also like an explanation of the stairs. She expressed concern that there are no backyard fences and the safety hazard the lack of fencing creates.

Minta Brandon, trustee, spoke in opposition to the project. Stating agreement with the previously spoken objections to the proposal, she specifically asked for a description of the proposed materials and informed the Commission that aluminum and vinyl siding are not allowed in the Capitol Hill Historic District. She stated that the density was too high and the buildings were too tall. She encouraged the Commission to follow the code and not allow the proposal as drawn, which in her opinion looked like row houses.

Katherine Gardner, stated that she did not live in the area, but was one of the trustees. She stated opposition to the proposal. She expressed concern regarding the eight foot (8') wall and wondered if a fence should be erected instead. She commented that a retaining wall with dirt and water pressures behind it would not hold up well. She objected to the proposed materials, and voiced the opinion that the proposal allowed too much density. She stated that sound barriers were needed and asked who would be responsible to pay for those barriers.

The applicant was given the opportunity to respond to the public comment. Mr. Jones said that they could consider back yard fences if the Commission required it. He responded that the tallest part of the concrete retaining wall is four feet (4') tall not eight feet as stated in public comment. He also reminded the Commission that the stairs were placed in the green space because it was the only one of the five options that the Commission preferred.

At the request of Commissioner Lloyd, the applicant commented that the proposed windows would be of vinyl. The only aluminum proposed would be for the railing system for the stairs but they could use wood or wrought iron if the Commission required it. Mr. Jones confirmed that aluminum or vinyl siding would not be used as siding but instead Hardi plank, brick and stone would be used. The materials would vary from home to home to provide variety in color and texture. The materials used would be materials approved by the Commission. Future repairs would be enforced by the homeowner's association.

In reference to backyard fences, Mr. Jones explained that the homeowner's association will have guidelines for backyard fences so that property owners can put up their own and they would be in keeping with the neighborhood.

Seeing as there were no further members of the public who wished to speak to the matter, the Chair closed the public hearing and moved to Executive Session.

Executive Session

Mr. Traugher clarified that if the proposal was approved, the building materials to be used would need to conform to those elevations which were submitted in the staff report from January 2nd and tonight's packet.

Mr. Traugher further stated that he was under the impression that the proposed windows were vinyl clad. Staff typically did not recommend the use of windows with an internal muntin, but instead preferred windows with an external muntin. He asked the Commission to make a decision regarding the windows in the instance that the proposal was approved.

The residential Design Guidelines address fencing, but those details had not been reviewed by staff, but it is within the prerogative of the Historic Landmark Commission to require specific materials stated within those guidelines.

The Chair clarified with staff that fencing considered under an Administratively Approved Certificate of Appropriateness would be judged against those standards.

Commissioner Lloyd reminded the Commission that the proposed stairs were considered as part of the discussion during the January 2, 2008 hearing and requested by the Commission. The stairs were preferred as they invited pedestrian activity.

Commissioner Lloyd clarified why buildings six and seven were not a part of the discussion tonight. A key element to the earlier discussion was the designation of houses which would front West Capitol Street and the determination of the height of the five houses was set at twenty-seven feet four inches (27 ft. 4 in.) based upon information provided by staff as the average for the area. The height limitation applied to those houses on West Capitol Street and not to the other structures which are set back further.

Commissioner Oliver clarified three points with staff:

- 1) Vinyl clad windows were typically approved on new construction in historic districts and occasionally on historic structures, but that the muntins were typically external.
- 2) In the past, the Commission had expressed a desire to revisit the guidelines and allow the consideration of the restrictions on the use of materials as they were starting to appear dated.

3) If new fences were proposed, they would be proposed one fence at a time and were typically approved administratively.

Mr. Paterson agreed that fences could be approved administratively if they met the Design Guidelines and Code. At the request of Commissioner Oliver, he read the fence and wall design guidelines to the Commission.

Motion

Commissioner Carl made a motion regarding Petition 470-07-23, to accept staff's recommendation and give final approval to the project with the following provisions:

- 1. The windows would include external muntins on the windows were muntins were employed.**
- 2. The materials were to conform to the elevations as presented in the staff report.**
- 3. All fencing materials and design must conform to the *Salt Lake City Design Guidelines for Residential Historic Districts*.**

Commissioner Haymond seconded the motion.

Discussion

Commissioner Harding expressed concern regarding the lack of variety. She stated the proposed structures appear the same with different trim.

The Chair agreed that the type is similar but there had been significant changes to the details and materials. Commissioner Carl agreed that the designs had changed significantly. Commissioner Lloyd stated that a discussion had been undertaken regarding what relationship the houses had to the neighborhood and that it was not unusual for historic homes to be similar.

The Chair reminded the Commission that they were to speak to the motion or to add language.

Commissioners Carl, Lloyd, Haymond, Oliver, and Norie voted, "Aye." Commissioner Harding voted, "Nay." The motion passed by majority vote.

Petition 470-07-15 Huntington Park Condominiums New Construction — A request by Derrick Whetton to build a new forty-three (43) unit residential condominium building located at approximately 540 East 500 South in the Central City Historic District. The proposed development is located on four parcels and

contains approximately 0.79 acres. The review of this project was tabled by the Historic Landmarks Commission on February 5, 2008. The property is located in an R-O Residential Office Zoning District and a RMF-35 Moderate Density Multi-Family Residential Zoning District and is in City Council District 4.

Mr. Norris gave a brief description of the history of the petition and events leading up to the revision which would be heard before the Commission this day. He stated that on February 6, 2008, the Historic Landmark Commission reviewed the proposal. The Commission adopted a motion to table the item and provided the applicant with specific direction on the project in order to insure that the project complied with the applicable design guidelines. The HLC requested that the applicant explore the following alterations to the proposal:

- Investigate making the north elevation of the structure appear as two separate structures and to create a tri-partite appearance.
- Step the fourth level back further to the south so that the full height of the structure is not in line with the front plane of the structure.
- Review staff's recommendation from the February 6, 2008 staff report and address staff's concerns.

On February 6, 2008, staff recommended that the HLC deny the petition because the proposal did not substantially comply with the standards for new construction in a historic district; specifically, the mass and scale, composition of the original façade, and relationship to the street.

Mr. Norris then gave a PowerPoint presentation which explained the original revision in detail. In response to the direction given by the HLC on February 6, 2008 the applicant revised the proposal in the following manner:

- 1) The structure was given a tri-partite design with a central entry and courtyard that was stepped back from the planes of the two sides of the front elevation.
- 2) The top floor had been stepped back approximately twenty four (24') feet six (6") inches from the plane of the north elevation. Originally, it was only set back eight (8') feet. The deep setback helps to reduce the effect of the height.
- 3) The structure has been raised slightly so that there are steps up to the main floor which helps reduce the visual impact of the entrance to the parking structure.
- 4) The overall height has been reduced from fifty-one feet, eight inches (51'8") to forty-eight feet (48').

- 5) The design of the west elevation had also been redesigned to provide a visual break.

Based on the analysis and findings found in the February 6, 2008 staff report and the March 5, 2008 memorandum, staff recommends that the Historic Landmark Commission approve petition 470-07-15 with the following conditions:

1. That the applicants include an ADA compliant ramp that provides direct access to the primary entrance of the structure;
2. That all windows include a profile that is consistent with the applicable design guidelines for windows;

For the benefit of the Commission, Mr. Norris clarified that the previous design consisted of two levels at the front plane, an eight foot (8') step back, and then two additional levels. At the direction of the Commission, the design was modified. The revision contains three levels at the street, which is slightly shorter than other multi-family structures on the block.

The applicant, Derek Whetton, explained that what was submitted to staff is not what they preferred and that the revision they were about to present is what they preferred the Commission consider.

The architect, Carolyn Anderson, provided a presentation of the new design.

Mr. Paterson explained that the revised proposal, which was noticed to the public, had subsequently been revised again by the applicant. The original revision was noticed and contained within the staff report; Mr. Paterson indicated that the presentation was based upon the original revision. He further stated that staff had not had an opportunity to review the newest revision and could not give a recommendation regarding that proposal.

The Chair explained that the latest revision could not be considered since it had not been properly noticed. Mr. Patterson further clarified that the latest version presented by the applicant had not been reviewed against the ordinance and the design guidelines.

The Chair asked the applicant if they preferred an answer on the design reviewed by staff or to table the new design. The applicant indicated that he preferred the approval of what was submitted in the staff report and they could come back with revisions if needed.

The Chair invited the public to speak.

Cindy Cromer circulated a handout to the Commission. She stated that the developer was not given clear direction regarding what the Commission desired and therefore, the process was unnecessarily lengthened. While noting that the revision was an improvement, she stated opposition to the proposal. She stated that the

glass wall between the two blocks is out of historic character and that the south elevation should have particular attention paid to it as the interior of the block would eventually be exposed to the street. She also mentioned a concern regarding the loss of open space and that it was essential to have a step back on the north façade. Ms. Cromer concluded her statements by re-emphasizing the need for clearer direction for developers when they undertake multiple unit projects such as this one.

To clarify a question from Commissioner Oliver regarding the south elevation, Ms. Anderson explained that there was a courtyard of about twenty-six feet (26') behind the wrought iron grids and a light well.

Ms. Anderson requested that the Commission look at the renderings in the packet, which did not illustrate the newest revision, but contained good renditions of the general proposal details.

Seeing as no other members 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 Lloyd stated that the project was large and complicated. The submitted proposal did not address some issues such as the elevations which were unclear and proportions which were troubling. He specifically mentioned the rounded arch. It appeared that the applicant had not yet finalized some of the important details including design and finish materials.

He suggested that the project would benefit from another Architectural Committee review, which could review the newest revised design and give clear direction to the applicant.

He also expressed the opinion that continuing the project until the next regular meeting of the Historic Landmark Commission would not give adequate time to hold the Architectural Committee, complete revisions, have those revisions reviewed by staff, write a staff report, and then notice the hearing.

Commissioner Oliver asked if Commissioner Lloyd had a more detailed list of issues with the original revision which could be used to direct staff and the Committee. She expressed a preference for the three-story design with the fourth-story set back as it reduced the mass and improved the public front of the building.

Commissioner Lloyd agreed that dividing the building into a tri-part scheme was helpful with the massing for the three-stories, and seemed more consistent with the block face pattern. The elevation detail would be better resolved in an Architectural Committee.

Commissioner Haymond stated that he agreed with Commissioner Lloyd's position.

Commissioner Norie suggested if the proposal needed extensive work, it would be appropriate to send the proposal to another Architectural Committee, but if the

needed changes were not as complicated, the Commission should make the recommendation that final details be delegated to staff.

The Chair agreed that the obligation for detail rested on the Commission when going against staff's recommendation.

Motion

Commissioner Lloyd moved in Petition 470-07-15 to table the proposal and refer the proposal to an Architectural Committee to specifically review the proposed design in terms of elevation finishes, glazing details, architectural treatment of the recessed central portion of the scheme, to review alternative options for parking (not as a requirement, but as information), and to provide clear examples of architectural details such as railings. If the applicant had an alternate design he wished to propose, the Architectural Committee could review that scheme rather than the one being considered in this meeting. A revised proposal would then be heard at a future meeting of the Historic Landmark Commission.

Commissioner Oliver seconded the motion.

Commissioner Haymond seconded the motion.

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

Commissioners Lloyd and Oliver volunteered to serve on the Architectural Committee.

Petition No. 470-08-01 Liberty Park Children's Garden. A request by Salt Lake City Engineering, represented by Dell Cook, Project Manager, for final approval of the Liberty Park Children's Garden located at approximately 600 East and 900 South. Liberty Park is a Salt Lake City Landmark Site. This item received conceptual approval from the Historic Landmark Commission at the June 7, 2006 meeting. This site is located in City Council District 5.

Ms. Lew gave a PowerPoint presentation which explained the proposal by Salt Lake City Department of Public Services, represented by Dell Cook, Project Manager. The City was requesting approval to undertake improvements to revitalize the Liberty Park Children's Garden located between 500-700 East and 900-1300 South streets. The park is listed as a "Landmark Site" on the Salt Lake City Register of Cultural Resources and is also listed in the National Register of Historic Places.

Ms. Lew gave an overview of alterations to the Park in recent years. In 2006 the Commission reviewed changes that included a phasing program for improvements. Reconstruction of the Children's Garden, demolition of the structures and improvements to the stream bed were a part of Phase II. In 2006, the Commission approved the circulation changes around the concession area and gave conceptual approval of site plan Concept I included in the staff report.

The current design for the Children's Garden includes benches, bermes, grouping of boulders, sandstone stepping stones, a wood chip walking surface, a picnic pavilion and pole forest. The pavilion matches the concession building and includes a seating area. Improvements to the old stream bed, reshaping the edge of Liberty Lake and demolishing existing structures are included in the proposed scope of work.

Staff divided the analysis of the proposed scope of work by new construction and alterations to a landmark site. Based upon the comments, analysis and findings of fact noted in the staff report, staff recommended the Historic Landmark Commission approve the request to undertake improvements to the Children's Garden and reshaping the northwest edge of Liberty Lake, subject to the following conditions:

1. Landscape elements such as light poles and walks shall be in keeping with approved designs of similar features in the park.
2. The project must meet all applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission, Administrative Hearing Officer, or Board of Adjustment.

Public Comment

Ms. Lew noted that public comment had been received in the form of a letter from Melissa Barbanell and an email from Cindy Cromer. A copy of each was distributed to the Commissioners before the meeting.

The Chair clarified with Ms. Lew that reshaping the edge of the lake was part of the proposal.

Commissioner Harding asked if Ms. Barbanell's written statement that over ninety-nine (99) fifty (50) foot high poles was a correct statement.

Ms. Lew responded that Mr. Cook could respond to that question.

Dell Cook, representative for the applicant, was invited to address the Commission.

Mr. Cook stated that the master plan called for the improvements at the park to be accomplished in a five year period of time. The funding levels approved by City Council have made it necessary to spread those improvements over a period of ten years.

The reshaping of the lake was to accommodate a sidewalk to the gazebo and access to the bridge. The water in the lake fluctuates and the wave action of the lake had eroded the bank. Protection for the bank was needed to prevent further damage. The county has conducted dredging in the lake which destroyed the integrity of the lake curbing.

Future damage to new curbing would be avoided by the future installation of a continuous embedded retaining wall with footings and the upper wall which was

designed to cope with the undulating slope, water movement, and walkway. Ultimately the county would have the same access for dredging as they had at this time.

The Garden, as proposed, was developed for two reasons. The concession area lacks tables. Installation of those tables would encourage activities such as birthday parties, give business to the concessionaire, and might even extend the season. A dry stream bed and boulder wall was placed within the sight line of those proposed tables where the children can play while being observed by adults. Sandstone benches would be placed strategically around the area. The pavilion would be used for gatherings as well.

Fifty new poles are in the design with varying lengths of eighteen, twenty, and thirty feet high, buried six feet in the ground. The tallest pole would be twenty-four feet from grade. Forty-nine existing poles on the site were laid down on the ground for safety reasons, as some were decayed or had unstable footing. Fifty to seventy poles overall would be erected in an asymmetrical fashion on the site, depending upon the salvageability of the original poles. The poles would be set in a medium which would discourage the decay issues the previous poles faced.

Pine trees would be planted to provide privacy from the aviary maintenance area and shade. The groundcover would be of softfall which is standard medium for children's playgrounds and approved by the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Spot elevations with markers exist throughout the dry steam bed, which also acts as a drainage area for passive water in a high storm event, with a ground covering of small pebbles to discourage mud. The area is not intended to interact with moving water and standing water would be quickly removed from the stream bed. The historic bridge will remain undisturbed, but it covers an inlet basin which currently serves as an inlet for the entire area. The water in the basin is piped to one of the lakes in the Tracey Aviary. The Aviary does not want to use the water as it is contaminated. The plan is to divert the water from the drainage area to another location yet to be determined.

Paula Carl asked what the liability issues for the park had been with the previous playground equipment.

Mr. Cook stated that the liability issues Liberty Park faced in the past were falling injuries from the big slides, use of cargo nets, and outdated equipment which did not meet the National Playground Safety Institute (NPSI) or International Playground Equipment Manufacturers Association (IEMPA) code. The area had been inaccessible to the public for ten years.

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

Cindy Cromer stated that there were not adequate standards for reviewing parks.

Ms. Cromer asked that a motion made by the Commission in 2006 regarding columns that are not going to be demolished be made public.

The dirt at Liberty Park that creates the rolling landscape is not natural, according to Ms. Cromer, but was placed there when she was in graduate school.

The standards do not work for the Pole Park, claims Ms. Cromer. She expressed concern about rapid changes and that a City Council member had no idea that the proposal was going before the Commission.

Ms. Cromer suggested that the pole forest proposal had changed from what was presented in the staff report and requested that portion of the project be tabled.

Mr. Cook rebutted the public comment by stating that the concept plan was approved in 2006 by the City Council and the proposal with the drawings were approved by the City Council in 2007. Every City Council member in 2007 saw the proposal when the project was considered for funding.

Seeing as there were no other members of the public who expressed the desire to speak to the matter, the Chair closed the Public Comment part of the hearing and moved to Executive Session.

Executive Session

Commissioner Lloyd asked if the approval process would include the proposal going before the Planning Commission.

Mr. Paterson responded that the Planning Commission would not hear the matter as it was an historic Landmark Site. If the proposal was approved, the item would be reviewed by Building Services during the permitting process.

Mr. Cook stated that the item had already been reviewed in a DRT meeting.

Commissioner Harding stated that she was horrified by the pole forest which was not in keeping with the historical character of Liberty Park.

Several Commissioners expressed concern about the design of the Pole Garden. Commissioner Oliver stated that the poles were more of an art installation.

Chairperson Fitzsimmons noted that the existing substandard equipment caused this part of the park to be closed to the public. He also suggested that the older children might see the poles as a challenge and it might become an attractive nuisance.

Commissioner Lloyd found the project a refreshing opportunity to rediscover Liberty Park. He had personally enjoyed the scenery while teaching his young children to ride bikes. Liberty Park offered great venues and he did not find the pole forest or trees to be an attractive nuisance any more than the other trees in Liberty Park a number of which may exceed sixty feet (60').

Commissioner Fitzsimmons commented that the idea of a tree forest to run around in seemed fun, but there still existed a possibility of liability.

Commissioner Lloyd argued that the Commission should accept that the Parks Department had already made a thorough review of the potential for liability.

Chairperson Fitzsimmons acknowledged that the play equipment used fifty years ago was different than the type of equipment used today and it was reasonable to assume that the playground would change as well. He stated support for the other components of the proposal including the improvements to the lake edge.

Commissioner Carl agreed that the lake edge was messy and that a nice walk would be a good thing.

Commissioner Oliver again stated frustration that there are no standards used to judge park and open space projects.

Mr. Paterson reminded the Commission that both staff and the Commission were obligated to use the adopted standards and that staff did their best to find appropriate standards as they reviewed each project. In this case, staff used both standards for alterations and new construction. The Commission and public had expressed a need for a standard for open space and parks. With the direction of the Historic Landmark Commission, staff could begin the process to draft text to specifically address Open Space and Landmark Parks in the City.

Mr. Patterson reminded the Commission that there are multiple projects underway, but with the direction of the Commission and additional funding, research could be conducted and standards developed.

Mr. Cook stated that the pole park was an idea originated from input provided by eight elementary schools within the City. A plaque would be erected naming the elementary schools that chose to participate in the project.

Motion

Commissioner Norie moved to accept Petition 470-08-01 as recommended by staff to approve the proposal.

Commissioner Haymond seconded the motion.

**Commissioners Carl, Haymond, Lloyd, Norie, and Oliver voted, "Aye."
Commissioner Harding voted, "Nay."**

The motion passed by majority vote.

OTHER BUSINESS

No other business.

The meeting adjourned at 9:06 p.m.

Kathryn Weiler, Historic Landmark Commission Secretary