

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

MINUTES OF THE MEETING

Room 315, 451 South State Street

November 20, 2008, 5:45 p.m.

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on November 20, 2008.

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

www.slcgov.com/boards/HLC/hlc-agen.htm

To download the FTR player and listen to audio excerpts from the record if you are already on the Planning website, click [here](#).

The regular meeting of the Historic Landmark Commission was held on November 20, 2008, at [5:49:10 PM](#) in Room 315 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: Earle Bevins, III, Paula Carl, David Fitzsimmons, Chairperson, Arla Funk, Polly Hart, Creed Haymond, and Anne Oliver. Commissioner Sheleigh Harding, Vice Chairperson Warren Lloyd and Commissioner Jessica Norie were excused from the meeting.

Planning staff present for the meeting were: Paul Nielson, Senior City Attorney; Joel Paterson, Planning Programs Manager; Robin Zeigler, Senior Preservation Planner and Kathryn Weiler, Senior Secretary.

There was no field trip, dinner or work session prior to this meeting of the Historic Landmark Commission.

REPORT OF THE CHAIR AND VICE CHAIR [5:49:16 PM](#)

Chairperson Fitzsimmons noted that the Commission had no minutes to approve at their meeting. He stated that he had nothing else to report.

REPORT OF THE PLANNING DIRECTOR [5:50:32 PM](#)

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

COMMENTS TO THE COMMISSION [5:50:42 PM](#)

Cindy Cromer, 816 East 100 South, noted that she had passed out a summary from Council Member Luke Garrott of land use decisions in Liberty Park. She stated that most concerned the Historic Landmark Commission. Ms. Cromer stated that the City was now considering how parks and open space might differ from residential historic districts and that the City was moving forward with a citizen's board for parks, open space and urban forestry. She noted that citizens were also starting an advocacy group for Liberty Park.

To view Council Member Luke Garrott's update which Ms. Cromer provided for the Commission, click [here](#).

NEW BUSINESS 5:52:26 PM

Petition PLNHLC2008- 00774 – Tracy Aviary, New Construction – A request by Tim Brown, executive director of Tracy Aviary, for construction of a new building and site alterations associated with the existing Tracy Aviary flight cage. The property is located in Liberty Park at approximately 589 East 1300 South, is zoned OS, Open Space and is located in City Council District 5, represented by Council Member Jill Remington Love. (Staff contact: Robin Zeigler, 535-7758, robin.zeigler@slcgov.com) To view the staff report for this item, click [here](#).

STAFF PRESENTATION 5:52:42 PM

Ms. Zeigler reviewed the request, noting that the Tracy Aviary had recently received their bond and would be making several changes in the near future to upgrade their exhibits. She noted that the flight cage existing in the Aviary had mesh which was beyond repair and could have caused damage to the birds, and therefore, staff administratively approved the replacement of that mesh in October 2008 as it met the Ordinance, was beyond repair and would be replaced with a like material. Ms. Zeigler noted that the current proposal met all of the Open Space requirements. She stated that there were some minor alterations proposed and some new construction.

Ms. Zeigler stated that the minor alterations proposed were: the removal of a water fountain, removal and replacement of some fencing, removal and replacement of some of the walkways and the addition of two welded wire mesh vestibules which would each be 8' tall and 8'x12' constructed on concrete slabs. She noted that the standards from the Zoning Ordinance, Chapter 21A.34.020G were used to evaluate the proposed minor alterations and of these standards, numbers 7, 10, 11 and 12 were not applicable to the project.

Ms. Zeigler noted that the new construction included an accessory structure to the flight cage; 967 sq feet, 11'9" in height, constructed of concrete masonry with a green roof and the building would be attached to the side of the cage and used as holding and work space for the birds. She noted that in terms of standard one, the scale and form of historic structures within the park varied greatly depending upon their function. She noted that the proposed structure would be among the smaller scaled buildings in the park and in terms of height, width and square footage it would be subordinate in scale to the existing flight cage and similar in scale to other nearby structures. She noted that the standards in the Zoning Ordinance under chapter 21A.34.020H were used to evaluate the request for new construction and the project substantially met standards one, two, part d and standard three, part d. She noted that standard 4 was not relevant.

QUESTIONS FROM THE COMMISSION 5:57:17 PM

Commissioner Oliver requested further information on whether the flight cage was historic or not.

Ms. Zeigler noted that she did not have the age of the flight cage, however the flight cage would remain and staff felt that the changes would not affect the look of the cage.

Commissioner Oliver inquired how the accessory structure would be attached to the flight cage.

Ms. Zeigler noted that the applicant could address this question.

APPLICANT PRESENTATION 5:58:04 PM

Tim Brown, Executive Director of Tracy Aviary, noted that the holding structure would connect to the flight cage by the welded wire material itself. Mr. Brown noted that he believed the cage had been constructed around 1952, answering Commissioner Oliver's previous question. He stated that they had begun reviewing designs for the renovation in 2007 as the Aviary had been denied accreditation by the Association of Zoos and Aquariums; one of the primary reasons for which was that the exhibits at the Aviary do not meet modern zoological practices or philosophies which pertained to exhibits which were hard to see through, and also part of which pertained to the existing animal welfare conditions. Mr. Brown noted that the flight cage became a target of improvements, making it a walk through exhibit. He noted that the accessory holding building would be provided to allow for a better collection in the flight cage, better living conditions for the birds and a work space for keepers.

Mr. Brown noted that if there were concerns about the holding structure itself, he would be willing to work with the Commission to find a suitable solution.

QUESTIONS FROM THE COMMISSION [6:03:45 PM](#)

Chairperson Fitzsimmons inquired why the drinking fountain would be removed.

Mr. Brown stated that the fountain would be removed in part to facilitate construction. He noted that the drinking fountain would be put back after construction.

Commissioner Carl inquired if the holding building would be surrounded by vegetation on all sides with green screens and a green roof.

Mr. Brown noted that this was correct. He noted that the building would also be set below the sidewalk.

Peter Veeten, the architect, noted that the connection to the flight cage would be the mesh material and a shifter to allow birds between the exhibit and holding area.

Mr. Brown reviewed where the holding building would be located for the Commission.

Commissioner Carl inquired if the building would be visible from 1300 South, 600 East or the park promenade.

Mr. Brown noted that it would not be visible from any of those locations.

Mr. Veeten noted that it might be possible in the winter months, but when vegetation was present it would not be likely.

PUBLIC COMMENTS [6:09:54 PM](#)

To view the written comments submitted by the public during this meeting, click [here](#).

Chairperson Fitzsimmons noted that the Commission had received two letters from citizens Melissa Barbanell, 1062 South 500 East and Cindy Cromer, 816 East 100 South.

Melissa Barbanell, 1062 South 500 East, noted that she wished to address some issues with the analysis of the new construction. She stated that her concern was that the staff report noted that seven of the twelve criteria did not apply in parks. Ms. Barbanell noted her concern that this analysis could set a precedent for any future construction within Liberty Park. Ms. Barbanell stated that if the Commission followed staff recommendation and agreed that sections a-c of standards two and three from 21A.34.020H did not apply, it would set a new precedent for future construction.

Cindy Cromer, 816 East 100 South, stated that she wished to see the Commission apply all of the standards as well. She noted that there was no comprehensive plan of how the holding building would fit with the overall bond plan for the Aviary. Ms. Cromer also stated that she was concerned that thirteen trees were removed prior to this request. She noted that she was not certain that the proposed holding building needed to be attached to the flight cage, and that she felt the flight cage to be a historic structure and felt the appropriate analysis should be applied.

EXECUTIVE SESSION [6:16:38 PM](#)

Chairperson Fitzsimmons stated that it might be appropriate to deal with the application in two parts, to deal with the minor alterations before the new construction.

Mr. Nielson noted that the Commission had not given the applicant the opportunity to respond to the public comments.

Chairperson Fitzsimmons inquired if the applicant would like the opportunity to respond to what had been said by the public.

Mr. Brown noted that he had nothing to add.

Commissioner Carl noted that she did have a question for the applicant as to Ms. Cromer's comment on whether or not the holding building needed to be attached to the flight cage.

Mr. Brown noted that the reason to have the building attached was that there would be flighted birds moving from the flight cage to the holding building without human intervention, allowing them to come and go as they please.

Commissioner Funk inquired if it would be possible to move the building to a different side of the cage where the building would not be in direct sight of the sidewalks on the south face.

Mr. Brown stated that it could be moved more to the north of the flight cage, however, it would be more costly and potentially negatively impact the Chase Mill.

Ms. Zeigler noted that when the applicant had presented the project to staff, staff had felt as though the proposed location was best in terms of not negatively affecting historic features of the Chase Mill.

Mr. Nielson noted that the letter submitted by Ms. Barbanell, second paragraph, second sentence read:

“The Ordinance requires that the Historic Landmark Commission ‘determine whether the project substantially complies with all of the following standards’ that is the standards laid out in subsection H.”

Mr. Nielson noted that the quote was just a portion of the information in the Ordinances, he noted that the Ordinance further stated:

“... shall determine whether the project substantially complies with all of the following standards that pertain to the application.”

Mr. Nielson noted that the language of the Ordinance indicated that the project should be assessed based upon the standards which pertained to the application. He stated that as the application focused on two sections of the Ordinance, minor alterations and new construction; the Commission might wish to focus on those issues individually.

Commissioner Oliver noted that she felt the flight cage should be regarded as a historic structure based upon the applicant's date of 1952, and therefore should note that the treatment of the flight cage by sandblasting is appropriate. She stated that she felt Ms. Barbanell's letter defined a street and that this was compelling information to apply standards which had not been applied in the staff report regarding sidewalks as major thoroughfares in the park.

Ms. Zeigler noted that the replacement of the mesh on the flight cage as well as repairs to the structure of the cage had already been administratively approved, so that would not be a part of the Commission's consideration.

FIRST MOTION ON MINOR ALTERATIONS [6:29:11 PM](#)

Commissioner Oliver made a motion in the case of Petition PLNHLC2008-00774, to concur with staff's conclusion that the new additions to the flight cage, namely the vestibules, substantially comply with the Ordinance.

Ms. Zeigler requested at this time that Commissioner Oliver review all of the standards and provide findings as to why they were or were not applicable.

Under 21A.34.020G; standard one, a property shall be used for its historic purpose or for a purpose that requires minimal change, the vestibules do not affect the purpose and the building shall continue to be used for its historic purpose; standard two, the historic character of a property shall be retained and preserved, that will be so, even with the addition of the vestibules, which are of a material similar to that of the flight cage and are compatible; standard three, the vestibules shall be recognized as products of their own time, which might not be true, however, the vestibules comply in all other areas; standard four, alterations or additions that have acquired significance in their own right, there were no additions the Commission was aware of and the standard does not apply; standard five, distinctive features, finishes and construction techniques shall be preserved, and this is the case; standard six, deteriorated architectural features shall be repaired rather than replaced wherever feasible, this was discussed with the applicant administratively by staff and the Commission concurs with the decision as reported by Robin Zeigler; standard seven, chemical or physical treatments such as sandblasting, was addressed administratively as well; standard eight, contemporary design, there is very little design to the vestibules, however, it seems compatible and appropriate; standard nine, additions or alterations shall be done in such a manner that if such additions or alterations were to be removed, the integrity of the structure would be unimpaired, which would be true in this case; standard ten, there would be no vinyl or aluminum and therefore the standard does not apply; standard eleven, there is no signage proposed, so the standard does not apply; standard twelve, there are no additional design standards so the standard does not apply.

Commissioner Carl seconded the motion.

DISCUSSION OF THE MOTION [6:33:43 PM](#)

Commissioner Hart noted that in the case of standard three, the alterations were not being made to look like part of the original structure and would request that as part of the motion, staff work with the applicant to ensure that the materials used did not mimic the original structure as not to create a false sense of history or architecture.

Commissioner Funk noted that in reading the report she felt that had already been accomplished.

Ms. Zeigler noted that the mesh material would be the same as the flight cage.

Commissioner Funk noted that the piping material would be different.

Ms. Zeigler noted that this was correct and inquired if that was adequate for the Commission.

Commissioner Hart noted that this was acceptable and no amendment to the motion was necessary with staff's clarification.

All voted "Aye". The motion carried unanimously.

Ms. Zeigler noted that there were other minor alterations to consider: the sidewalk, fencing and water fountain.

SECOND MOTION ON MINOR ALTERATIONS [6:36:36 PM](#)

Commissioner Oliver made a motion in the case of petition PLNHLC2008-00774, in regards to the portions of sidewalk, fencing and water fountain to be removed, that the Commission concur with staff's recommendation that the features are not historic and that their removal and reconfiguration is appropriate in the case of the project, and standards 21A.34.020G, numbers 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12 did not apply as they were not historic features.

Mr. Nielson asked for a repeat of the motion. He noted that he did not feel the standards all needed to be readdressed.

Commissioner Oliver repeated the motion for Mr. Nielson.

Commissioner Carl seconded the motion.

There was no discussion of the motion.

All voted "Aye". The motion carried unanimously.

DISCUSSION OF NEW CONSTRUCTION [6:39:19 PM](#)

Chairperson Fitzsimmons inquired if anyone had objections to the height, scale or placement of the proposed building.

Commissioner Carl noted that she did not take issue with the placement.

Commissioner Oliver noted that she felt it to be very appropriately designed, both as its own structure and within the Aviary as a whole.

Commissioner Bevins noted that he was impressed when he visited the site that the structure would really be out of the line of sight of anything else and that he felt it was the best location in terms of placement and even elevation, as it would be located on a lower plane.

MOTION ON NEW CONSTRUCTION [6:42:52 PM](#)

Commissioner Funk made a motion to approve petition PLNHLC2008-00774, for a certificate of appropriateness for new construction, based upon the following findings of section 21A.34.020H, standard one under scale and form, the height and width, the proportion of principal facades, the roof shape and the scale of the structure are appropriate for its position and placement within the park; regarding the proportion of openings, the rhythm of solids to voids, the entrance and other projections, the materials are also appropriate for its use and in relationship to other buildings within the park; the relationship to the street, the

Commission must consider the pedestrian walkways as the streetscapes for the park and the walls of continuity, the rhythm of spacing and structures on the street does not impair vision for other buildings, the expression of the principal elevation blends in with the other items present, and is compatible in appearance to the character of the Landmark Site; standard four, subdivision of lots does not apply.

Commissioner Hart seconded the motion.

DISCUSSION OF THE MOTION [6:45:37 PM](#)

Commissioner Oliver suggested an amendment to the motion that the Commission clarify that they were not concurring with staff's conclusion that standards two and three a-c do not apply, and in fact believed that the sidewalks should be considered streetscapes.

Commissioner Funk accepted the amendment.

Commissioner Hart seconded the amendment.

Commissioner Carl noted that they did not note that they agreed with staff findings regarding the relationship of materials.

Commissioner Funk noted that the relationship of materials had been included in the motion.

All voted "Aye". The motion carried unanimously.

***OTHER BUSINESS* [6:47:43 PM](#)**

There was no further business.

Commissioner Carl made a motion to adjourn.

Commissioner Haymond seconded the motion.

All voted "Aye". The meeting stands adjourned.

Cecily Zuck, Historic Landmark Commission Secretary