

**SALT LAKE CITY HISTORIC LANDMARK COMMISSION  
MINUTES OF THE MEETING  
Room 315, 451 South State Street  
April 1, 2009 at 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 April 1, 2009.*

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The regular meeting of the Historic Landmark Commission was held on April 1, 2009, at [5:46:53 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: Warren Lloyd (Vice Chairperson), Arla Funk, Sheleigh Harding, Polly Hart, Anne Oliver, and Earle Bevins, III.

Planning staff present for the meeting were: Frank Gray, Community & Economic Development Director; Wilford Sommerkorn, Planning Director; Paul Nielson, Senior City Attorney; Joel Paterson, Planning Manager; Robin Zeigler, Senior Preservation Planner; Nick Norris, Senior Planner; and Andrea Curtis, Acting Historic Landmark Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Warren Lloyd (Vice Chairperson), Arla Funk, Polly Hart, Anne Oliver, and Earle Bevins, III. Joel Paterson and Nick Norris attended for the Planning Division.

**FIELD TRIP 4:00 p.m. ([Listen to the audio](#))**

**DINNER 5:00 p.m. [5:04:45 PM](#)**

Ms. Zeigler asked the Commissioners if any of them would like to attend a Utah Heritage Foundation conference in May. She explained there is a free opening event on Thursday evening, April 30, 2009, followed by sessions on Friday, May 1, and a tour of the Yalecrest area on Saturday, May 2. Commissioners Funk, Harding, and Hart indicated they would attend if funds were available. Ms. Zeigler indicated that the buttons the Commissioners had received were to invite them to attend the National Alliance of Preservation Commissions event in Grand Rapids in 2010, although City funds are not available to fund their attendance. She explained that this conference differs from the National Trust conference in that it focuses specifically on preservation commissions. She noted that conference activities will include several different tours for families of participants, an effort designed to encourage more participation in the event, and that participant sessions frequently include workshops rather than just lectures.

Ms. Zeigler referred to packet materials provided by Clarion regarding solar panels, noting that most of the Commissioners had attended the recent meeting wherein a discussion of the topic was planned but there had not been sufficient time for the Commissioners to participate. She referred to the sheet entitled "Discussion Paper" and expressed the hope that the Commissioners would share their thoughts during this time. Ms. Zeigler noted that the recommended language is in italics on the back page of the materials. She stated that solar education would be provided during the dinner session of the May Historic Landmark Commission meeting. Ms. Zeigler asked the Commissioners to provide to Clarion additional feedback at this time regarding their thoughts about the language, other ideas, concerns, etc. Commissioner Lloyd asked if there had been any information coming out at the State level regarding regulation; Ms. Zeigler stated nothing had been forthcoming. Commissioner Lloyd queried if the summary page of the solar materials represents Ms. Zeigler's summary of the meeting. Ms. Zeigler clarified that the summary was provided by Clarion, not her. She noted the consultant recommended a tiered approach that avoids denying a request but assists in identifying the best location. Commissioner Hart noted that the inability to deny a request concerns her, as it is feasible such a need might arise. She also noted that in Footnote 3, which refers to a fine of \$2,000, she would be more comfortable with a percentage than a specific number, as the number could easily become outdated. She suggested the fine represent a percentage of cost or other non-specific amount.

Commissioner Lloyd inquired as to the best method for staying abreast of technological changes in the solar field. Ms. Zeigler responded that she felt the Clarion language, which focuses on location rather than type and style of collector, addresses this concern. Matt Goebel, Clarion representative, noted that their suggested language does not define a 'solar system' per se, with intent that the term be based on current technology. Commissioner Lloyd noted that the suggested guidelines for location and placement might be used, but that the Commission might make additional comments specifically about color reflectivity, the specific panel type identified in an application, etc. He acknowledged it would be difficult to create a policy statement outlining those types of requirements due to changing technology. Ms. Zeigler expressed her opinion that such issues would become less significant with the passage of time because solar technology continues to improve, becoming less intrusive. Commissioner Warren agreed but noted that panels will always have a color, reflectivity, and similar characteristics that could only be addressed after seeing the specific design identified in an application. He noted that the language proposed by Clarion would provide guidelines regarding location, each product will have to be reviewed to evaluate its relationship to the roof whereon it's placed. Commissioner Oliver inquired whether Commissioner Lloyd was requesting additional language to address this need or whether he felt the current suggestions are sufficiently open ended. Commissioner Lloyd responded that he believes that each application would require a review of current design guidelines for roofs and colors on roofs, noting that if this language were further defined then it would assist with determinations regarding solar panels. He stated that guidelines in terms of placement would be most helpful at this point.

Mr. Goebel observed that this type of placement standard could be extended to other types of alternative energy structures, suggesting that a similar design review might be desirable for wind turbines in residential neighborhoods which are becoming increasingly popular across the nation as technology improvements make them smaller, quieter, and more affordable.

Ms. Zeigler asked the Commissioners to forward any additional thoughts to her, confirming she would pass the notes on this evening's discussion as well as any additional comments received to Mr. Goebel.

Ms. Zeigler announced that Jessica Norrie is no longer a member of the Historic Landmark Commission because she recently moved outside of the city limits, thus no longer qualifying for membership. Ms. Zeigler stated that the Utah Heritage Foundation has been asked for another recommendation to replace Ms. Norrie as their representative on the Commission. Commissioner Harding clarified that owning property in the city is insufficient to qualify for membership, reaffirming that Commissioners must reside in the city. Ms. Zeigler concurred. Commissioner Funk questioned whether the Alternate Commissioner might be a viable replacement. Ms. Zeigler noted that he spends half of the year out of the country and thus was not able to serve as a full time member. Commissioner Harding noted that a new member had recently been nominated to the Commission. Ms. Zeigler confirmed that but recognized the position filled was an 'at large' position and not the Utah Heritage Foundation representative. Commissioner Lloyd asked if the name had been approved by the Mayor's Office and was now waiting for the City Council's approval. Mr. Paterson confirmed that paperwork had been forwarded to the Council, which now has the opportunity to confirm the proposed appointment.

At this point, Ms. Zeigler noted that the discussion items were complete and the recording was turned off.

**MEETING CALLED TO ORDER [5:47:21 PM](#)**

**APPROVAL OF THE MINUTES FROM MARCH 4, 2009 [5:49:27 PM](#)**

**Commissioner Funk made a motion to approve the minutes as presented. Commissioner Harding seconded the motion. All voted "Aye". The motion carried unanimously.**

**REPORT OF THE CHAIR AND VICE CHAIR [5:49:48 PM](#)**

Vice Chairperson Lloyd noted that Chairperson Fitzsimmons is excused from the meeting.

**REPORT OF THE PLANNING DIRECTOR [5:50:17 PM](#)**

Mr. Gray and Mr. Sommerkorn indicated that they had nothing to report for the Planning Division.

**COMMENTS TO THE COMMISSION [5:50:35 PM](#)**

No comments were offered.

**OTHER BUSINESS**

**470-07-15 - Huntington Condominiums [5:50:56 PM](#)**

A request by Huntington Condominiums, represented by Eric Richardson, for an extension of time for an approved new construction project located at 540 East 500 South. The project is a residential condominium development that was originally approved on May 7, 2008. Due to the current economic conditions, the applicants are requesting that the approval be granted an 24-month extension. The project is located in the Central City Historic District in City Council District 4, represented by Luke Garrott. (Staff contact: Nick Norris at 801-535-6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com))

**Staff Presentation [5:51:10 PM](#)**

Mr. Norris stated that the original request was approved by the Commission on May 7, 2008. He cited the current economic situation as the reason the applicant is requesting an extension of 24 months in order to secure financing. Mr. Norris referred to the drawings of the elevations included in the staff report to refresh the Commissioners' minds about the original proposal.

**Questions from the Commission [5:51:50 PM](#)**

Commissioner Hart questioned if the duration of a Historic Landmark Commission approval is normally two years. Mr. Paterson clarified that an approval is typically one year. Mr. Norris noted that prior to the Commission approving the proposed new construction project, the Land Use Appeals Board determined that the existing building is a non-contributing structure. He stated that while the demolition process for non-contributing structures had been completed, no permits have been issued primarily because one of the conditions of approval of the original petition is that the building be documented in a manner consistent with Historic Landmark Commission policies and submitted to the city prior to issuance of a demolition permit. Should the Commission grant an extension of time, by default the requirement to submit that documentation prior to obtaining a demolition permit is also extended.

Vice Chairperson Lloyd inquired about the current condition of the building and if it were boarded. Mr. Norris responded that the building is not boarded but does not appear to be occupied, noting that a 'for sale' sign is posted on the property. He referred the Commission to the applicant for specific information about occupancy.

Commissioner Hart asked if the structure in question is an old medical office; Mr. Norris confirmed that it was originally constructed as a credit union but later used as offices by the Utah Chapter of the American Medical Association.

Commissioner Hart queried whether the Commission has the authority to extend a decision for an additional 24 months. Mr. Paterson confirmed that the Commission does have the authority and has exercised it in the past.

Commissioner Oliver inquired whether there were a safeguard in place to ensure that, if the Commission grants the request and the applicant documents the property as required and demolishes the structure but is unable to obtain funding for the project in the current economy, the city will have something more than an empty lot. Mr. Norris explained that the demolition ordinance requires either an approved reuse plan, a landscaping bond, or a declaration by the building official that the building is unsafe; the Commission's previous approval constitutes an approved reuse plan. Commissioner Oliver confirmed that there is no assurance that the project will be completed and that the Commission has no means of ensuring it will.

Vice Chairperson Lloyd inquired if the building is currently able to be occupied; Mr. Norris indicated that was correct.

**Applicant Presentation [5:55:26 PM](#)**

Eric Richardson, managing member of Hunt Park LLC, introduced himself and expressed appreciation to the Commission for their consideration of the requested extension. Mr. Richardson explained the requested extension is needed due the change in economic conditions since the original approval was given last year. He assured the Commission that they [the petitioners] do not want to demolish the building until they are prepared to move forward with the new construction so that, should the worse happen and the proposed project not come to fruition within the next 24 months, the result would not be another vacant lot as has occurred with other approved projects. He verified that the building, though currently vacant, is habitable and listed with a commercial brokerage firm with the intent that it be leased until financing for the new project is secured.

**Questions from the Commission**

None

**Public Hearing [5:56:43 PM](#)**

Vice Chairperson Lloyd opened the case to a public hearing. No comments were made.

**Executive Session [5:56:57 PM](#)**

Commissioner Funk noted that the Economic Hardship Panel has been meeting and discussing the option of requiring that future demolitions not be allowed until building permits are issued for the reuse, in an attempt to prevent 'vacant lot syndrome.' She noted that the petitioner wants to rent the building and asked Mr. Paterson if it would be possible to place a condition

on the requested extension that would require building permits for the new project be issued before demolition of the current structure be allowed. Mr. Paterson clarified that the subject request only includes an extension of the original approval and deferred to Mr. Nielson regarding the legalities of changing the original conditions of approval. Mr. Nielson acknowledged he would need to consult the ordinance and requested a moment to do so.

Vice Chairperson Lloyd clarified that the intent is to have a viable use in a building, even though long-term plans include demolition and redevelopment, and that Mr. Nielson would review the ordinance to determine whether the Commission has authority to provide an incentive or requirement for the developer to make good faith progress on leasing the space or providing beneficial use. Commissioner Funk concurred that the applicant appears desirous of maintaining the current structure, which is to their advantage, but questioned whether the Commission has authority to require that a demolition not occur until new construction permits are issued.

Vice Chairperson Lloyd inquired as to the status of other properties along the 500 South block and whether they are occupied or not. Mr. Norris stated that a dental office to the west is occupied, as are the residential structures and market on the corner. He stated that east of the subject building is the Triple A office, and another office building on the corner; the subject building is the only unoccupied structure on that block face.

Commissioner Hart asked the age of the building. Mr. Norris stated that the building was 42 years old when it came before the Commission to determine its status as a contributing or noncontributing structure, which would make the building about 44 years old now.

Mr. Nielson stated that the provisions in the ordinance regarding extensions of time do not include any language regarding conditions; the fact that such language is absent suggests that it is not something the ordinance empowers the Commission to do. Vice Chairperson Lloyd clarified that the Commission could make a recommendation but not place conditions on the approval extension. Commissioner Hart noted that if the Commission wished to impose conditions it would be necessary to let the current approval expire and require that the applicant return as a new request. Mr. Nielson agreed that the Commission has the authority to reject the applicant's request for an extension of the current approval. He noted that the standard is for good cause shown.

Vice Chairperson Lloyd summarized that the net effect of rejecting the subject petition would be that the approval for the proposed project would lapse and the applicant would have to reapply. Mr. Nielson concurred, noting that the applicant would have to go through the entire approval process again. Commissioner Oliver inquired what expense would be involved in reapplying. Mr. Norris stated that the petition fee is approximately \$200, plus notification costs; Mr. Paterson and Mr. Gray noted that there are also the costs of time to apply and go through the approval process.

Vice Chairperson Lloyd clarified that the condition of the demolition permit approval includes the required documentation. Mr. Norris agreed, noting that the Historic Landmark Commission must be satisfied that the documentation standards meet Commission policies before a demolition permit will be issued. Commissioner Oliver asked about the three standards for a demolition permit. Mr. Norris responded that the ordinance requires either landscape bond, a determination the building is unsafe, or an approved reuse plan, which the previous Commission approval satisfies.

Vice Chairperson Lloyd inquired whether it would serve the purposes of the Commission to require the applicant provide the documentation before the Commission acts on the subject request. Commissioner Bevins asked if Vice Chairperson Lloyd referred to documentation of the petitioner's good faith orders to lease the existing building. Vice Chairperson Lloyd explained that he felt the intent is to encourage the applicant to provide an interim use that offers activity in the building until the time that the proposed project moves forward. Commissioner Oliver stated that her intent is to not have the petitioner complete the process, demolition the existing structure, and then never complete the planned reuse. Mr. Norris asked Mr. Nielson to confirm that if the applicant agrees to the condition that the existing building not be demolished until permits for the proposed project are in place, it could be included in the extension approval. Mr. Nielson acknowledged that such an agreement might be made with the applicant but reiterated that the ordinance does not speak to the ability of the Commission to attach conditions of approval to a request to extend an original approval. Commissioner Oliver stated that she understood Mr. Nielson to have previously said that the Commission could not attach conditions; Mr. Nielson explained that he had stated the ordinance does not speak to that option so he could not advise adding a condition to the requested extension of approval. He stated that if, as he understands, the applicant is willing, such would constitute an agreement. Vice Chairperson Lloyd restated that it would require voluntary agreement by the applicant. Commissioner Funk requested that applicant be asked to come forward and discuss such an agreement.

Vice Chairperson Lloyd identified the need for the Commission to be clear on what the condition of approval for an extension would be. Commissioner Hart stated that the condition would be that the applicant would not be granted a demolition permit until building permits for the proposed reuse are issued. Mr. Nielson clarified that the applicant would not receive a Certificate of Appropriateness for the demolition; Commissioner Hart concurred.

Mr. Richardson declared that the existing structure still has value and the petitioners are carrying additional expenses right now in order to maintain the building so that it can be rented and hopefully offset some of those costs. He noted that the building is listed with one of the top commercial real estate agents in the area. Mr. Richardson stated that the petitioners are requesting an extension with the intention of returning to the Commission with revisions of the original project that they believe are more characteristic of the neighborhood and that address some of the concerns identified in the initial public meetings on the subject project. Acknowledging that they are not yet prepared to make public their additional plans, he reiterated that the extension is needed in order to make the intended changes. He

reemphasized their commitment to the community and their desire to bring additional vibrancy to the neighborhood, adding to its overall character. Mr. Richardson explained that having the extension of the original approval allows the petitioners time to avoid rushing to demolish the building while they still have approval and then not be able to move forward with the new project. He declared that agreeing to the stipulation proposed is easy because it is also in the best interest of the applicants to lease out the existing building and not demolish it, as long as they receive the requested extension.

Vice Chairperson Lloyd inquired if the likely terms of a lease would be month-to-month or long term. Mr. Richardson responded that lacking a crystal ball to predict the economic cycle, the preference is a more flexible term with a tenant who does not require a long term commitment in order to revitalize the parcel and move forward with the new project. He stated that in reality economic terms will dictate which tenant will allow the flexibility needed to proceed while still offsetting some of the expenses of maintaining the existing structure. Mr. Richardson noted that those expenses are nearly \$10,000 per month; more than \$100,000 has been spent already on architectural fees for the proposed project and should the requested extension be denied the petitioners would incur significant expense to reconfigure the proposed project and reapply to the Commission for approval. He acknowledged that if the extension is not granted it would be more cost effective to demolish the existing structure while the option is available and then leave a vacant lot should financing for proposed project not be secured. He emphasized that they prefer to maintain the existing building in good condition. Mr. Richardson reiterated that if the Commission would be more comfortable with an agreement not to demolish the existing building until building permits are approved for the new project, he would be happy to stipulate to that, as it is also in their economic best interest.

Commissioner Oliver asked what differs between letting the current Certificate of Appropriateness lapse and returning with minor revisions to the same project versus returning with minor revisions to the approved project under an extension. Mr. Richardson explained that it's a difference of entitlement and that there is no guarantee this Commission will reapprove the project. He stated that the process had taken a good deal of time and, while acknowledging appreciation for the Commission's efforts in working through required numerous revisions during the previous process, recognized that time value is very expensive. He allowed if the end result is the same approval, it would be more economical, palatable, and a better investment to devote that time and energy toward moving forward on the approved project rather than facing the uncertainty of potentially not receiving approval from a Commission that has new members and may not vote the same.

Mr. Nielson reminded the Commission that the extension provision allows the Commission to extend an approval up to twice the period of time of the original approval, emphasizing that the "up to" phrasing means the Commission has the prerogative to determine any amount of time up to 24 months but does not have to extend approval for the full period. Vice Chairperson Lloyd confirmed that although 24 months was the request, per ordinance the Commission does not have to be the full time. Mr. Nielson concurred.



**MOTION** [6:13:08 PM](#)

Commissioner Funk moved that in the case of Petition 470-07-15 the Commission grant an extension of 24 months of the approval that is set to expire on May 7, 2008, for the condominium building located at 540 East 500 South with the condition, as agreed upon by the applicant, that the building will not be demolished until permits are issued for construction of a new building.

Commissioner Bevins seconded the motion.

Commissioner Hart asked for clarification from Mr. Nielson that when the ordinance states the extension can twice as long, it does not mean one year plus one year equals two years (twice as long) but rather that it means twice as long as the original period. Mr. Nielson read the ordinance, "The total period of time granted by such extension or extensions shall not exceed twice the length of the original period." Commissioner Hart thanked him for eliminating any potential ambiguity.

All voted in favor; the motion carried unanimously.

**NEW BUSINESS** [6:15:06 PM](#)

**PLNHLC2008-00674 - Peery Hotel Minor Alteration** [6:15:11 PM](#)

A request by Peery Hotel LP, represented by AK Smith Architects, for a minor alterations to the Peery Hotel at 110 West 300 South. The Peery Hotel is a Landmark Site on the City's Register of Cultural Resources. The request includes adding an entry canopy on the south façade of the building. The awning would extend over the sidewalk across public property and is based off of historic photographs. The property is located in City Council District 4, represented by Luke Garrott. (Staff: Nick Norris, 535-6173, [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com))

**Staff Presentation** [6:15:27 PM](#)

Mr. Norris stated that the proposal is for a landmark site, the Peery Hotel, and involves extending the entrance canopy over the front door entrance. He noted it is in the D-1 zone and referred to the historic photograph in staff report, acknowledging the poor quality of the photo. He indicated that currently a fabric awning extends to within a couple of feet of the curb. The proposal is to remove that and rebuild a similar structure similar to that in the photo. He referred the Commission to the site plan in the staff report, noting the placement of the canopy. Mr. Norris stated that the proposal has been reviewed by city divisions with authority over the public way and has been approved the proposal, with some conditions, the most notable of which are relocation of a couple of parking meters and a tree. He assured the Commission that the city's urban forester has submitted comments on guidelines for relocating the tree and that Transportation and Engineering have submitted comments on the other proposed changes.

Mr. Norris referred the Commission to the elevation drawings in the staff report. He noted that replacement of other fabric awnings on other portions of the building, which was approved administratively, is underway, as is restoration of the historic Peery Hotel roof sign which was also approved administratively because it meets zoning requirements in the D-1 for rooftop signs and is based on historic documentation.

Mr. Norris explained the drawing of a profile section of the canopy made of wood material with a railing on top. He acknowledged he was unaware if the applicant plans to use the top of the canopy for public seating as indicated in historic documents. He referred the Commissioners to a 3-dimensional rendering included in the staff report of what the canopy will look like when finished. He stated that staff recommends approval of the petition with the conditions as indicated in the staff report.

**Questions by the Commission [6:18:15 PM](#)**

None

**Applicant Presentation [6:18:25 PM](#)**

None. Mr. Norris noted for the record that the applicant had been notified of the hearing but had not been in contact with him since the previous week, so he was unaware of the reason they were not in attendance.

**Public Comments [6:18:49 PM](#)**

Vice Chairperson Lloyd invited Cindy Cromer to address the Commission.

Ms. Cromer identified this as an example of a building that was mothballed for decades. She stated that before the Peery Hotel was its current colors, it was green, and before that pink. Known as the Miles Hotel, it sat there doing nothing for decades. She noted the importance of remembering this when considering what a vital place it is now.

Vice Chairperson Lloyd asked if anyone else from the public wished to comment.

Preston Smith introduced himself as an employee of the architectural firm that produced the drawings of the building. He clarified that the intent is to use the canopy as a rooftop deck, referring the Commission to the door shown on the photo.

Vice Chairperson Lloyd humorously recognized that in the absence of the applicant, Mr. Smith has become the default specialist. He inquired of Mr. Smith if he could confirm original access from the building to the roof deck. Mr. Smith confirmed that on the single historic photograph they have, which is unclear, appears to show a door. Vice Chairperson Lloyd confirmed that the center opening ostensibly was a door and would be recreated as a door. Mr. Smith agreed.

Vice Chairperson Lloyd solicited additional public comments. None were forthcoming.

**Executive Session [6:21:10 PM](#)**

No questions or comments were given.

**MOTION [6:21:25 PM](#)**

Commissioner Funk moved that in the case of PLNHLC2008-00674 the Commission approve the proposed alterations to the Peery Hotel by adopting the staff's findings and recommendations as listed in the staff report, which include the following conditions:

1. That all required paperwork is submitted to, and a revocable permit for the entry canopy is approved by the Property Management Division; and
2. That all requirements of applicable Departments and Divisions are complied with.

Commissioner Hart seconded the motion.

Commissioner Oliver clarified that the Commission is not approving the drawings as shown but only the canopy. She noted that the drawings show different lintels and different architectural details, including the door. She stated she would be uncomfortable replacing the existing window with the door as shown on the drawings and emphasized that the approval is only for the canopy and nothing else. Vice Chairperson Lloyd restated that the approval is limited to the projections of the awning and structure. Commissioner Oliver concurred, reiterating that no changes to windows or doors are included.

Commissioners Funk and Hart accepted the comment.

All voted in favor; the motion carried unanimously.

**PLNHLC2008-00738 Carl Jones Minor Alteration [6:23:17 PM](#)**

A request by Carl Jones, property owner, for a minor alteration located at 104 North F Street in the Avenues Historic District. The proposed project involves replacement windows that differ from the original windows approved by the Commission in June 2008. The property is zoned SR-1A, Special Development Pattern Residential District in the Avenues Historic District. The property is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Robin Zeigler, 535-7758, [robin.zeigler@slcgov.com](mailto:robin.zeigler@slcgov.com).)

**Staff Presentation [6:27:36 PM](#)**

Ms. Zeigler noted that the petition involves a case some of the Commissioners may recall from 2008 when a contractor who neglected to obtain a building permit and Certificate of Appropriateness replaced windows at the residence at 104 'F' Street. The replacement windows did not meet design guidelines because they had a snap in grid, a flat grid, as opposed to a simulated divided light. In June 2008, the applicant requested legalization of that change; however, the Commission determined that all of the new windows should be replaced with appropriate windows which match the design of the original.

Ms. Zeigler explained that the applicant now requests the Commission consider alternative scenario to replace a few of the windows with a simple one-over-one, without any divisions at all. She referred the Commission to the information on page three of the staff report, indicating that all of the front windows would be replaced as originally requested; a tall narrow

window on both sides of the building would be replaced as originally requested; and the windows in the rear of both sides of the building as well as those in the back with a simple one-over-one, citing the expense of the replacement as basis for the request. Ms. Zeigler confirmed that the design guidelines allow for greater flexibility in the treatment or replacement of secondary windows, Staff concludes the proposal meets all pertinent guidelines and requirements and therefore recommends approval.

**Questions by the Commission [6:25:27 PM](#)**

Vice Chairperson Lloyd queried if the proposed replacement in the front windows is a one-over-one with a simulated divided light pattern. Ms. Zeigler responded that the applicant proposes the replacement of the front windows and front side windows would be as originally requested by the Commission in June 2008; the grids, which are all a little bit different, simulated divided light would match the original. However, those on the rear sides and in the rear would be one-over-one and not have the grids the original windows had. Vice Chairperson Lloyd inquired if the original grid pattern were known. Ms. Zeigler stated it could be seen in some older photographs, referring the Commission to those provided in the staff report. Vice Chairperson Lloyd confirmed the photos provide the guidance for what the grid pattern was; Ms. Zeigler concurred.

**Applicant Presentation [6:26:50 PM](#)**

Carl Jones introduced himself as the applicant, stating he had nothing to add but would address any questions by the Commission.

Commissioner Funk noted that the windows appear to be different than the text description, which indicates that from the south side there are only three windows; when looking at the pictures there are four windows, two on either side of the fireplace and two double-hung beyond that. Mr. Jones concurred. Commissioner Funk verified that Mr. Jones is proposing one-over-one on those instead of divisions on the upper half. Mr. Jones clarified that his request for one-over-one only applies to the rear side windows, not all four.

Commissioner Bevins asked if the other windows would be four-over-one. Mr. Jones stated that was the original proposal but that the subject amended proposal is different. Ms. Zeigler clarified that the rear side and back windows would be one opening on the top and one on the bottom and not have the grids the original had.

Commissioner Funk inquired if the reason for the proposed change is the expense of the grids. Mr. Jones confirmed that is the rationale, as the cost is more than \$200 per opening. Vice Chairperson Lloyd asked if all of the windows are the Jeld-Wen window referred to in the staff report (see page 3). Mr. Jones concurred, stating that some would have grids and others not. Vice Chairperson Lloyd clarified that this is an aluminum-clad wood window. Mr. Jones stated that it is a painted wood window.

**Public Comments [6:29:37 PM](#)**

None

**Executive Session [6:29:48 PM](#)**

Commissioner Hart stated that, because the south façade is on a corner, it is as much a front as the west façade. She commented that would prefer that the openings on these two façades be restored to their original appearance and that greater leniency be given to the east and north façades which are barely visible from the street. Commissioner Funk confirmed that the intent is for grids on the upper half of the window. Commissioner Hart concurred and further clarified that greater leniency could be given all of the east and north windows but that the two double-hung windows on the south façade should be four-over-one rather than one-over-one. She noted that the south side, while not technically the front façade, is also a principal façade. Commissioners Oliver and Harding agreed.

**MOTION [6:31:49 PM](#)**

Commissioner Hart moved that in the case of PLNHLC2008-00738 the Commission approve the petition as follows:

- a. The front six windows as proposed and previously approved;
- b. The north and east façades have one-over-one aluminum clad double-hung windows;
- c. The west and south façade openings mimic the original design with the double-hung windows on these façades as four-over-one; and
- d. The casement windows as proposed.

Commissioner Funk requested that the motion be amended to remove 'aluminum coated wood' as the applicant indicated they are strictly wood. Commissioner Hart accepted the amendment.

Commissioner Harding requested additional clarity regarding the multi-paned casement windows on the north elevation, specifically if the applicant can leave those with the snap-in muntins. She requested that the motion be amended to stated that two multi-paned casement windows on the north elevation be replaced as proposed in the staff report. Commissioner Hart accepted the amendment.

**AMENDED MOTION:**

Commissioner Hart moved that in the case of PLNHLC2008-00738 the Commission approve the petition as follows:

- a. The front six windows as proposed and previously approved;
- b. The north and east façades be replaced with one-over-one double-hung windows;
- c. The west and south façade openings mimic the original design with the double-hung windows on these façades as four-over-one; and
- d. The two multi-paned casement windows on the north façade be replaced as proposed in the staff report.

Commissioner Funk seconded the motion.

All voted in favor; the motion carried unanimously.

**PLNPCM2008-00938 Landscape Ordinance Text Change [6:35:18 PM](#)**

A request by the Planning Commission to consider an amendment to section 21A.34.020 of the zoning ordinance. The amendment would include a definition of historic landscapes (not yards of historic buildings), clarification that existing standards may be applied to landscapes as well as buildings, and two additional standards for historic landscapes. This is a city-wide project. (Staff contact: Robin Zeigler, 535-7758, [robin.zeigler@slcgov.com](mailto:robin.zeigler@slcgov.com).)

**Staff Presentation [6:35:31 PM](#)**

Ms. Zeigler reviewed that the ordinance text change proposal resulted from the Commission's long-time struggle to apply landscape standards for buildings and residential districts to historic landscapes. She stated there is a two-part process involved, and that subject request is that the Commission forward a positive recommendation to the Planning Commission and City Council the language.

Ms. Zeigler stated the first proposed change is a definition of a historic landscape:

*A cultural landscape associated with events, persons, design styles, or ways of life that are significant in national or local history, landscape architecture, archaeology, engineering and culture.*

She noted that the definition comes from a publication of the National Parks Service titled "A Guide to Cultural Landscape Reports: Content, Process, and Techniques" and is a nationally accepted definition. Ms. Zeigler explained that a member of the public recommended that a definition of cultural landscape also be included, and therefore that definition is also being provided from the same source:

*A geographic area including both cultural and natural resources and the wildlife or domestic animals therein associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.*

In addition to definitions, Ms. Zeigler continued, additional standards are recommended. She recognized that Subsections G and H are the standards used by the Commission to approve changes in the historic sites and landmark sites. As Subsection G could be applied to both landscapes and buildings, no changes are recommended. For example, standard 1 is that a property should be used for its historic purpose; standard 2 is that the historic character of a property shall be retained and preserved.

Ms. Zeigler identified that standards for Subsection H, however, deal mainly with residential buildings, citing text referring to rooflines, rhythm of solids to voids, porches, etc., which rarely apply to historic landscapes. Therefore, a new standard 5 for Section 21A.34.020 (H) is recommended, as follows:

*5. Historic Landscapes*

- a. New construction shall not significantly alter defining natural or man-made features or pose a hazard to the health or historic integrity of the surrounding features.*

- b. A landscape shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the site and environment.*

Ms. Zeigler explained that as landscapes are made up of living parts, including plants and sometimes animals, Staff felt it important to include “health” as well as historic integrity in standard 5a. She noted that standard 5b allows for a landscape to change purpose much like a building is allowed to change purpose, citing Gilgal Gardens as an example. Though not a landmark site, it is a historic landscape that started as the rear yard of a private building and is now a public tourist site that, although it has changed use still maintains its historic integrity.

Ms. Zeigler addressed public comments included in the staff report. One comment states that the proposed language will allow the Commission to compare a building to the entire site rather than just to the street and was disallowed by Judge Fuchs when he reviewed the appeal of the tennis bubble. She clarified that the Court said the size of the tennis bubble compared to Liberty Park as a whole was not appropriate in evaluating whether or not the tennis bubble should be considered a minor alteration. The Court did not state that the size of the tennis bubble was inappropriate or apply the standards in any way. Ms. Zeigler read the Court record for the Commission:

The court determines that the Board of Adjustments criteria for determining what constitutes a minor alteration demonstrates its misinterpretation of this term. For example the Board of Adjustment’s focus on the size of the tennis bubble compared to Liberty Park as a whole was improper. Instead, looking to the totality of the relevant ordinances, the suggested analysis would be to consider the size and impact of the proposed structure in and of itself and in relation to its environment. As the City’s counsel correctly observed during oral argument, having made the threshold determination that the decision determining the tennis bubble cannot be administratively reached, the Court must remand the matter back to the Historic Landmark Commission without reaching the issue of whether the standards of subsection H are met.

Ms. Zeigler clarified that this language in no way identifies the size or type of building would be appropriate in a historic landscape. She noted that historic landscapes vary drastically, whereas residential districts have similar elements, e.g., roofs, porches, windows, doors, etc., while such similarities do not always occur in historic landscapes. She explained this makes it impossible to provide the guidelines needed by the Commission to make decisions within the ordinance that apply to all the different historic landscapes. Therefore, Ms. Zeigler stated that in addition to the subject language, the City is also proposing that all historic landscapes have a master planning process in which appropriateness is defined. She deferred to Community & Economic Development Director Frank Gray for additional comment.

Mr. Gray concurred with Ms. Zeigler that parks vary drastically from structures and stated that what is needed is a series of master plans for each of our parks. The City is considering requiring that a master plan be prepared and then adopted by the City Council for all parks,

historic or not larger in size than, for example, ten acres. These plans would be similar to the small area plans common in the planning field. He noted that a number of plans have been developed for the City's parks but as they have not been adopted the Planning Commission and Historic Landmark Commission do not have adequate guidance regarding policies for that particular piece of land. Once the City Council adopts these proposed plans, the Commissions would have guidelines to administer in their distinct roles.

Mr. Gray recognized that plans have been nearly completed for many of the parks, such as Pioneer Park, Memory Grove area, Liberty Park, Sugar House Park, Rosemont Park, and others, so the process is not starting from scratch. He noted that the Parks Division has internal master plans but they are not able to be used as an adopted City policy. He recognized that as each park has a different character and nature, part of the adopted plan would include design guidelines specific to that park so that its specific history, nature, and evolution would be reflected. General design guidelines that apply to all parks would likely be included, but specific guidelines for each space would also be developed. Mr. Gray noted that this would enable the Commissions and City Council to review proposals in or around the parks to ensure they are consistent with the adopted designed principles.

Mr. Gray indicated the City is seeking to move quickly on this process, citing the goal of having a plan developed for Liberty Park by the end of 2009. He recognized that budget constraints may not allow this to occur, as he anticipates losing 20 department staff. He reiterated that the goal to move forward as quickly as possible, noting that the area commonly known as Reservoir Park is the second high priority area. He recognized that although the area has been used as a park for numerous years, Public Utilities actually owns the land and is anxious to move forward with a master plan in order to address the public safety needs caused by the crumbling tennis courts. Mr. Gray confirmed that Public Utilities has committed to work with the Parks Division to develop that neighborhood park plan in this historic area. Once these two plans are developed, he stated, the process to create and adopt plans for the remaining parks would move forward.

Commissioner Funk asked why Reservoir Park is not considered a historic park. Mr. Gray stated that Public Utilities owns the entire area, not just the actual reservoir. He acknowledged the area has been and continues to be used as a park, and is considered that way by Public Utilities, but it technically is not a park. Commissioner Funk probed whether ownership of the land needs to be changed, as it is in a historic district. Mr. Gray assured the Commission that all City departments are in agreement that the area should be a park, but since the land was acquired for utility purposes there are legal constraints. He reiterated that Public Utilities is committed to developing a park use plan for the area.

Vice Chairperson Lloyd asked if the proposed park plan process would be a mechanism for designating parks as historic landscapes or if the designations have already occurred. Mr. Gray concurred that adoption of the plan would include appropriate designations with referral processes; historic parks would be referred to the Historic Landmark Commission.



Ms. Zeigler pointed out that the Commissioners received comments on this petition just prior to the meeting and that she had received an additional comment just after the meeting began that she would like to read for the Commission as they had not had the opportunity to review it:

Historic Landmarks Commission:

I urge you to vote yes on Petition PLNPCM2008-00938 [this petition] and Petition PLNPCM2009-00171 [the Preservation Plan petition]. I am an historic landscape architect who served on the City/ County Building Conservancy and Use Committee, and helped craft policies and procedures for the use of the City/ County Building and Washington Square to preserve the historic character of these treasures.

From that experience, I know it will save citizens, elected officials and city staff a great deal of time and effort to have language in the City code that recognizes historic landscapes citywide, rather than having to struggle with definitions and policies on a case-by-case basis as issues arise.

I am involved with historic preservation on a national level, and I am not aware of another city in the U.S. that is taking such a leadership role in landscape preservation as Salt Lake City. The comprehensive approach being used by the City and its residents will not only preserve the historic fabric of the community, but will be a model for others to follow throughout the country. Please keep this important process moving forward by supporting these petitions.

Susan Crook, ASLA  
UASLA Trustee/ HALS Liaison

Vice Chairperson Lloyd referred to the presentation slide defining cultural landscapes and stated he did not see that as a highlighted change in the proposed ordinance. Ms. Zeigler responded that this definition was not part of the staff report as it originated from comments that were submitted later that Staff felt the Commission may wish to include should they decide to approve forwarding a positive recommendation to the Planning Commission and City Council. Vice Chairperson Lloyd verified that the definition is recommended by staff but not included in the draft ordinance; Ms. Zeigler concurred, reiterating that the definitions presented come from the National Parks Service.

Commissioner Oliver observed that the proposed language does not clearly state that historic landscapes are a subset of historic sites and inquired if this could be included. Ms. Zeigler replied that a historic landscape may not be a subsection of historic sites, as it may be its own site. Commissioner Oliver asserted that under the National Registrar criteria it would be considered a historic site. She stated that if historic landscapes are not considered as historic sites they are never referred to in the ordinance language, which references sites but not landscapes. Commissioner Oliver declared this ambiguity needs further discussion.

Commissioner Harding remarked that she had a observation as well, specifically with 5b. She noted it discusses historic landscapes first and above, a particular type of historic landscapes is defined but that in 5b it says “a [emphasized] landscape shall be used for its historic purpose” which is a great deal more broad. She suggested this be amended to read “a **historic** [emphasized] landscape shall be used for its original purpose” in order to limit the application and not have it apply to every landscape that exists.

Mr. Nielson requested permission to ask questions of staff, which was granted by Vice Chairperson Lloyd. Mr. Nielson recalled seeing a documentary that chronicled historic places in Salt Lake City which identified Liberty Park as having a movie theater and snack bar in the mid 1900s. He asked if, with respect to Commissioner Harding’s comment and the proposed language, that kind of feature would be allowed because it honors the original purposes and features of the park. Mr. Nielson acknowledged that as council to the Commission he should not pose such a question when he himself was unsure of the answer. Ms. Zeigler responded that the proposed language neither allows nor disallows such features, stating that those guidelines would be established in the park master plans, which will consider what is appropriate for that particular park, its use, its history, current inventory, etc.

Mr. Nielson followed up by inquiring if Washington Square is a historical park. Ms. Zeigler confirmed that it is. Mr. Nielson observed that maps from the late 1800s and early 1900s show a baseball diamond in the northeast corner of the lot, humorously remarking he would appreciate being able to go out and play ball if this feature could be resurrected. Ms. Zeigler reiterated that the intent of the proposal is to preserve what currently exists rather than reconstruct what has been lost. She acknowledged that in some instances that might be appropriate, stating that the park master plans would address that.

Mr. Gray commented that 5b must be read with care. He noted that it is referring to **use** [emphasized] by stating “a landscape shall be **used** for its historic purpose” which is an important difference. He clarified that the language does not indicate reconstruction, citing Pioneer Park as an example of a historic landscape that would require extensive alterations in order to reconstruct it in its original state but which maintains its historic use as a community square and gathering place. He averred that the language indicates that the landscape would be required to follow that same type of use; an apartment building would not be allowed.

Ms. Zeigler recognized that as the date is April 1, Mr. Nielson may be using this opportunity to tease her, which he sheepishly acknowledged

Commissioner Oliver referred back to the earlier discussion regarding definitions of historic sites and historic landscapes. She queried whether, if they are being treated as separate, historic landscapes should have its own definition, numbered 5. Ms. Zeigler agreed that it would. Commissioner Oliver then referred to H and queried if this would also require added language for historic landscapes. Ms. Zeigler concurred and clarified that adding this standard does not mean that the Commission would not always apply all the applicable standards; if the subject is a landscape site the Commission would, as always, apply all of the standards which

are applicable and not just standard 5. Commissioner Oliver concluded that the proposed criteria are special considerations rather than exclusive criteria.

**Public Comment** [6:57:49 PM](#)

Vice Chairperson Lloyd invited Esther Hunter to address the Commission.

Ms. Hunter commended staff and the Commission for addressing important policy areas, stating that such actions are often rushed out of a desire to fill holes in guidelines for applying standards. She expressed optimism about moving forward but cautioned against moving too quickly on the actual definition. Ms. Hunter explained that her evaluation of a proposed policy's success is determined by whether or not it being in place would have protected what has been lost. She referred to her tree earrings as reminders of giant friends lost to a concrete pathway in Pioneer Park created for a business use during a time when the plant material was not considered a historic element of the park. She added that in 1992 the standards that form the current guidelines for the Commission were revised to become the National Registrar of Historic Places in order to include some of the other elements. She stated the need to address landscapes beyond those in parks and referenced an older guide which, on page 49, speaks to historic district features such as streetscape and landscape elements such as alleys, pavings, walkways, parks, gardens, and trees within a historic district that help define the historic character and should be part of the plan. She stated that regardless of who owns a property, changes to a landscape should go through the same process. She concluded that because the Commission are the experts until the proposed park master plans can be adopted, the proposed language should be reviewed to ensure that it grants the Commission the right and ability to preserve those things that need to be saved until the full plans are in place.

Ms. Hunter stated that the cultural landscape definition includes four general types, defining historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes, as well as discussing possible standards and applications of those standards at different points in time. She questioned again if adopting the proposed language gives the Commission enough ability to preserve what needs to be preserved until the full plans are adopted.

Vice Chairperson Lloyd invited Melissa Barbanell to address the Commission.

Ms. Barbanell stated she has concerns about the ordinance and apologized for any redundancy of submissions made to the Commission. She admitted confusion because the discussion has indicated the ordinance is about buildings and the intent of the language is to protect landscapes, but the section being amended is the subsection which focuses on new construction of principle structures. In her opinion, saying that the standards for buildings shouldn't apply or that structures should not be compared to surrounding streetscapes and structures doesn't make sense. She applauded the City for attempting to clarify this issue and acknowledged the Commission's efforts to interpret the ordinance when it applies to a building in a park. She stated that by making these changes prior to adopting the anticipated park plans allows opportunities for confusion. Ms. Barbanell noted that historic site is not defined in the proposed ordinance language, stating that the language as proposed will potentially allow buildings of any size to be built as long as they are small in comparison to the whole park, which

is not the intent. She referred to 21A.50.050, which addresses the analysis necessary to determine if an ordinance should be amended and acknowledged intent of the proposed language is to advance the goals of the adopted neighborhood plans with regards to preservation. Ms. Barbanell declared that the language could be interpreted to allow something that could be contrary to those goals because it would allow a one-acre building to be constructed in a large park. She observed that staff's statements that the ordinance is not specific to any one site are correct but that the application of the ordinance will be specific and may allow for inappropriate construction.

Ms. Barbanell opined that the most important portion is subsection D, which requires evaluation of proposed amendments under any applicable overlay district standards. She referenced the portion of the ordinance which defines the purpose of historic overlay districts and concluded that the way the ordinance is drafted might fail to fulfill those intents. She reiterated that the draft of the ordinance appears to permit comparison of buildings to the overall historic site, emphasizing the "or" in the draft language rather than "and." She declared that the proposed ordinance as written allows for the possibility that the purposes of the historic preservation overlay district be drastically undercut. She asserted that the language should respond to issues raised by projects such as the tennis bubble, pole forest, etc. opined that this language only responds by overriding past concerns as long as the structure is proportionally small enough. Ms. Barbanell referenced Ms. Zeigler's memo to the Planning Director that identifies the historic research of existing conditions as critical prior to developing plans for appropriate treatment, agreeing that that process should be complete before anything like this proposed ordinance is adopted, especially as the ordinance language is ambiguous. She concluded by stating that that the proposed ordinance should be more carefully drafted and reconsidered after the anticipated park master plans are complete.

Vice Chairperson Lloyd invited Cindy Cromer to address the Commission.

Ms. Cromer stated two reasons that the proposed changes need to be clear, one of which is that the city has an inherent conflict of interest as property owner and applicant while employing the people evaluating proposed changes and appointing the decision makers, namely the Commission. Second, the ordinance appears to be groundbreaking legislation so no other examples are available to copy.

Ms. Cromer indicated her comments focus on definitions, noting that what primarily troubled the Land Use Appeals Board regarding Liberty Park as a landmark site was what exactly landmark site means. If it means the entire park, what happens when a change is proposed for a building of extraordinary significance, such as the Chase Mill. Ms. Cromer argued that when involved with a landmark site and other landmark-eligible buildings exist within that site, the immediate context of the proposed change must be considered as well as the larger context. She opined that additional clarification is needed, especially when considering a large landmark site that has other elements in that site that merit special consideration when proposing a change.

Ms. Cromer stated that while the definition of cultural landscape is helpful, she is concerned about un-cultural landscapes, such as the exposed section of the Bonneville Bench along Beck Street which she believes should be designated as a historic landscape. She declared that this world class landscape is incomparable and should be protected, so definitions should include things such as geomorphic features. She acknowledged that although the term 'cultural landscape' did not initially imply this type of landscape it may be possible to read the ordinance in a way that includes it.

Ms. Cromer referred next to the definition of streetscape, recognizing the Commission's excellent work making decisions on streetscape in a park, and suggested that streetscape be specifically defined as pathways, malls, and so forth in a park – essentially that when in a park, streetscape is whatever is people use to navigate. She concluded by concurring with Mr. Gray's comments, noting that inventories of historic parks should include landforms, water features, and vegetation in addition to structures.

Vice Chairperson Lloyd announced that an additional comment had been received just after 3:00 p.m. which was distributed to the Commission but received too late to be included in the packet from Sherry Ellis. He highlighted paragraph two:

While encompassing such properties as the historic parks in the city, these landscapes, and landscape features, are often less obvious but equally worthy of consideration. They are such features as the comfort stations, tree-lined streets, and onion-topped light poles of South Temple Street; features that don't necessarily stand out on their own but create the broader and less tangible sense of place that gives the city its character and draws people to certain areas over others. Why do you think residency in the Sugar House or Avenues areas is in such high demand? It isn't just the quaint old houses but the "feel" of the neighborhoods, too. That "feel" comes in large part from the landscape as a whole... hallmarks of a good ordinance that doesn't simply slam the door on a proposal but allows for the better judgment of people representing the community that places values on the remains of its historical past to be brought to bear.

No additional public comment was offered.

**Executive Session [7:14:20 PM](#)**

Commissioner Harding remarked that the proposed language needs additional refining, highlighting questions regarding the definitions. She stated she found troubling Ms. Barbanell's comment regarding where in the ordinance the proposed language has been inserted. She recognized the proposal as a great effort but asserted it requires more.

Commissioner Oliver complimented Ms. Zeigler on her memo to the Planning Director on this subject, which will serve the Commission well in considering proposed changes. She noted that the memo defines a process for preservation planning for historic landscapes which includes historic research, inventory and documentation, development of a historic landscape approach, etc. and proposed that ordinance change should be added as a final step. She

recognized the need to move forward and solve the existing problem but expressed a preference to wait until the research, comments, and anticipated park plans are finalized.

Mr. Gray concurred that staff would prefer to wait as well. He recognized that ordinances always better when an example against which to be tested, asserting that drafting the ordinance concurrent with the park planning would provide helpful guidance as to what sections work and which do not. He explained the language proposal is before the Commission at this time in response to the Commission's previous encouragement to promptly address the fact that current code has no provision for reviewing landscapes. The language presented is as a stopgap measure in order to give the Commission authority and guidelines when reviewing landscapes within a historic park. Mr. Gray agreed with all comments received, affirming that development of a perfect ordinance will occur as it is tested against the proposed park plans.

Mr. Gray also stated that not only are there not many ordinances dealing with historic landscapes, there are not **any** [emphasized] that could be found in the United States. Park Service guidance addresses maintenance and operations of parks, not with landscapes and landscape development. The ordinance will be a breakthrough attempt. He encouraged a more tempered approach if the Commission and community does not feel the need to quickly insert at least some provisions stating that at least part of the Commission's responsibility is to review historic landscapes with criteria for doing so. He recommended waiting so that ordinance language could be tested against a few of the park plans and then adopted, assuring the Commission there is not an internal need to adopt the language at this time.

Commissioner Hart summarized his comments by saying the Commission should perhaps be careful what it wishes for.

Commissioner Funk asked that the Reservoir Park issue be reviewed, contending that just by virtue of being owned by Public Utilities it does not negate its status as a historic park. Mr. Gray responded by assuring the Commission it was not his intent to imply that clarifying that the land was not purchased for park purposes but for utility purposes that has been used as and become a park. He emphasized that the city and Public Utilities enterprise would still treat it as a historic park, and that Public Utilities is very anxious to work with the community on developing a master plan for that area. Commissioner Funk asserted that Reservoir Park should be listed along with Liberty Park and all of the others.

Vice Chairperson Lloyd noted that a recent review of a proposal in Reservoir Park emphasized the glaring lack of a plan for the area, which led to the Commission's recommendation that it would be an optimal test case for preparation of a park master plan with application of proposed ordinance language. Mr. Gray concurred that the plan for this area will likely move ahead as quickly as the Liberty Park plan due to the public health and safety concerns involved. He noted that analysis on the structural integrity of the concrete is currently being done and that Public Utilities is quite willingly fulfilling the request of the Commission for that review.

**MOTION [7:21:30 PM](#)**

**Commissioner Funk moved that in the case of PLNPCM2008-00938 the Commission table the recommendations to the text amendment and return it to staff and city departments for further development.**

**Commissioner Harding seconded the motion.**

**All voted in favor; the motion carried unanimously.**

**PLNPCM2009-00171 Citywide Historic Preservation Plan Adoption [7:22:33 PM](#)**

A request by the Planning Commission to consider recommendation of the Citywide Historic Preservation Plan to the Planning Commission and City Council. This is a city-wide project. (Staff: Robin Zeigler at 801-535-7758 or [robin.zeigler@slcgov.com](mailto:robin.zeigler@slcgov.com).)

Ms. Zeigler expressed enthusiasm at having the Preservation Plan to present to the Commission, recognizing the process has been lengthy but very valuable. She referred the Commissioners to the objectives, listed on the slideshow, which originated in the legislative action and from the Commissioners, namely to:

- Define a city-wide vision for historic preservation;
- Establish a set of historic preservation goals;
- Review and make recommendations on district boundaries and future surveys; and
- Set an implementation “Action Plan” with clear priorities.

Ms. Zeigler reviewed that the steps of the process which has included the Commission’s Preservation Plan Subcommittee composed of Commissioners Oliver, Lloyd, and Hart and former Commissioner Hunter, as well as the public and stakeholders. She identified Clarion as the consultant firm working on the Plan, noting their process steps were determined from the initial interviews conducted. Clarion first created a draft Vision and Goals Statement, which was discussed and fine-tuned by the Commission and the public through workshops and the public advisory committee. Ms. Zeigler noted that the Commission and the public have not only reviewed but shaped the Preservation Plan with comments solicited through workshops, online surveys, emails, direct mailings, public service announcements, working drafts posted to the website, etc. She remarked that during each step of the process the comments received have been fairly specific, indicating that Clarion has heard the stakeholders, understood their goals, and integrated them into the Plan. She expressed appreciation for the efforts of the Citizen Advisory Committee’s invaluable input. She referred to the section of the staff report that includes the public comments, noting that all of them are addressed in some way in the Plan.

Ms. Zeigler stated that adoption process stage of the Plan is underway, with a final draft reviewed by the community advisory committee, stakeholders, and City Council staff before being revised by Clarion and forwarded to the Commission. She noted that a few additional changes to the Plan can be found on the errata sheet included in the staff report; hard copies were also provided to the Commissioners at the meeting. Ms. Zeigler stated that the request is

for the Commission to approve recommending the Preservation Plan to the Planning Commission and City Council for adoption.

Ms. Zeigler introduced Matt Goebel from Clarion to provide an overview of the plan and discuss some of the changes and input. Mr. Goebel expressed appreciation for working with the Commission, Citizen Advisory Committee, and staff members on this exciting project, complimenting Robin Zeigler, Cheri Coffey, Joel Paterson, and Janice Lew on their work coordinating all the city's work on the project. He stated his intent to provide a quick review of the overall substance of the Plan and discuss recent changes to the February 2009 draft, the version widely distributed to stakeholders.

Mr. Goebel stated that the Plan was built by talking with the stakeholders about goals and objectives, defining the big picture vision and then developing goals and objectives with action items to achieve them. He remarked that this basic structure for the Plan has been consistent; what is new are the embellishments to the Plan, such as additional narratives to the objectives and goals to provide context regarding past efforts and public comments in order to make the Plan more accessible to the wider public. He added some clean up has been done to eliminate redundancies and that best practices examples have been added throughout the document with illustrations, text edits, sidebars, etc., noting examples of conservation districts, Chicago Historic Bungalow Initiative, preservation and light rail system integration, preserving buildings from the recent past, etc.

Mr. Goebel reviewed the five parts of the vision, namely:

- 1. Foster a Unified City Commitment to Preservation
- 2. Develop a Comprehensive Preservation Toolbox
- 3. Administer a Convenient and Consistent Historic Preservation Program
- 4. Improve Education and Outreach
- 5. Support a Sustainable City

Mr. Goebel observed that Theme 1 revisions included rephrasing Goals 1.1 and 1.2 to emphasize that the city should ensure consistency between preservation planning and other city plans and policies. He explained that comments regarding the original language identified that it elevated preservation planning above other city plans and goals, so that language has been modified throughout the Plan to reflect the need to include preservation planning when considering city plans and policies without implying that preservation should be primary. He noted that each Master Plan offers an opportunity to consider how preservation is addressed in each neighborhood and to ensure future land use maps and plans identify historic resources. Additional changes include new examples of preservation integrated with transit systems from Denver and Dallas. In this section, the errata for this section include updated maps, which Mr. Goebel is coordinating with Ms. Zeigler.

Mr. Goebel observed that Theme 2 emphasizes strengthening current preservation tools and adopting complementary tools. He recognized the Plan emphasizes using surveys to identify resources needing preservation and the importance of making decisions based on updated and



current surveys, remarking that a list of criteria is included to assist in determining which surveys should be updated and referred to the Appendix, along with results of Clarion's field analysis. Mr. Goebel stated the Plan identifies the need to review the health and viability of existing historic districts and whether the underlying zoning supports preservation intents, particularly density and uses. He noted that updated surveys was a major focus of the Citizen Advisory Committee, which identified this as a priority, particularly in the Central City area which allows densities and uses that cannot be met without demolishing historic resources. He recognized that planning community boundaries and historic districts do not have good overlap.

Mr. Goebel also recognized that many communities expressed interest in additional tools to protect historic resources and community character. He stated that many citizens inquired whether historic preservation tools could be utilized to preserve community character by adopting infill standards or conservation district tools in areas that may not qualify for historic preservation status. He emphasized that neighborhoods such as Yalecrest asked for additional tools to protect their neighborhoods and control infill and demolitions.

Mr. Goebel summarized the major changes to the February 2009 draft as the change to Goal 2.7 statement to emphasize the need to coordinate preservation-related regulations with the Preservation Plan. The errata for this section includes additional clarification that the plan does not call for changing any National Register district boundaries, only local districts, and deletion of language requiring owner consent for designation of new landmark sites, as well as updated maps. Vice Chairperson Lloyd verified that the language regarding owner consent has not yet been made; Mr. Goebel concurred, clarifying that all the errata are not yet included in the draft.

Mr. Goebel noted that many of the comments received indicated the city's doing a great job with preservation but noted there are concerns that some applications are held to differing standards and that the approval process is difficult for average persons wanting to make minor alterations to navigate. He stated that Theme 3 is the result of these concerns about consistent and convenient program administration. He noted that stakeholders are also concerned that the stake has regulations it cannot enforce. Mr. Goebel that there are no major changes in this section, although an additional action item to increase staff education has been added.

Mr. Goebel noted that although the Citizen Advisory Committee and the Historic Landmark Commission regularly deal with historic preservation, most of the general public is unaware of how historic preservation impacts life in Salt Lake City. Theme 4 focuses on resolving these concerns, noting that the website is weak, with information hard to find and difficult to interpret, and that there are numerous ways to help the public that the city is not utilizing. He remarked on increased public interest in reinstating the annual preservation awards program and increasing public visibility of historic preservation efforts. He stated that there are no major changes or errata for this section of the Plan.

Mr. Goebel noted that Themes 1-4 of the Plan focus on issues common to historic preservation plans throughout the nation, highlighting that Theme 5 sets the city apart by addressing

linkages between historic preservation and sustainability, which is a major focus of the city's current leadership. He explained that this theme is broken into component themes based on work already completed by the city's sustainability office: energy, economic development, urban nature, transportation, and housing. He noted that policies which allow for the wider use of solar panels, wind turbines, and other energy efficient techniques and materials in historic districts provide opportunities to strengthen commitments to both preservation and sustainability. Mr. Goebel also recognized the important economic role of heritage tourism and downtown revitalization. He noted that the major change in this section is the deletion of references to the Utah Main Street program, replacing it with language identifying the need for a community revitalization programs for the downtown area. No errata were identified for this theme.

Mr. Goebel identified that the Implementation section at the end of the plan that discusses the variety of tools needed to implement the Preservation Plan, which is a long-term plan that will inform policy decisions, ordinance revisions, etc. for decades. He referred the Commissioners to the included implementation matrix that includes a prioritization and timing system indicating when action items should be implement; some items will be ongoing, some should occur within the first year, others extending for three to five years. He explained the priorities were assigned by the Citizen Advisory Committee with input from the Commission. He referenced the timeline that lists primary objectives, including the following:

- resurveying identified areas,
- establish an interagency coordination team,
- develop a preservation issues list for community master plans,
- assessing underlying zoning, which is considered by most to be the top priority,
- new Historic Landmark Commission member training materials,
- reestablish an architectural review committee [to provide voluntary guidance to public and applicants regarding projects that would be received favorably by the Commission],
- allowing broader use of solar panels, and
- allowing accessory dwelling units

Mr. Goebel noted that the errata for this section include changing implementation timeframes to a more realistic scale.

Mr. Goebel next referred the Commission to Appendix A, which identifies results of the field analysis done by Ron Slaughter. Mr. Goebel stated that current historic district boundaries were reviewed to determine whether the boundaries are considered stable or whether new development activity has compromised the character of the districts in some way. He remarked that the Central City district is considered compromised with a major commercial street, 400 South, bisecting the district. He stated that the Yalecrest district has generated a great deal of discussion; Mr. Slaughter identified during his 2007 survey the area as stable but the community has raised numerous concerns that has adjusted the district status in the table from stable to compromised. Mr. Goebel noted that there is extensive information in the report including potential areas for future recommendation as historic preservation districts.

Mr. Goebel noted that major changes in Appendix A include prioritization of surveys for the Avenues, Capitol Hill, and Yalecrest areas; updated information on surveys for South Temple, Capitol Hill, Gilmer Park, and Liberty Wells; correction of an area name in Table 2; and fine tuning of the Bryant description to note that modern buildings were present at the time of the historic designation. The errata for this section include changing the survey prioritization of Yalecrest and Gentile Core to high, editing the discussion of Central City to remove the suggestion it be delisted from the National Register and clarify any boundary realignments would be for the local district only, and clarifying that the Capitol Hill national district boundaries should remain intact.

Mr. Goebel summarized a memo from the Redevelopment Agency (RDA) to the Commission regarding the Preservation Plan, noting the copy in the packets was incomplete. [These items were addressed by DJ Baxter in the public comment portion of the meeting and are included there.] Mr. Goebel reviewed other public comments which were addressed in his review of Themes 1-5 and Appendix A of the plan.

Vice Chairperson Lloyd inquired if the comments from the Utah Heritage Foundation had been incorporated into the February 2009 draft; Mr. Goebel confirmed that they were. Vice Chairperson Lloyd thanked Mr. Goebel and Clarion for their work.

**Public Comment [8:12:43 PM](#)**

Vice Chairperson Lloyd invited Esther Hunter to address the Commission.

Ms. Hunter commended Ms. Zeigler, Mr. Paterson, and the Commission on their work for the plan. She requested that the table of priorities be amended to include expansion of the University Historic District by five additional blocks, explaining this proposal was reviewed by the Historic Landmark Commission and sanctioned by the Planning Commission in 1991. She stated the request was supported by the City Council in 2006 when a funding was appropriated for additional surveys, including the requested five blocks and the central core of what is referred to as the Bryant area. Ms. Hunter noted several ongoing surveys in the area that are not referenced in the Plan.

Ms. Hunter emphasized the importance of heritage tourism, expressing that its economic development contributions are significantly understated in the city. She also expressed concern that the University neighborhood is listed in the Preservation Plan as 'stable,' asserting that many previous surveys are outdated and do not provide important information.

Vice Chairperson Lloyd asked Ms. Hunter how the information regarding the University Historic District survey was overlooked. She responded that it was a combination of oversight and lack of clarity, noting it may have been addressed as the Bryant Area. Ms. Hunter stated that the City Council funded the survey in 2006. She clarified that one of the tables does indicate the survey is being conducted but it is omitted in the table which identifies survey priorities. Vice Chairperson Lloyd verified that the requested changes would primarily apply to noting in the chart in Appendix A the expansion. Ms. Hunter concurred, stating it should likely be included in the list of action items as well. She expressed that acting on the survey results could easily be

overlooked if not included in the Preservation Plan, stating she was representing the East Central Community Council in presenting these concerns.

In response to an inquiry from Vice Chairperson Lloyd regarding her desire to place greater emphasis on the value of historic tourism, Ms. Hunter noted that this is an issue with significant potential impacts for the city but that people dwell on the negative aspects of window replacements that positive impacts of preservation are overshadowed.

Vice Chairperson Lloyd invited DJ Baxter to address the Commission. [8:20:11 PM](#)

Mr. Baxter introduced himself as the Redevelopment Agency (RDA) Director and apologized for being unable to attend the full Commission meeting as he is involved in RDA budget hearings at the same hour. He thanked the Commission and the Planning staff for allowing the RDA the opportunity to review and comment on the Plan, recognizing the RDA's unique role in working closely with private developers while representing city interests and implementing master plans, sometimes even as a property owner. Mr. Baxter expressed appreciation for the quality of the Plan, expressing the content addresses a wide variety of challenges and issues. He commended Ms. Zeigler for her work and her efforts to involve the RDA.

Mr. Baxter stated that the RDA submitted comments several times through the process and referred the Commissioners to the written comments provided for this meeting. He expressed understanding of the qualitative contributions that historic preservations makes to communities. He expressed that the RDA serves as the city's primary tool for eliminating blight, affirming that neglected structures, historic or not, damage communities and delay the development and progress of neighborhoods. Mr. Baxter emphasized that the RDA strongly advocates for balancing new development that can rejuvenate and invigorate communities with preservation that infuses communities with uniqueness and a critical sense of place in such a way that allows the city to grow and evolve according to market demands and the vision of residents and businesses. He identified RDA support and assistance with preservation on numerous projects throughout the city.

Mr. Baxter identified specific concerns with the proposed plan, citing language which prioritizes preservation over other goals [which Mr. Goebel addressed during his remarks]. Mr. Baxter requested that the Plan indicate that it will be compatible with the city's master plans and that preservation staff will collaborate with other city departments, rather than placing the burden on the city departments to come to Planning Division staff. He recognized the importance of renovating and preserving significant structures but expressed concern that the process sometimes serves to perpetuate the blight, disinvestment, and illicit activity that accompany severely dilapidated structures. He noted numerous cases in which long term neglect has made restoration economically infeasible. Mr. Baxter expressed concern with the Plan's intent to designating historic properties for protection from the recent past, citing the current 50 year standard as a way to mitigate the naturally subjective nature of determining significance. He requested that the 50 year standard – or another set number – be maintained.

Mr. Baxter noted that the creation of conservation districts, with an additional set of rules and processes, will likely hinder development and increase the problems associated with subjective interpretations. He stated that any self-designated and self-enforced neighborhood program can easily undermine the very sense of community it seeks to maintain and suggested that the desired community standards be adopted as part of the zoning code to maintain a single source of regulations and guidelines for properties.

Mr. Baxter reported that many developers have stated that they are willing to adhere to the city's regulations in the greatest of details, as long as they clearly know what is expected and then are allowed to proceed. He asserted that the greatest disincentive to reinvestment in Salt Lake City is the multiple layers of subjective review to which developers are subjected, which leads to uncertainty, unpredictability, and financial risk. He stressed that the zoning code rules need to be clear, predictable, and avoid multiple layers of subjective review. He expressed that the proposed Architectural Review Committee could be very helpful in providing proactive input on projects but could be disastrous if the committee's advice were not adopted by the Historic Landmark Commission. An architect or developer may proceed with a project based on the perception of good advice from the committee only to find the larger body disagrees. He suggested that the committee be empowered to make final decisions or provide that advice as a Commission to ensure consistency and predictability.

Mr. Baxter underscored the RDA's position that the Plan contains numerous positive elements, including the proposal to acquire historic properties with public money, which would address the problem of a community having the desire to maintain a structure without having the means or will to purchase it. He also lauded the suggestion to add historic designations to property titles, which would greatly enhance the predictability of property development from the outset. Mr. Baxter thanked the Commission again for allowing the RDA to participate so actively in the plan process and expressed enthusiasm at continuing to work with the Planning Division on refining and implementing the plan, reiterating the RDA goal of implementing the city's master plans and the desire of the RDA to ensure their efforts are consistent with those plans.

Commissioner Oliver noted Mr. Baxter's concern that joint membership on the Historic Landmark Commission and a Redevelopment Agency board might violate city policy. She requested his suggestions for improving communication and resolving problems before they become a crisis. Mr. Baxter expressed this should be resolved at the staff level. He affirmed the importance of placing historic designations on property titles, which would allow developers and RDA staff involved in a project through a loan, purchase, or property development to immediately be aware of the additional regulations in play. He noted that for properties not currently located in historic districts, it is unclear whether the property may be deemed worthy of preservation or not. He cited the Regis Hotel as an example of a property which does not carry a historic designation but has incited disagreement even among elected officials to what degree, if any, it should be preserved or restored. He restated that anything that identifies such properties from the outset, either through an inventory or title search, will resolve many of the difficulties by immediately triggering discussions with preservation staff.

Commissioner Hart responded that, as a former member of the Redevelopment Advisory Committee (RAC) specifically recruited due to her background in historic preservation, it might be a good idea to have a position designated for a member of the preservation community. Vice Chairperson Lloyd concurred, noting that staff coordination is vital and expected but that the Commission is removed from the RDA goals and challenges, which may be a perception consistent with members of the RAC in regards to preservation issues.

Vice Chairperson Lloyd asked if the RDA is involved in advocacy for zoning ordinance changes. Mr. Baxter responded that the RDA does become involved as the variety of redevelopment projects and opportunities are affected. He noted that the RDA's stated intent to implement master plans conflicts with elements of the zoning code that do not mirror the master plan goals, so the RDA encourages zoning ordinance amendments that will ensure appropriate zoning that supports the master plan is in place. Mr. Baxter expressed that design guidelines also should be adopted as part of the master plan, articulated as clearly as possible in the zoning code to provide predictability for developers and the assurance that meeting those guidelines will result in expeditious approval of their projects, whatever the size. He noted that the RDA recently hosted the City Council and members of the administration on a field trip to demonstrate the benefits that come from a well-conceived and well-implemented set of design guidelines.

Vice Chairperson Lloyd noted that the RDA memorandum in the Commission packet is dated the end of February and that some updates to the Plan may have addressed some of the concerns Mr. Baxter raised and suggesting another round of review and feedback be coordinated with Ms. Zeigler. Mr. Baxter responded that he had not seen the errata nor the updated plan but would very much appreciate reviewing the changes and communicating with Ms. Zeigler.

Vice Chairperson Lloyd invited Cindy Cromer to address the Commission. [8:39:32 PM](#) Ms. Cromer identified three areas for her comments. She referenced the Peery Hotel as an example of her concerns about the RDA recommendations. She stated that the RDA may consider such properties blighted; she considers them opportunities to secure the best adaptive reuse. She expressed opposition to the RDA's request for economic hardship revisions, stating that larger developers should not have a different process than small ones. She emphasized the need to pay attention to buildings from the recent past to ensure they endure to the 50 year mark; she identified an arbitrary threshold as reckless. She expressed disappointment that more incentives for historic preservation, such as waiving acreage requirements for planned urban developments, noting that historic buildings are frequently located on oddly shaped or small parcels but most zones require large acreage to accommodate a planned urban development. She suggested that a well-developed variety of incentives would be very beneficial.

Ms. Cromer asserted that the negative language referring to the Bryant and Central City neighborhoods is extremely damaging, stressing that it will be taken out of context and used

negatively by developers to justify demolition of more buildings. She requested that the language be amended to eliminate these negative references.

**Executive Session [8:43:39 PM](#)**

Commissioner Hart identified an error on page 105 wherein the Highland Park District is listed as Salt Lake City Register and it is the National Register, not City Register.

Commissioner Oliver inquired as to what extent the Plan will continue to change, specifically whether future changes will constitute the errata only or will incorporate responses to additional comments. Ms. Zeigler confirmed there are changes in addition to the errata, as well as those raised in the meeting. She expressed belief that the RDA's comments have been addressed. Commissioner Oliver confirmed that the language regarding modern structures of the recent past will remain as written; Ms. Zeigler stated that would be up to the Commission.

Commissioner Bevins queried whether the Commission's role is now to make a recommendation to forward the Preservation Plan to the Planning Commission. Ms. Zeigler confirmed that is an option available. Commissioner Bevins stated that reading the Preservation Plan was an effective primer to the preservation process. He proposed that in addition the timeframes in the Plan, he would like to have an annual agenda item to revisit the Plan. He expressed that Commission has done its work and the Plan should now move forward in the adoption process.

Vice Chairperson Lloyd asked Ms. Zeigler about the University District and the validity of the changes proposed by Ms. Hunter. Ms. Zeigler affirmed those changes would be entirely valid. Commissioner Oliver asked about the unforeseen consequences of taking certain areas of certain districts off of the local register. Ms. Zeigler stated that she believes looking at those district boundaries would be valuable but that opinions could differ.

Vice Chairperson Lloyd concluded that the question at hand is moving the process forward by incorporating the errata into the draft and sending it to the Planning Commission or reviewing a final copy before taking that step. Commissioner Funk expressed that several of the statements made during the public comments were useful but that the Plan could be moved by giving staff the direction to include the changes in the final draft. Commissioner Hart agreed.

**MOTION [8:48:43 PM](#)**

**Commissioner Funk moved that in the case of PLNPCM2009-00171, the Citywide Historic Preservation Plan, the Historic Landmark Commission forward a positive recommendation to adopt the Plan with the inclusion of the following changes as discussed:**

- **Status and recommendations with regards to the status of the University Neighborhood (including part of the Bryant area);**
- **Softening of language for the status of blight within Central City;**
- **Errata as provided;**
- **Correction on page 105 as identified; and**

- **Inclusion of preservation incentive recommendations as sidebar suggestions.**

**Commissioner Hart seconded the motion.**

**All voted "Aye"; the motion carried.**

[8:53:18 PM](#)

Mr. Nielson suggested that the Commission send a representative to the Planning Commission to provide background as needed. Vice Chairperson Lloyd concurred, inquiring as to a possible date. Mr. Paterson confirmed it has not yet been set. Commissioner Funk asked that a final copy of the Plan be provided to the Historic Landmark Commission members prior to the Planning Commission receiving it.

Vice Chairperson Lloyd noted that he failed to recognize Commissioner Funk who received the 2009 Lucy Beth Rampton Lifetime Achievement award; the Commission extended their congratulations and applauded her achievement.

**Vice Chairperson Lloyd noted that this concluded the business of this meeting; the next meeting will be held on May 6, 2009.**

**Commissioner Hart made a motion to adjourn. [8:54:40 PM](#)**

**Commissioner Oliver seconded the motion.**

**All voted "Aye". The meeting adjourned.**



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Andrea Curtis, Acting Historic Landmark Commission Secretary