

**SALT LAKE CITY HISTORIC LANDMARK COMMISSION  
MINUTES OF THE MEETING  
Room 315, 451 South State Street  
June 3, 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 May 6, 2009.*

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The regular meeting of the Historic Landmark Commission was held on May 6, 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: David Fitzsimmons (Chairperson), Anne Oliver, Arla Funk, Polly Hart, Bill Davis, Sheleigh Harding, and Earle Bevins, III.

Planning staff present for the meeting were: Joel Paterson, Planning Manager; Robin Zeigler, Senior Preservation Planner; Janice Lew, Principal 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 David Fitzsimmons (Chairperson), Anne Oliver, Arla Funk, Polly Hart, Bill Davis, and Earle Bevins, III. Joel Paterson and Robin Zeigler attended for the Planning Division.

**FIELD TRIP 4:00 p.m. ( )**

One site was visited on the fieldtrip, Trolley Lofts. Commissioners asked questions about the proposed height, the height of Smith's, the purpose of the parapet wall, and if the Commission had determined the building to be non-contributing. Staff explained that the proposed building met all the base zoning requirements. Chairperson Fitzsimmons stated that although it was not noted on the plans, the likely reason for the high parapet wall was to screen mechanicals. Staff noted that the Commission originally determined the building to be contributing but that decision was overturned by LUAB since the building was not old enough to meet the standards of the ordinance.

**DINNER [4:35:27 PM](#)**

Janice Lew noted the first item of business is to discuss the preliminary draft of the commercial design guidelines. She introduced Phil Thomason, a consultant hired to work on this project. Ms. Lew reviewed that the Historic Landmark Commission will eventually make a

recommendation to the City Council, which has authority to approve and adopt the design guidelines. She noted that the issue will be included regularly in the monthly Planning Division Open House to elicit public comments and that a draft will also be presented to the Planning Commission for their review. Ms. Lew stated that Councilmembers Love, Christensen, and Garrott met earlier today to discuss this preliminary draft. She requested the Commissioners' input during this preliminary review and turned the time over to Mr. Thomason.

Mr. Thomason emphasized that the guidelines are a work in progress, noting that some comments have already been incorporated and others have been identified for inclusion of additional information, drawings, and photos. He recognized that the guidelines are prepared in accordance with the format and appearance of the adopted residential design guidelines: overview of architecture with specifics about styles and building forms. Mr. Thomason affirmed that a review of all commercial buildings in the overlay districts has been completed, including the neighborhood shopping areas and corner commercial buildings in areas such as University, Capitol Hill, Central City, and the Avenues. He stated that the purpose of the guidelines is to provide information to property owners with commercial buildings Downtown outside of Exchange Place.

Mr. Thomason reviewed the range of historic Downtown buildings: the 1894 Italianate/Victorian Romanesque Colin building, the 1887 Victorian Romanesque Kerrick Building, Richardsonian Romanesque building 1890, neoclassical 1899 Stock & Exchange building, high rises with Sullivanesque influence such as the 1909 McIntyre and 1911 Kearns buildings, and the 1910 Boston and Newhouse buildings. He referenced the one-part/two-part buildings make up the residential areas of commercial infill that provided neighborhood services, identifying examples from Capitol Hill of a one-part commercial building, a single story building with the storefront with a modest upper façade and a nearby restaurant building with a one-story framed wing on the north side. He shared another example from the Central City neighborhood which maintains much of the original storefront entrance. Mr. Thomason noted historic commercial buildings clustered together to provide neighborhood services and others on corners. He identified the two-part commercial structures with a storefront below and one or two stories above. He noted building material changes in buildings from the 1930s including copper and glass display windows and steel casement windows on the upper floors.

Mr. Thomason noted a larger variety of house-stores than typical in other communities. He explained these are buildings joined together, citing an example of a store building with an adjacent building used by the proprietor of the store. He noted that often the dwelling unit will be smaller in scale with additional setback from the street, also noting a remodeled structure from the 1950s with new siding materials. Mr. Thomason identified the issue of changing building materials, specifically whether or not the materials themselves are significant and should be preserved or if the building should be taken back to its original design. He recognized that such materials from the 1950s and 1960s are raising preservation questions across the nation.

Mr. Thomason referred to the buildings along South Temple from the late 1950s and 1960s that are considered contributing structures, noting architectural differences such as flat roofs and a mixture of materials, not all of which have a long life expectancy (e.g., Formica on bulkheads) and which cannot be obtained anymore. He explained that the different materials and designs are addressed in the design guidelines. He challenged the Commission to question, when considering buildings from the 1950s and 1960s, what is significant, what buildings are contributing in and of themselves, and what buildings that are not in an overlay district should receive attention for consideration of landmark status in the future.

Mr. Thomason stated that their review of design guideline elements incorporated additions, rear facades, rooftop additions, preserving and maintaining original architectural features, awnings, brickwork, nonabrasive cleaning, cornices, doors, lighting, signage, windows, retrofitting to meet American Disability Act requirements, and new construction or infill. He noted the importance of keeping original design elements and utilizing historic photographs and records to determine appropriate designs.

In addressing infill, Mr. Thomason acknowledged that most of the commercial infill occurs in the Downtown area, as other districts are primarily residential. He explained the importance of looking at the context of the neighboring structures when considering infill, acknowledging the need for communities to define a preference for infill that mimics historic design, aka replica or replica light or more contemporary but compatible designs which incorporate historic elements such as arches, windows, and building materials. He noted a Seven-Eleven store in the Avenues which picks up historic details of the neighborhood without trying to be an exact copy of a historic building, and shared examples of other more contemporary designs from Louisville and Kansas City which incorporate design elements to enhance compatibility. Mr. Thomason emphasized the need for the Commission to assess their preference for new construction in historic districts. He reviewed that design guidelines need to incorporate how to effectively handle building materials of the 1950s and 1960s, noting that revising design guidelines every 10-15 years seems to be a good approach to addressing such questions as they continue to arise. He concluded by soliciting questions and input from the Commissioners.

Commissioner Oliver identified a concern with the section dealing with roofline additions which states that “the edition be recessed sufficiently from the primary façade so it is not visible from the street.” She noted that with the width of streets in Salt Lake City, it is possible to see anything depending on where one is standing, suggesting a rephrasing that makes it possible to meet that guideline. Mr. Thomason confirmed that providing guidelines in areas which are primarily residential is particularly challenging, as such commercial buildings often can be seen from two sides. He conceded that roofline additions are not feasible for most commercial buildings in residential areas and agreed to consider language that would soften roofline additions in residential areas. Chairperson Fitzsimmons suggested language which preserves scale and mass of the façade rather than addressing visibility. Commissioner Oliver expressed appreciation for language which encourages such additions to be smaller and simpler in design and suggested that be repeated throughout the guidelines.

Chairperson Fitzsimmons inquired how Mr. Thomason suggests addressing issues of the scale of an addition compared to the scale of the existing structure. Mr. Thomason responded that commercial additions are usually seen as 1/3 of the size of the overall footprint of the historic building, with design based on established standards that express a preference for contemporary designs with historic elements that identify it as a modern addition or for recreating historic buildings. He noted that some communities establish set percentages for addition size while others review each case individually, factoring in location (midblock versus corner).

Commissioner Oliver queried whether residential or commercial guidelines should apply to homes in commercially zoned areas. Mr. Thomason clarified that if the historic use is a residence, it should be reviewed under residential guidelines. However, if a conversion has occurred, such as adding a storefront, then commercial storefront standards can be used. He stated that typically residential guidelines are applied to any residential building that is redone into offices or commercial use. Commissioner Oliver noted a number of houses which have been converted to commercial uses and suggested that the code clarify which guidelines will apply to such structures.

Chairperson Fitzsimmons noted references to post-war redecoration of old façades which are becoming historic and questioned the best way to assess or require assessment of the condition of what is underneath. Mr. Thomason noted examples of such assessment in the Downtown area. Chairperson Fitzsimmons recognized that larger commercial owners may be able to do that type of work but questioned the ability smaller owners to make that commitment. Ms. Lew noted an example on South Temple with a front façade from the 1950s which the property owner got listed on the National Register. Chairperson Fitzsimmons noted that this issue, along with infill, requires determination of whether replicating the original historic structures is better than more honest modern expressions that clearly differential newer structures. Mr. Thomason confirmed that communities are trending toward appropriate contemporary design that either blends well as infill or additions that speak of the present. He noted that architects are coming of age with the historic preservation movement and have exhibited greater sensitivity over the last 10-15 years regarding designing buildings that respect the historic context in which they are being placed.

Commissioner Davis inquired whether the city provides a resource that identifies contractors who specialize in historic preservation. Mr. Thomason replied that some nonprofit organizations maintain lists of contractors with experience in historic preservation who are referred to them by property owners. He explained that some cities are moving toward certification programs that require a certain level of yearly training provided by the state preservation offices or historic architects. Ms. Lew confirmed that no such lists are maintained for Salt Lake City; Commissioner Oliver indicated she would share the suggestion with the State Historic Preservation offices.

Commissioner Oliver queried whether variances for required parking for historic commercial buildings are provided for in city code. Mr. Paterson noted that many structures are legal non-

complying in that they were created prior to the imposition of current parking standards and thus can legally maintain the current use with the current parking. He noted that a change of use might require additional parking, explaining that zones such as mixed-use zones have a process to allow exemptions of required parking for a certain number of square footage, pedestrian improvements, etc. Commissioner Davis inquired whether the recent ordinance passed by the City Council waives parking requirements for neighborhood businesses. Mr. Paterson explained the adopted ordinance allows for the exemption of up to 3,500 square feet of floor area based on certain improvements which benefit pedestrians, noting that for many small businesses the exemption would eliminate the need for all parking. Commissioner Davis asked if the exemption is an administrative decision or requires formal hearings. Mr. Paterson confirmed that if the standards are met, the exemption can be approved administratively.

Commissioner Oliver requested that the paragraph on solar panels under design standards for mechanical equipment be expanded. Mr. Thomason confirmed that additions to this part of the guidelines are planned. Chairperson Fitzsimmons asked whether multiple systems would be included. In response to Mr. Thomason's explanation that exterior systems, e.g., solar shingles, are covered, Chairperson Fitzsimmons suggested that images be added to the guidelines.

Chairperson Fitzsimmons solicited general comments from the Commissioners. No additional comments were made. Ms. Lew asked if the Commission would like further discussion regarding the contents of the design guidelines in a work session, clarifying that the finalized guidelines would be formally presented to the Commission for their recommendation to the City Council. It was agreed additional comments would be emailed to Ms. Lew and that the guidelines would be scheduled at a future briefing.

**MEETING CALLED TO ORDER [5:48:06 PM](#)**

**COMMENTS TO THE COMMISSION [5:59:28 PM](#)**

Cindy Cromer requested that the Commission write to the Mayor and City Council regarding the proposal to declare Garfield School surplus property. She emphasized her commitment to preservation of historic schools and urged the administration to attach protections for the historic structure known as the Garfield School if it leave city ownership, noting the Planning Commission also recommended its preservation.

**APPROVAL OF THE MINUTES FROM MAY 6, 2009 [5:53:07 PM](#)**

**Commissioner Bevins made a motion to approve the minutes as presented. Commissioner Davis seconded the motion. Commissioner Harding abstained as she was not present at the May 2009 meeting. All others voted "Aye". The motion carried unanimously.**

**PRESENTATION & DISCUSSION**

Korral Broschinsky presented the results of the intensive level survey conducted for the area of the proposed expansion of the University Historic District. She identified that such a survey

includes individual research on buildings and differs from a reconnaissance level survey, which estimates construction dates and builds a database. She stated that she selected 237 properties for deeper research, including tracing past ownership, more exact construction date, and a compilation of the structure's general history. Ms. Broschinsky referred to the map provided with the packets, identifying the area for the survey as a section of the Bryant neighborhood from 700-1100 East and South Temple to the 400/500 South s-curve corridor. She stated the Bryant neighborhood was part of a boundary increase to the Central City Historic District in 2001; in 2002 the Bennion-Douglas neighborhood to the south was added to create the large Salt Lake City eastside historic district. She clarified that the project area is the easternmost side from 900 East to 1100 East, bordering the University Historic District at 1100 East. She noted the odd shaped boundaries of the area aimed to eliminate later commercial development that encroached in the area. Ms. Broschinsky stated that the area had never been researched at the intensive level, noting that many of the buildings had site forms but only 2-3% had more than a sentence of included history. She identified that a reconnaissance level survey of the area was completed in 1995 but has not been updated.

Ms. Broschinsky identified the objectives of the intensive survey:

- Evaluate the project area for a possible expansion of the city's University Historic District, and
- Enable Planning Commission and Historic Landmark Commission to make preservation planning decisions for the area whether or not the area becomes part of the University district.

She observed that she had been commissioned to perform 235 intensive level surveys. She outlined her methodology, stating that the State's database for this area includes 388 addresses. She noted that approximately 24 were eliminated as demolished or duplicates, leaving 298 eligible for the National Register in 1995, according to the reconnaissance level survey, not counting historic buildings which had been altered or were out of period (later than 1955). Ms. Broschinsky stated that two buildings are listed on the National Register as individual buildings, as well as a few registered by Salt Lake City and one on the State of Utah register which had already been documented. She noted that three student papers were done on buildings in the area, and 26 properties were documented with intensive level surveys in 1998 prior to the start of the National Register process for the area. She admitted having a difficult time narrowing the options to 235 structures; pulling tax cards and photos for all the buildings built before 1960 allowed her to compare photos and evaluate what changes had been made to a house. She then prioritized homes constructed between 1890 and 1946, the period of significance for the National Register nomination, 1870-1946, then chose a few representative properties from the late 1940s and 1950s.

Ms. Broschinsky referenced a breakdown of the database information:

- 31 A buildings (eligible or significant buildings)
- 267 B buildings (eligible contributing to the district)
- 48 ineligible and noncontributing properties, and
- 42 out of period properties.

She stated that the breakdown ratio remains fairly constant. She next offered a breakdown by decade from the 1995 reconnaissance level survey and explained that she would review the survey results by decade based on the contextual periods identified in the National Register.

Ms. Broschinsky reviewed her findings in the intensive level survey with photos and examples from the contextual period in the original National Register application, as follows:

- Initial Settlement: 1847-1869
- Transition: 1870-1900
- Mature Community: 1900-1925
- Depression & Decline: 1923-1955
- Erosion of Residential Character: 1955-1995
- Preservation Efforts: 1995-2009

She stated that there are few resources available from the Initial Settlement period; the examples shared were all from the flat part of the project area from 900-1100 East. Building during the Transition period followed what was already in place, e.g. Holy Cross Hospital and the brewery on the corner of 400 South 1000 East. She noted that on blocks without commercial or institutional development numerous inner-block streets were developed with numerous residences.

Ms. Broschinsky affirmed that the Mature Community period saw increased activity in tract housing and infill housing resulting from subdivision of pioneer family lots. She admitted expecting differences in the architectural and social history of the area between Plat B, the flat part, and Plat F, which has a steeper grade and is nearer the University. She revealed that the change was actually drawn more east-west along 300 South, the traditional division between the LDS 10<sup>th</sup> and 11<sup>th</sup> wards. The area south of 300 South was dominated by a few families who owned most of the land and divided it among their progeny. Ms. Broschinsky also noted that speculative development occurred during this period, specifically among three developers:

- Anderson Real Estate Company, active between 1902 and 1907, primarily along 100 South;
- Halloran Judge Trust-Adamson Brothers, a collaboration which generated Barber Place (previously documented) and a large development of bungalow tract housing where the old brewery ice ponds were filled in, as well as along 1100 East; and
- Howard J. McKeen, who built smaller bungalows and period cottages.

Ms. Broschinsky identified that she did not find much economic decline in the structures built during the Depression and Decline period. Most of the homes were infill, often with cottages replacing adobe frame houses on the same lots. Narrow lots dictated the size of much of the residences built in this period. She stated a high percentage of apartment conversions occurred during the mid to late 1930s, later than in the Capitol Hill area. She identified that apartment blocks with more eclectic design became more common during this period.

Ms. Broschinsky stated that although the period from 1955-1995 is called 'Erosion of Residential Character,' there actually was not a great deal of erosion except on the periphery of

the project area. Some larger apartment blocks were built on large parcels that had not been fully developed; little wholesale demolition occurred. She referenced photographs, noting that the primary effort is maintaining what is there. Much of the newly built infill has tried to maintain the residential character of the district in design and size.

In evaluating whether the project area should be included in the University Historic District, Ms. Broschinsky concluded that there are ties between the two neighborhoods. The architectural styles of the Bryant area, described as a transition area between University and Central City Historic Districts, and the University area are similarly eclectic, although Ms. Broschinsky acknowledged a significant difference in the types of inner-court development. Other ties are also found in the institutions and the people. The churches people attended (residence in one area, church in another) and the number of non-educator University of Utah employees who lived in the project area. She affirmed that the case could be made that the project area is tied to the University Historic District.

Ms. Broschinsky asserted that the Commission and Staff need to determine whether or not to update the database maintained by the State Historic Preservation Office. She confirmed that Cory Jensen anticipates that will be done but explained that shifting some structures from B to C or C to B status could change the National Register status of buildings already listed, which may affect resource eligibility. She suggested it would be worth updating the database to allow property owners to take advantage of tax credit programs.

Ms. Broschinsky's recommendations for the project area and how to evaluate City landmark status include:

- Completing intensive level surveys for some buildings, to be done as budget allows or on an as-needed basis when issues arise in the Planning Division;
- Determining how National Register eligibility will affect City landmark eligibility if the proposed expansion is adopted; and
- Assessing the impact of nearly 300 buildings potentially needing design review if the University District is expanded.

Ms. Broschinsky concluded her presentation by thanking the Commission and Planning Division staff for allowing her the opportunity to get to know the neighborhood, people, and architectural resources.

**Questions by the Commission [6:25:07 PM](#)**

Chairperson Fitzsimmons complemented Ms. Broschinsky on her work and expressed support for additional consideration of adding this project area to the University District. Commissioner Funk inquired as to the availability of the \$80,000 appropriated for this study. Ms. Zeigler confirmed that the funds were utilized to pay for Ms. Broschinsky's work. Mr. Sommerkorn noted that any additional funds which might have been carried over from previous budget years were absorbed to mitigate budget shortfalls resulting from the current economic climate. In response to an inquiry from Chairperson Fitzsimmons, Ms. Zeigler confirmed that no Commission action is needed at this time; this and other surveys and potential historic districts



are addressed in the Preservation Plan. Once that Plan is adopted, Planning staff and the Commission will evaluate the districts and prioritize the workload.

**Public Comment** [6:29:16 PM](#)

Chairperson Fitzsimmons invited Esther Hunter to address the Commission.

Ms. Hunter asserted that the funds Commissioner Funk inquired about were for the survey being discussed. She stated that the reason for the survey was to address staff time; if the intensive level survey were not completed, staff would have the extra burden of completing one building by building as need demands. Ms. Hunter stressed that, in her role of representing the University Neighborhood Council Board and those who petitioned the City Council for this survey, it is important that the survey not be relegated to the bottom of the priority list. She requested that the Commission recommend forwarding the inclusion of the Bryant area in the University Historic District to avoid the disservice of additional delays for the residents who have patiently waited for the survey to be completed.

**Executive Session** [6:31:43 PM](#)

Commissioner Funk inquired if there were other areas for historic district consideration that have had intensive level surveys completed. Ms. Zeigler confirmed there are, stressing that the issue is not the amount of time needed to conduct research on a property but the availability of staff to process applications. Responding to questions from Commissioner Funk and Chairperson Fitzsimmons, Ms. Zeigler acknowledged that all of those areas mentioned in the Preservation Plan are potential areas for designation and that the Commission will need to review the list and make a recommendation about the priorities after the Plan is adopted. Commissioner Funk expressed discomfort with making that decision without additional information regarding other pending projects. Mr. Sommerkorn concurred, noting that a prioritization of workload within the Division has been completed, including preservation planning items such as the economic hardship ordinance and the Preservation Plan. He acknowledged other work, such as expanding existing districts, has not been factored in. He explained that will occur with the addition of the proposed new staff member. He cautioned that the Mayor sets the final priorities for the Division but assured the Commission that their input and that of the Planning Commission figures strongly in those final recommendations. Chairperson Fitzsimmons requested that this be calendared on the agenda in a few months after budget decisions have been made.

Commissioner Bevins asked if other intensive level surveys are “hanging out” waiting for the city to act on them and what the lifespan of a survey is. Ms. Zeigler reiterated that other surveys have been done and will be discussed after adoption of the Preservation Plan, adding that surveys are always of value but typically should be updated every 10-15 years.

**PLNHLC2009-00481 - Trolley Lofts** [6:36:42 PM](#)

A request by HuntPark Development, LLC, owner, for a two-story rooftop addition at approximately 540 East 500 South in the Central City Historic District. The property is zoned

RMF-35 and RO and is located in City Council District 4, represented by Luke Garrott. (Staff contact: Robin Zeigler, 535-7758, [robin.zeigler@slcgov.com](mailto:robin.zeigler@slcgov.com))

**Staff Presentation** [6:37:05 PM](#)

Ms. Zeigler passed materials around for the Commissioners to view while discussing the petition. She identified that demolition of the structure was approved in May 2008 to be replaced with new construction of a four-story building. In May 2009 the Commission extended the approval. She clarified that the size of the addition is what brings the project to the Commission tonight.

Ms. Zeigler emphasized that because the building is non-contributing, the staff evaluation is based on how the project affects the neighborhood rather than the structure itself. She acknowledged there is little historic fabric immediately around the building, except perhaps the Formalist style building next to it, which is also non-contributing. She explained that the applicant proposes a two-story addition with 28 residential units and 16 office suites. The proposal meets all base zoning regulations.

**Applicant Presentation** [6:40:06 PM](#)

Chairperson Fitzsimmons invited the applicant to address the Commission.

Eric Richardson introduced himself as the owner, identifying Russ Platt (also present) as the project architect. Mr. Richardson expressed appreciation to the Commission for their continued consideration of the proposal, which has come before them multiple times. He emphasized the desire to bring something into the community that is appropriate, to scale, and also saves the original building rather than demolishing it as originally planned.

**Questions by the Commission** [6:41:14 PM](#)

Chairperson Fitzsimmons inquired if the square footage would be doubled from the current structure. Mr. Richardson clarified it is a 16,000 square foot building, roughly 5,500 square feet per floor on the three existing floors. Two more floors are proposed, slightly less than doubling the existing space. He noted that the building footprint is maintained with the exception of a cantilever over the rear parking area. Mr. Richardson provided clarification of the accessibility of balconies, use of parapet walls to screen condenser units, original building height, and original footprint in response to Commissioners' questions.

**Public Comments** [6:45:03 PM](#)

Chairperson Fitzsimmons invited Cindy Cromer to address the Commission.

Ms. Cromer recognized progress regarding process that has occurred over the life of this project and asked that the Commission retrace and document the steps taken to provide guidelines for future projects with similar needs. She noted that developers in this area of the city anticipate densities that are not consistent with the historic character of the neighborhood and lack guidelines about what the Commission would like to see, particularly for multi-unit housing. She complimented the applicant on their work to change the original proposal to something more palatable and reiterated her request that the Commission review the project process, identify the shifts in design, and document that process.

**Applicant Response [6:47:23 PM](#)**

Mr. Richardson expressed appreciation for the comment and acknowledged the process has been a learning experience to determine what is the best fit for the neighborhood. He stated their hope that the new proposal is more pleasing in the character of its design, saving of the original building, and fit with the neighborhood.

**Executive Session [6:48:09 PM](#)**

Chairperson Fitzsimmons expressed approval of the new smaller scale and the preservation of the existing structure. Commissioner Harding stated that she was troubled by the roofline along the front and side elevations and asked for comments from the architects on the Commission. Chairperson Fitzsimmons reminded the Commissioners that the role of the Commission is not to object to the style; he contended that he could not see what else could be done based on the strength of the character of the existing building. He expressed his opinion that the design is a big improvement; Commissioner Hart agreed.

Commissioner Oliver expressed concern with standard 21A.34.02H – Scale and Form. She acknowledged the smaller footprint but asserted the addition overwhelms the original building, while recognizing that structure is nonconforming. She conceded that nothing in the ordinance disallows the proposed design. Discussion regarding the design of the proposed structure and roofline included suggestions regarding possible changes to the roofline and a preference that the building height be lowered. Mr. Paterson confirmed, in response to an inquiry from Chairperson Fitzsimmons, that the proposed height and number of floors are in compliance with the zoning ordinance.

**MOTION [6:59:02 PM](#)**

**Commissioner Funk prefaced her motion by reiterating that she does not like the proposed height, as discussed previously, but recognizes the Commission is not empowered to single that issue out of the entire ordinance. She then moved that in the case of PLNHLC2009-00481 the Commission approve the application as submitted based on the findings of fact outlined in the staff report.**

**Commissioner Hart seconded the motion.**

**Commissioners Funk, Hart, Davis, and Bevins voted aye; Commissioners Harding and Oliver voted nay. The motion carried.**

**Commissioner Funk referenced Ms. Cromer’s recommendation regarding review of the standards for this area and requested they be better defined to avoid similar issues in the future.**

**REPORT OF THE CHAIR AND VICE CHAIR [7:00:28 PM](#)**

Chairperson Fitzsimmons noted that a new Chair will be elected by the Commission in August, acceding that he would consider to serve on the Commission until he is replaced as directed by Assistant Planning Director Pat Comarell. He stated he would chair the August meeting long enough to conduct the election.

**REPORT OF THE PLANNING DIRECTOR [7:01:04 PM](#)**

None.

**OTHER BUSINESS: ECONOMIC HARDSHIP REVIEW [7:01:15 PM](#)**

Chairperson Fitzsimmons stated that the meeting in May did not allow for the discussion of the Economic Hardship Subcommittee report to be concluded and invited Ms. Zeigler to resume the presentation to the Commission.

Ms. Zeigler noted that no email comments had been received since the previous meeting. She explained that the City Attorney's Office had agreed that the current owner is responsible for the condition a property is purchased in and inquired if the Commission would like the language changed from "current owner" to "owner" (see page 16 of the report). Discussion of the Commission included debate regarding the potential impacts of the proposed language on property transactions. In response to Commission questions, Mr. Pace suggested consideration of a "reach back" time period such as 10 years for determining owner responsibility. Commissioners questioned the impacts of "willful neglect" language that may hinder property transactions or reward undesirable behavior by encouraging demolition. The discussion concluded with Chairperson Fitzsimmons requesting that the Commissioners individually consider their views and submit possible language to Ms. Zeigler to attempt to reconcile the opposing and confusing issues raised.

Ms. Zeigler reviewed confusion regarding the value of deferring an economic hardship decision. The Commission expressed a preference for a 12 month deferral, noting the rarity of this request being made.

Ms. Zeigler raised the issue regarding the decision-making process and group makeup for economic hardship petitions, clarifying that the current process provides for a panel of three people: one selected by the petitioner, one by the Commission, and the third a mutually agreed upon third party. She reiterated that at the point of economic hardship, the Commission has already made a decision that the subject structure should be preserved, emphasizing the purpose of the economic hardship processes is primarily to provide protection for the City by determining if that decision effectively results in a land taking. She noted that, at this time, the Commission must abide by the panel's decision unless a determination can be made that the panel erred in some way. She identified options previously discussed of utilizing a hearing officer or an expert. She emphasized the decision being evaluated is a financial decision, not a preservation or land use issue, and requires expertise in financial matters. Ms. Zeigler noted that one city utilizes a committee of city employees such as Property Value Assessor, City

Attorney, and one other which reviews the decision made by the Commission to ascertain if it constitutes a taking.

The Commissioners discussed possible options including appointing an advisor to make recommendations to the Commission regarding economic hardship and convening a panel to examine each case individually. Mr. Sommerkorn and Mr. Pace noted that because the Historic Landmark Commission has already ruled the structure should be preserved, requiring that the decision of the economic hardship review panel be re-presented to the Commission allows for a perception of bias. Suggestions debated included appointing a Commissioner or designating a staff member to participate on the review panel. The Commissioners agreed the current three-party panel has not worked and suggested various other configurations. Recognizing the panel deals with issues that are politically volatile and have legal ramifications, it was deemed to be desirable not to rely on volunteers. The Commission expressed concerns that economic review may not recognize potential economic solutions apparent to a preservation-oriented expert. Discussion ensued regarding the merits of participation by persons with financial, legal, and preservation expertise. The Commission concluded by recommending the following:

- A review panel composed of five people:
  - Three city employees with relevant expertise, e.g., City Attorney, Property Valuation Manager, and Financial Analyst;
  - A preservation expert designated by the Commission; and
  - An expert chosen by the applicant;
- All five members of the panel will have voting authority; and
- Decisions of the panel will not be returned to the Commission for a confirming vote.

The Commission also discussed the potential appeal process for decisions made by the panel. Mr. Paterson and Mr. Pace confirmed that Historic Landmark Commission decisions are currently appealed to the Land Use Appeals Board, which reviews the decision only for errors in procedure or decisions that are unsupported by the evidence presented. The Commissioners discussed the merits of an internal appeal process, concluding that decisions of the economic hardship review panel should be appealed to the Land Use Appeals Board, which has a limited scope of review and cannot overturn the panel's decision except in case of error.

Commissioner Funk requested clarification regarding the demolition permit process for the Redevelopment Agency and suggested that demolition permits not be issued or made active until building permits for the proposed project have been received. She emphasized that demolition should not occur based on the posting of a landscape bond or approval of plans. Mr. Sommerkorn confirmed that is currently in place.

Commissioner Funk referred to page 17 and requested that item 1 under "bona fide preservation effort" be changed from "marketing the property for sale or lease" to include "at a competitive price". Ms. Zeigler noted that has been included. Commissioner Funk referred to page 20, item C2 which reads in part, "reasonableness of the price or rent sought by the applicant" and inquired how that will be determined. Mr. Sommerkorn noted that a panel of experts has made that decision in the past. The Commission discussed various sources which

publish average rents and requested that a specific source be included rather than the reference to “reasonableness.”

Commissioner Hart requested that a time limit be included for landscaping as an acceptable reuse plan. Mr. Sommerkorn assured the Commission that the City Council has engaged a consultant to modify the demolition ordinance, acknowledging that he could not recall the specific timeframe proposed but asserting the suggestion is part of the modification process.

**MOTION** [7:58:22 PM](#)

**Commissioner Funk moved that the Commission submit a letter to the Mayor recommending protection for the Garfield School, that it not be torn down and that its historic value be preserved.**

**Commissioner Hart seconded the motion.**

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

Chairperson Fitzsimmons called for a five minute break. [8:00:09 PM](#)

Chairperson Fitzsimmons called the meeting to order. [8:05:43 PM](#)

**OTHER BUSINESS: ORDINANCE FINE TUNING** [8:05:46 PM](#)

Chairperson Fitzsimmons introduced the final agenda item, discussion of the historic overlay ordinance fine tuning process and invited Ms. Zeigler to report.

Ms. Zeigler stated that Planning staff has tracked issues that have arisen with the ordinance over the past 12-18 months; she explained the discussion at hand is a preliminary discussion designed to ensure staff is considering changes the Commission may wish to make. She requested input from the Commissioners as she reviewed a preliminary list of issues.

Ms. Zeigler stated the ordinance states that all appeals of administrative decisions go to the Board of Adjustment; staff intends to clarify that an administrative decision should instead be appealed to the Historic Landmark Commission. The Commissioners concurred.

Ms. Zeigler explained that Commission membership, currently set at 15, is recommended to change to nine. Discussion of the required composition of the Commission concluded with the following recommendations:

- Three of the members be required to reside or own property in a historic preservation district, each from different preservation district;
- The remaining six Commissioners will meet the other requirements for expertise, per the current ordinance;
- At least two Commission members will have professional preservation-related experience in:

- Architecture
- History
- Public history
- Archeology
- Architectural history
- Construction
- Folk studies
- At least one member will be a real estate broker or have experience with real estate appraisal; and
- The Commission will not have alternates.

Ms. Zeigler identified the City Attorney's Office recommendation that the Commission's committees be defined in the ordinance, including the name, purpose, make up, meeting schedule, requirements for participation, etc. She requested that the Commissioners submit or email comments to her. Commissioner Oliver suggested a Special Projects Committee be included which would address new issues such as solar panels, economic hardship, etc., noting that a loose definition provides for additional flexibility. Discussion about the Architectural Committee identified concerns about the need to closely define the role of that committee. The City Council and Planning Commission have expressed concern that the Architectural Review Committee assumes the role of staff, that Commission members who provide advice also rule on the project, and that applicants receive direction that may not be approved by the whole Commission. The suggestion was submitted that the Architectural Review Committee be offered as an option at the request of the applicant with no guarantees as to the outcome.

Ms. Zeigler advanced the recommendation of removing the requirement to save audio recordings for 60 days, which was based on State law. The proposal is to eliminate repetition of State law and simply require adherence to State law, which allows for changes in State law without requiring a city ordinance change. Staff also recommends removal of the option for a Commissioner with a conflict to participate in the public hearing and decision-making. Discussion regarding removal of the section of the ordinance that allows for removal of Commissioners, as this is under the purview of the mayor resulted in the suggestion that a the formal process for writing letters of recommended action be retained.

Ms. Zeigler emphasized the need for strong definitions, such as compatible, historic context, historic preservation, design guidelines, Historic Landmark Commission policy document, significance, etc. Commissioner Oliver suggested including "something a good representation of its type but not otherwise significant or important" as other definitions of significance are prefaced with "important" (e.g., event, construction, design, etc.).

Ms. Zeigler noted that current standards for a contributing structures and a landmark site are the same; staff advises separating them as they are dealt with in slightly different ways. She acknowledged that another proposed change, consideration of removing or lowering the 50 year guideline, may need further discussion. If the Commission prefers not to lower the 50 year guideline, staff advocates changing the language from "**and** be at least 50 years old" to "**or** be

50 years old” to allow the Commission means to preserve buildings that might currently be deemed non-contributing simply because they do not meet the age requirement.

Ms. Zeigler explained that adding a requirement for a survey in order to create a district be included in the ordinance; it is the current practice and policy but is not stated. She also suggested changes to clarify the process for designation as a historic preservation district, specifically identifying at what point a petition is initiated – prior to the Commission designation of boundaries or after? Commissioner Hart requested that the required survey be accepted by the State Historic Preservation Office to ensure a certain acceptable standard.

Ms. Zeigler identified that Certificates of Appropriateness currently have no expiration date, explaining that staff proposes the Certificate of Appropriateness be tied to the time period for which the associated building permit is valid. She also noted that there is currently no adoption process for design guidelines and other review tools, such as a policy document; staff recommends adding procedures for adoption. Ms. Zeigler referenced standard 10 of 21A.34.020G, which discusses permitted materials, and explained that staff advocates referencing material issues in the design guidelines rather than city code so that the Commission can more easily address needed changes. She concluded by requesting that the Commissioners consider additional areas to be addressed and submit their suggestions to her via email or at future meetings. Mr. Pace advised clarifying confusion regarding who is and is not a voting member of the Commission for purposes of constituting a quorum and for constituting a decision of the quorum; he acknowledged the guidelines are in the Policy and Procedures document but counseled they be reviewed and included in the ordinance. The Commission accepted his suggestion.

**Chairperson Fitzsimmons noted that this concluded the business of this meeting; the next meeting will be held on July 1, 2009.**

**Commissioner Hart made a motion to adjourn. [8:24:58 PM](#)**

**Commissioner Harding seconded the motion. All voted “Aye”. The meeting adjourned.**



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Andrea Curtis, Acting Historic Landmark Commission Secretary