

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

If you are viewing a hard copy of the minutes and would like to view the attached materials and listen to audio excerpts of the record, please go to:

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

To download the FTR player and listen to audio excerpts from the record if you are already viewing this document on the worldwide web, click [here](#).

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), Warren Lloyd (Vice Chairperson), Arla Funk, Creed Hammond, Polly Hart, Bill Davis, and Earle Bevins, III.

Planning staff present for the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Robin Zeigler, Senior Preservation Planner; Janice Lew, Principal Planner; Nick Britton, Principal Planner; Ray Milliner, 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), Warren Lloyd (Vice Chairperson), Creed Hammond, Polly Hart, Bill Davis, and Earle Bevins, III. Joel Paterson, Robin Zeigler, Janice Lew, and Ray Milliner attended for the Planning Division.

FIELD TRIP 4:00 p.m. ()

On the fieldtrip, the Commission first visited Reservoir Park (PLNHLC2009-00152). Staff provided an overview of the project. There were no questions.

The second stop was 175 North Virginia Street (PLNHLC2009-00385). Staff provided an overview of the project, which includes replacement windows and a rear addition. Staff clarified that some windows were replaced a few years ago but that the windows requested to be replaced at this time are original to the home. Staff is recommending the addition be approved but not the replacement windows. Commissioner Hammond asked if there were appropriate new windows. Staff explained that there were but that the design guidelines recommend repair before replacement and these windows did not seem to be good candidates for replacement. There were no questions about the addition.

The third stop was 361 E Fourth Avenue (PLNHLC2009-00046). The Commissioners asked multiple questions about the height of existing walls, the condition of existing materials, total square footage, setbacks, and the proposed design. Staff explained that a building permit was issued in 1997. The property owner started construction but did not finish. The building permit expired and when the property owner returned for a new permit, the ordinance had changed. The original design no longer met the ordinance. The property owner redesigned the garage to meet current code; however, it is still too tall. The property owner is requesting the additional height be approved. In addition to visiting the specific site, the Commission drove around the block to view other flat roof garages in the neighborhood.

The final stop of the field trip was a brief tour of the Euclid Neighborhood.

DINNER 5:08:35 PM

Chairperson Fitzsimmons asked that the planned discussion regarding solar collectors be postponed to allow the Commission to address issues arising from recent activity in the Yalecrest neighborhood, and then asked Vice Chairperson Lloyd to present information about how the Historic Landmark Commission could become involved in those issues. Vice Chairperson Lloyd stated the importance of the Commission's understanding the issues in Yalecrest, although the area is not a local preservation district and thus not under the purview of the Commission. He referred to a recent demolition that has galvanized the neighborhood to discuss additional tools for preventing demolitions. He noted that the Yalecrest district was listed in the National Register of Historic Places in the fall of 2008 but that designation did nothing to change zoning. He recognized that the district operates under the Compatible Infill Overlay District and queried the Commission as to what the role of the Commission should be in the discussion regarding options for the neighborhood, which include modification of the compatible infill ordinance, a limited conservation district, or a full local historic district.

Commissioner Hart expressed her support for Yalecrest, among other neighborhoods, becoming a local historic district but recognized that a shortage of staff resources would make such an undertaking very difficult and add to the already overloaded list of priorities. She expressed that having few local historic districts essentially punishes other neighborhoods by creating an implication they are not as important.

Vice Chairperson Lloyd declared that the Yalecrest Overlay already requires a significant amount of staff resources to administer and asked Mr. Sommerkorn if there were a way for the Commission to participate in the administration and review in that district without creating a significant increase in staff workload. Mr. Sommerkorn responded that an ordinance change would be required in order for the Commission to have a role in development issues in Yalecrest, which could easily be written but would require significant staff involvement to shepherd it through the adoption process. He emphasized that administering existing preservation areas tasks staff resources to the maximum; additional staff would be needed in order to do more.

Vice Chairperson Lloyd inquired about an unwritten city policy to not create additional overlay protection districts and whether this is a budget issue. Mr. Paterson clarified that the city did not anticipate creating new preservation districts until the Preservation Plan was finalized and adopted, as it would provide guidance for future city priorities. Mr. Sommerkorn confirmed that additional preservation districts would severely tax staff resources. He noted that the Mayor's proposed budget for FY09-10 includes an additional historic planner; although the specific responsibilities of that planner have not yet been confirmed, the Planning Division anticipates that he/she will assist with implementing the recommendations in the Preservation Plan, which is scheduled to go before the Planning Commission in May. Mr. Sommerkorn emphasized that the budget has not been finalized and discussions between the Mayor's Office and City Council are ongoing.

Commissioner Hart stated that her understanding was that the additional staff person would be hired to take over activities formerly contracted out, since the City plans to no longer contract out surveys. Mr. Sommerkorn indicated that was the proposal for FY08-09; he emphasized that the Mayor's budget for FY09-10 recommends an additional historic preservation planner but the specific responsibilities of that planner are still being discussed by the Mayor's Office and City Council.

Vice Chairperson Lloyd stated that, although the work session is not a public hearing or discussion, Lisette Gibson, Yalecrest Community Council Chair, and Kurt Huffaker from the Utah Heritage Foundation, are present. He proposed that the Commission create a subcommittee to formally interact with Yalecrest as a method of keeping the Commission apprised of developments in that area, noting that the Community Council meeting for Yalecrest conflicts with the regular Historic Landmark Commission meetings.

Vice Chairperson Lloyd agreed with Commissioner Hart's assessment that some neighborhoods receive a disproportionate amount of attention, concluding that results in part from the level of community activism in those neighborhoods.

Chairperson Fitzsimmons suggested the Commission request seeking representation through an official request to the Mayor's Office. Vice Chairperson Lloyd indicated his willingness to participate and agreed to draft some parameters, goals, and a general timeframe for the subcommittee, which will he will bring back to the Commission next month for further discussion.

Commissioner Bevins queried how long the recent Forest Dale survey took to complete. Ms. Zeigler responded that it had been completed by Transportation as part of the I-80 mitigation but she believes it took 12-18 months. Commissioner Bevins asked if a single person had been focused on the project; Ms. Zeigler clarified a single company had done the work.

Chairperson Fitzsimmons referred the Commission to Cindy Cromer's memorandum regarding the formation of a Parks, Trails, and Urban Forestry Advisory Board that was to have been presented to the City Council on May 5, 2009; Ms. Cromer indicated that the Commission might

be interested in determining a method of coordination on issues of mutual interest. Mr. Sommerkorn confirmed that he and the management team are addressing communication between all boards/commissions and city departments/divisions.

Chairperson Fitzsimmons requested the report from the Economic Hardship Committee. Ms. Zeigler referred the Commission to the report memo and indicated only new items or issues the Committee seeks input from the full Commission would be discussed. She identified a change on page 15 of the report, citing removal of the second standard for demolition because it discusses economic hardship, which cannot be applied for until demolition has been denied, and including a standard which may provide for demolition should a building no longer have physical integrity. Commissioner Funk asked for a definition of physical integrity. Ms. Zeigler responded it refers to a building being intact. Chairperson Fitzsimmons inquired whether habitability or structural integrity were applicable. Ms. Zeigler clarified that habitability would not be an appropriate standard but that the Commission could change the wording to structural integrity, if preferred. Commissioner Funk expressed that structural integrity would be preferable to physical integrity.

Commissioner Hart identified a concern regarding specification of 'current owner,' noting that someone may willfully neglect a property and then passes the title to a sibling or spouse who then applies for economic hardship. She indicated that 'any owner' would be preferable. Ms. Zeigler expressed uncertainty about the legality of holding one party responsible for something another party did. Commissioner Hart requested that Mr. Nielson be consulted and the change be made if possible. Commissioner Hayward referenced a property vacant for 12 years that four owners have purchased the property under the state's "buyer beware" regulations without awareness of requirements. Mr. Sommerkorn posed a possibility of incorporating language such as 'should the city become aware of' or 'suspects that willful neglect is taking place' some type of encumbrance can be recorded on the property deed, which would notify potential subsequent owners. Ms. Zeigler noted that the Preservation Plan recommends adoption of a 'demolition by neglect' ordinance.

Ms. Zeigler referred the Commission to a change at the top of page 17 which allows the deferral of a decision for up to one year, stating that the Committee requested input from the Commission about changing this to a six month deferral. Commissioner Funk asked the intent of the deferral time; Ms. Zeigler clarified that the Commission can defer a decision for up to six months or one year in order to allow the owner time to sell the property or find a way to rehabilitate it. Chairperson Fitzsimmons referenced the Marmalade project, where little feedback or progress was reported during the deferral period. He expressed that the time period seems to make little difference if the owner has no interest in pursuing options, although a year allows the potential for market changes to occur and may provide added incentive for an owner to consider other options. Ms. Lew noted that the ordinance could be written to include deferrals so that property owners must put properties up for sale.

Commissioner Bevins inquired how section M, numbers 1-4, act to preserve the property. Ms. Zeigler noted that these four items are long-term solutions required of property owners; she

clarified that this does not refer to maintenance of the property during the one-year deferral period but to long-term solutions. Chairperson Fitzsimmons inquired if there is a requirement anywhere intended to prevent neglect that requires good-faith efforts at maintenance that is enforceable by ordinance. Mr. Sommerkorn indicated there is not. Vice Chairperson Lloyd questioned whether including such language would constitute imposing a higher standard than that for other properties. Chairperson Fitzsimmons countered that an exception could be argued to prevent a salvageable property from becoming dangerous. Mr. Sommerkorn confirmed that the general housing code contains requirements for ensuring structures remain safe. Vice Chairperson Lloyd reminded the Commission of the Huntington Court property, which did not have a demolition permit and had been granted an extension of the Commission's approval without conditions as to how the property should be maintained.

Commissioner Funk stated her preference that number 1, which states "marketing the property for sale or lease," should include the additional verbiage "at a competitive price as determined by three companies" to avoid owners who list properties at absurd prices which they know will never result in a sale.

Ms. Zeigler noted that time limits have been added, including that an economic hardship appeal must be filed within 30 days after demolition is denied. She noted that the new 'N' contains new language that explains that economic hardship is the step taken after demolition has been denied. Commissioner Funk questioned whether 30 days is sufficient time, stating she feels 60 days is more reasonable. Commissioner Bevins concurred, noting that 30 days is not enough time to assemble all the required information. Vice Chairperson Lloyd inquired if the 60 days would start from the hearing date or the date of the written decision. Ms. Zeigler noted the written decision is issued the day following the hearing, so the timing is essentially the same.

Ms. Zeigler noted that a section under the new 'N' which referenced the applicant's knowledge of the historic designation at the time of purchase had been removed by the Committee with the concurrence of Mr. Neilson.

Ms. Zeigler referred the Commission to page 21, which identifies discussions regarding the options to: enlist the help of an expert, have a hearing officer make the decision, have a hearing officer advise the Commission on the decision, or have another city entity make the decision since the Commission has already ruled on the preservation issue. Commissioner Funk asserted that the decision should return to the Historic Landmark Commission, stating that separating a financial decision from the preservation decision would be erroneous and comparing it to asking an accountant to run a research laboratory. She acknowledged the value of the Commission receiving expert advice but strongly emphasized the decision should belong to the Commission. Chairperson Fitzsimmons questioned whether there would be a question of objectivity. Commissioner Funk reviewed the requirements identified for expert advisors, namely experience in at least two of the following: appraisal of historic properties, economics, accounting, finance, or law. She stated that financially savvy people are providing input but that needs to be balanced against historic preservation, so the final decision should return to the Commission with the recommendation of the expert. Vice Chairperson Lloyd queried if this

would increase the timeline. Commissioner Bevins stated that review of a single family dwelling may be straightforward but that complex property with different zoning might require a group of experts. Commissioner Funk clarified that the previous method was to have a panel of experts, one selected by the applicant, another by the Commission, and a third neutral party, make a recommendation. Her concern is that this process resulted in strictly economic review with no preservation input; she expressed that this important balance of financial considerations and the desirability of preservation is best done by the Historic Landmark Commission rather than the Economic Hardship Committee.

Chairperson Fitzsimmons stated that a larger economic question for the city beyond that of preservation should be included, noting the discussion centers only on economics from the point of the applicant, and clarified that the input of an expert is just one of the criteria to be considered by the Commission for approval of the request. Ms. Zeigler also noted that, if the Commission opts to request expert opinion, paying for that expert becomes another concern. Commissioner Funk clarified that the responsibility for submitting the required materials lies with the applicant; Ms. Zeigler concurred, stating that an expert who reviewed that material in order to advise the Commission would need to be paid. Commissioner Funk expressed a preference that a volunteer be appointed by the Mayor to fill that role, acknowledging that this may be impracticable. Ms. Zeigler expressed concern about relying on professionals with the required expertise to volunteer, considering the amount of time involved in reviewing application materials and the politically charged nature of the issues. Mr. Sommerkorn opined that an expert appointed by the City may be perceived as having bias. Chairperson Fitzsimmons concurred, noting that the expert would need to be accountable to someone. Commissioner Hart stated that the applicant should pay for the services of an expert and that the Commission would decide if an expert were credible to advise them.

Chairperson Fitzsimmons noted that time for the work session discussion had elapsed.

Mr. Sommerkorn asked when the Commission would like to consider scheduling the work session discussion previously canceled. Ms. Zeigler inquired if the Commission would like to continue the economic hardship discussion at a future time, return it to the Committee for further work, or communicate via email with her. Chairperson Fitzsimmons confirmed that emails would be sufficient and the discussion would continue at the next meeting on June 3, 2009.

MEETING CALLED TO ORDER [5:56:55 PM](#)

APPROVAL OF THE MINUTES FROM MARCH 4, 2009 [5:58:44 PM](#)

Vice Chairperson Lloyd made a motion to approve the minutes with the name correction as noted. Commissioner Bevins seconded the motion. All voted "Aye". The motion carried unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:59:00 PM](#)

None.

REPORT OF THE PLANNING DIRECTOR [5:59:16 PM](#)

None.

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

Cindy Cromer informed the Commission that an advocacy group for Liberty Park, similar to those for Pioneer Park, Gilgal Gardens, Memory Grove, and Sugar House Park, has been formed and will be convening on May 13, 2009. She expressed appreciation to the Commission for efforts in regards to the park in 2008.

PUBLIC HEARINGS

PLNHLC2009-00152 - Reservoir Park, Major Alterations [6:01:34 PM](#)

A request by the Salt Lake City Public Utilities Department for major alterations to the reservoir structure at Reservoir Park located at approximately 1319 East 100 South. Reservoir Park is located in both the South Temple and University Historic Districts. The request is to demolish the tennis court cover and the below-ground portions of the reservoir which are structurally unsound. The applicant proposes to fill and landscape the site. Reservoir Park is zoned OS-Open Space and is located in City Council District 4, represented by Council Member Luke Garrott. (Staff contact: Robin Zeigler, 801-535-7758, robin.zeigler@slcgov.com)

Staff Presentation [6:01:45 PM](#)

Ms. Zeigler referred the Commission to a memo from the University Community Council received at 5:00 p.m. today which summarizes work done by them in a neighborhood canvas to determine how neighbors use the park and would like to use it. She stated that the Public Utilities proposal before the Commission is similar to that discussed in the April meeting, namely to demolish the underground, bowl part of the reservoir and the covering tennis courts while maintaining the historic wall and light fixtures. She identified the process has four steps, three of which are presented tonight, namely:

- demolish the reservoir,
- fill it in, and
- cover it with grass and a sprinkling system, along with signage to interpret its history and designate it as Reservoir Park.

The fourth step, not under consideration tonight, will be for Public Services to do studies to determine neighborhood preferences and return to the Commission with any changes generated by that process. Ms. Zeigler deferred to the applicant to share updated visuals and information with the Commission.

Tom Ward, Public Utilities Deputy Director, introduced himself and Bob Sperling, Project Manager. Mr. Ward noted that the reservoir, which is over 100 years old, began caving in and has become a safety hazard, which triggered action on unfunded plans from 1997. He reviewed the site location drawings, noting that the reservoir space is below grade with tennis courts above, which is what will be demolished. He identified the historic wall along 1300 East, which

will not be altered; he stated that investigations into requirements to restore and protect the wall in place identified that the wall is in good structural condition. The original wall was constructed to protect the open reservoir in 1914; the reservoir was covered in the 1950s utilizing a structural wall cast adjacent to the historic wall. Mr. Ward stated that the structural engineering review recommends doweling the two walls together to improve the stability of the historic wall, along with increasing the level of fill material on the leeward side to avoid differential settlement but not create a significant additional weight burden on the historic wall.

Mr. Ward indicated that, in accordance with the Commission's request for additional public outreach, the proposal has been presented to the East Central and Greater Avenues Community Councils, meetings have been held with subcommittees of those bodies and other community groups, and an open house held in conjunction with the Planning Division. He reported that comments received generally supported restoring the site as open, informal space, noting that the park has been identified as a neighborhood rather than a regional park, which minimizes the impacts to the community as required parking and use levels are lower.

Mr. Ward addressed previous inquiries from the Commission and neighbors regarding the grading of the fill. He noted that many public comments support keeping the area relatively flat, perhaps with a gentle slope on the northern end, to allow informal use such as Frisbee and pick up soccer games. Mr. Ward shared other suggestions for the space: art space, skateboard park, soccer fields, and tennis courts. He recognized that the East Central Community Council had conducted more in-depth research into the neighborhood preferences for the space.

Mr. Ward stated that the proposed reuse plan for the Commission's review is to maintain the area as open space, with considerable support for trees in this area, noting that discussions are ongoing regarding informal groupings or a more formal line along the wall. He confirmed that the Public Utilities staff is still working on design specifics, such as sidewalks and trees. He explained that they have learned from the Parks Division that sidewalks should be utilized only as a tool to direct people to a destination; until the master planning process currently being discussed by Parks and Planning is complete, sidewalks would be unproductive. Mr. Ward identified that there is no sidewalk on the southwest corner of the park, which is the northeast corner of First Avenue and 1300 East. The crosswalk lands on dirt and open space. The Transportation Division requested that the area be made safer and more pleasant, identifying aggressive future plans outside the scope of this project for improving the pedestrian and bike traffic along 1300 East.

Earth compaction questions were next addressed by Mr. Ward. He explained that fill should not settle differentially, which requires compaction. He described methods for accomplishing this, noting that the traditional steamrollers which use vibration may create cracking in nearby structures but a sheep's foot machine rolls the fill instead. Mr. Ward assured the Commission that these requirements are being included in the project specifications, as well as an active construction monitor to engage with the community to identify any concerns which arise during the process.

Mr. Ward recognized that early estimates to restore the lighting appear to be within the budget, so that is included in the reuse plans. He referred the Commission to a rendering included in their packets which was provided by the consultants based on the public comments received which shows the grade essentially the same as that of the tennis courts. He explained that along the wall on 1300 East, the tennis court side has a wrought iron fence on top of the concrete wall which is 48 inches, which meets OSHA standards for a security wall. However, the change in grade creates a drop on the park space side of nearly 6 feet, a height which raises safety concerns, which they intend to address by lowering the fill approximately 3-4 feet below the grade of the tennis courts. This will also address concerns about pressures from fill on the wall. Mr. Ward referred the Commission to the drawing, indicating that there is a difference of about 20 feet from the top deck of the tennis courts to the bottom of the reservoir bowl. He explained that about 16-17 feet of fill will be utilized and a 2-3% slope from north to south incorporated to address drainage requirements.

Questions by the Commission [6:16:11 PM](#)

Commissioner Funk expressed concern about the 6 foot drop on the side of the wall which hides activity next to wall from view, wondering if the fill should be higher to improve safety and another method could be used to prevent the fence being breached. She noted no comments from the Police Department were included in the packet and asked if their input would be sought. Mr. Ward concurred with her assessment, recognizing that this concern was discussed with Parks, the community councils, and Planning. He shared that solutions include having lighting there, tapering the slope back at a 12-to-1 or 6-to-1 to eliminate the 'hiding place' along the wall. Commissioner Funk stated that the grove of trees in the drawing creates a similar safety concern. Mr. Ward concurred, identifying that there are specific guidelines to calculate considerations of lighting, blocked views, Police standards, etc., that are used to design public spaces. Commissioner Funk inquired if Police Department review would be included before design plans are finalized; Mr. Ward committed to do so.

Vice Chairperson Lloyd inquired if the plans include recycling the demolition concrete onsite to be used as fill. Mr. Ward explained that the concrete will be recycled, which involves chipping up the reservoir base and putting it in piles, separating the rebar, and then running the concrete through a crusher. He assured the Commission that project specifications will include watering of the area and ongoing inspections to ensure dust is minimized and all city codes are met.

Chairperson Fitzsimmons asked what neighborhood reaction has been to the removal of the tennis courts. Mr. Ward responded that there are two usable courts on the east side of the park and deferred to the in-depth survey conducted by East Central Community Council members for specific comments.

Mr. Ward asked if the Commission had any questions about the proposed timeline in their packets (page 9); none were forthcoming. Commissioner Davis referred to the attempt to cover graffiti on the west side of the wall and inquired how this is being addressed in the reuse plans. Mr. Ward responded that this will be addressed in cooperation with the Parks Division and

those in the city with expertise in graffiti removal. Chairperson Fitzsimmons inquired whether funds are budgeted for addressing these needs. Mr. Ward confirmed that Public Utilities does not have funds but will be coordinating with Parks on the issue. Commissioner Hart noted that graffiti-proof paints are available and recommended this be considered; Mr. Ward inquired whether such paints is allowed on a historic wall or if permission from the Commission would be necessary. Chairperson Fitzsimmons acknowledged that such paints usually receive a negative response but that overall preservation and restoration issues would have to be considered. Mr. Ward articulated that full restoration, including repair of holes, paint stripping, and repainting with anti-graffiti paint would require nearly \$100K; the entire budget for this project is \$300K. He confirmed that the Parks Division is ultimately responsible for the wall and what happens to it.

Public Comments [6:27:12 PM](#)

Chairperson Fitzsimmons invited Gwen Springmeyer to address the Commission. Ms. Springmeyer deferred to Esther Hunter. Chairperson Fitzsimmons noted the Commission had copies of Ms. Hunter's letter and invited her to address the Commission.

Ms. Hunter introduced herself as Chair of the University Neighborhood Council and indicated she represented them tonight, acknowledging she would like to add to a list of priorities for the Planning Director. She stated that Reservoir Park includes the reservoir, trees, streetscape, tennis courts, and open space and is a defining and significant contribution to the University Historic District, which it is in, as well as the South Temple Historic District and the abutting Avenues Historic District. She affirmed that all of these elements combine to reveal elements of the city's design in form and feature, asserting that like all other historic properties, the historic parks are subject to serious loss and change, often as a result of the cumulative effects of small actions. She emphasized the need to preserve landscape and parks, reviewing historic changes to national guidelines to include landscapes. Ms. Hunter referred to additional comments on this in her submitted text. She stressed that until the time that Salt Lake City has sufficient time and resources to create a specific inventory and defining guidelines, the Commission has the purview to ensure protection of landscapes. She noted that the tennis courts themselves are more than 50 years old and provide a unique sense of place, sharing her memory of playing under the tennis courts. She expressed support for what has been done and reemphasized the need for the Commission to consider the entire park, with all of its features, rather than viewing the reservoir and tennis courts as a separate issue.

Ms. Hunter stated that numerous comments had been received regarding the hawthorn trees that line the park on 1300 East and South Temple. She recommended that the Commission stay involved in each phase of the project. She reported that the University Neighborhood and the Greater Avenues Community Council formed a taskforce to conduct a survey regarding future plans for the park, referring the Commissioners to the submitted results. She declared that regardless of the neighbors' interests, the Commission has the responsibility to make decisions based on standards. She referred the Commissioners to page 3 of the submitted document where treatment options from the national standards are discussed. She asked if the Commission were doing a preservation standard, rehabilitation standard, restoration standard,

or reconstruction standard, noting that each may be different and emphasizing that these may be used by the Commission until the city has guidelines in place.

Ms. Hunter referred to the final paragraph of the document, reiterating that nearly every historical property has a landmark component and that there are guidelines for streetscapes, plant materials, trees, gardens, parks, etc. She concluded with the suggestion that the Commission consider requesting that the evaluation of landscape features according to these standards be added to staff reports.

Chairperson Fitzsimmons invited Ms. Springmeyer to address the Commission.

Ms. Springmeyer introduced herself as a board member of the Federal Heights District, the area north and east of Reservoir Park, noting her responsibility for the area that extends to 100 South along University Avenue, and stating that she represents the Greater Avenues Community Council (GACC) at these proceedings. Ms. Springmeyer noted she had been asked to participate with the subcommittee referred to by Ms. Hunter, acknowledging she does not have the time to conduct the studies and surveys Ms. Hunter performs. Ms. Springmeyer reported that informal surveys involving residents in Federal Heights area and the GACC board members identified their preferences are that the informal nature of the park be maintained; that the trees, hawthorn, evergreens, and other deciduous trees remain; and that the hawthorn trees be extended along 1300 East to 100 South so that result is one cohesive, continuous park. She stressed that the main desire is that the wall and lights be preserved, recognizing this appears to be in line with the proposed plans. Ms. Springmeyer noted the preference for replicating the open space that exists on the north end of the park on the south side to create one large park. She stated that she would be attending the GACC membership meeting directly following the Commission meeting, where additional comments would be solicited; she committed to forward them to Mr. Ward and the Commission.

Chairperson Fitzsimmons invited Cindy Cromer to address the Commission.

Ms. Cromer identified 'dirt' as a four letter word on construction sites, where there is always either too much or too little of it. She expressed concern that the city will be pressured to accept too much dirt at this site. She acknowledged that she does not understand the drainage issues identified by Public Utilities, as she doesn't have an engineering background, but expressed skepticism regarding the need for a slope if the concrete floor of the reservoir is going to be removed, wondering why water will simply not percolate down. Ms. Cromer reiterated her belief that too much dirt will be dumped on this site and also that crushing the concrete onsite poses an environmental hazard. She referenced a home in the 1970s that was lost to damage when the basement of Bryant Intermediate School was demolished, emphasizing the potential negative impacts of demolition on the surrounding properties. Ms. Cromer concluded by requesting the Commission include the Urban Forester in considerations of the quality of the dirt for any trees included in the proposed reuse, asserting that excavation dirt is often unsuitable for supporting vegetation and that nutrient rich soil should be used rather than just whatever dirt the University wishes to dispose of.

Chairperson Fitzsimmons solicited additional public comments. None were forthcoming. He then invited the applicant to respond to the comments received.

Mr. Ward assured the Commission that they are working with these individuals and their respective groups, noting that at least one more open house/workshop regarding the final design will be held, specifically aimed at engaging the community in discussions of types of trees, where those trees should and should not be placed, how fill will be handled, and the finished grading next to the historic wall. He recognized that there are few material differences, as all are in agreement regarding preserving the wall, maintaining open space, etc. He concluded by requesting that the Commission find the reuse plans substantive and acceptable in order to approve their request and allow them to proceed with the proposal.

Executive Session [6:39:59 PM](#)

Chairperson Fitzsimmons reviewed that the question for the Commission is in regards to demolition, noting that reuse offerings in the report include demolition and fill. He reviewed that testimony had been given regarding future use, which would immediately be restoration to turf with perhaps some planting of trees. He clarified that the fourth part is master planning for the Park but that this issue is not before the Commission at this time. He noted a possible motion outlined by staff includes the requirement for archival photos in case restoration becomes part of a master plan.

Vice Chairperson Lloyd commended the University Neighborhood Council for their organization and presentation to the Commission, agreeing with Ms. Hunter's recommendation that the Commission has some responsibility for the reuse and development of a master plan. He recommended inviting Public Utilities to report to the Commission on an ongoing basis, noting their timeline identifies nearly monthly items, and suggesting the issue be maintained as an agenda item.

Chairperson Fitzsimmons inquired if the goal were that the Commission approve the final master plan; Vice Chairperson Lloyd responded in the affirmative.

Commissioner Bevins concurred with previous suggestions that the Urban Forester be included in the reuse process and that there be a Public Safety review of the final design plans. Commissioner Funk agreed that additional reports from Public Utilities would be ideal but questioned whether, if the Commission approves the request tonight, they have authority to approve or disapprove updates given. Vice Chairperson Lloyd suggested that a condition of approval be to report any deviations and bring back conditions as they arise. Commissioner Funk concurred, further expressing support for the idea of using design elements such as the hawthorn trees to provide continuity between the two ends of the park.

Chairperson Fitzsimmons conceded that it would be preferable to have a master design plan for the park as a whole. Commissioner Funk strongly agreed, expressing that lack of such a plan is troubling. Commissioner Hammond concurred, noting it is difficult for him to approve something without being able to see the whole thing and acknowledging that his own opinion

regarding reuse keeps changing without that overarching plan. Commissioner Bevins reiterated the public safety issue at hand and recognized that the plans as presented allow for a great deal of future flexibility when the master plan is put into place, at which time the Commission would again be involved in determining appropriate plans. Chairperson Fitzsimmons identified that the master plan program phase, as outlined in the timeline, is far into the future, noting that he and many other commissioners will not be part of that future decision as terms expire and new members are appointed. He stated that the Commission has taken part in the plans for other parks in the past and emphasized that the Commission would appreciate being invited to participate in the future.

Mr. Sommerkorn noted that another agenda item, the Euclid Plan, is being presented to the Commission, although the Historic Landmark Commission does not have a formal role in consideration of those plans. He recognized that is the policy of the city to solicit the Commission's comments prior to such plans moving forward for adoption and stated he would anticipate that parks plans would follow the same process. He stated that it would appropriate for the Commission to make the request to participate in providing comments prior to that plan being presented for adoption.

Vice Chairperson Lloyd asked if bringing progress reports regarding demolition back to the Commission allowed sufficient venue to comment on the record for the master plan, recognizing that the date for the plan is unspecified. Chairperson Fitzsimmons suggested that a condition be attached to require reporting dates. Vice Chairperson Lloyd reviewed that the schedule shows construction progress for May, June, July, and August, and suggested requesting updates on the work as well as on any comments from the neighborhood council that gives direction regarding the master plan. Chairperson Fitzsimmons suggested that a more detailed report regarding the fill, traffic plans for supplying the fill, and the report of the Urban Forester regarding the dirt be provided before that work begins, and that a plan for surface restoration and landscaping in greater detail be presented before that work commences.

Commissioner Funk noted that the timetable identifies the final design is May 2009 and their final presentation to the Commission would be May 6, 2009; she declared she did not feel that the Commission has yet seen a final design.

MOTION [6:50:10 PM](#)

Commissioner Funk moved that in the case of PLNHLC2009-00152 for Reservoir Park the Commission approve the application for demolition and for final design implementation with the following conditions:

- 1. That all trees currently in the park should be preserved;**
- 2. That design features to tie the park into one unit be considered;**
- 3. That the Urban Forester and Police Department be involved in the design review; and**
- 4. That the final design be returned to the Historic Landmark Commission for approval prior to beginning fill, surface restoration, and landscaping.**

Commissioner Hammond seconded the motion.

Vice Chairperson Lloyd noted that “trees” and “all trees” may be problematic, suggesting that although the intent is to save all trees, the Commission may wish to request the recommendation of the Urban Forester prior to removal of any trees. Commissioners Funk concurred, noting that she wished to avoid removal of trees simply to make it easier to access the site, and amended condition one of the motion:

AMENDED MOTION

Commissioner Funk moved that in the case of PLNHLC2009-00152 for Reservoir Park the Commission approve the application for demolition and for final design implementation with the following conditions:

1. That the attempt to save all trees be made and that trees only be removed upon recommendation of the Urban Forester;
2. That design features to tie the park into one unit be considered;
3. That the Urban Forester and Police Department be involved in the design review; and
4. That the final design be returned to the Historic Landmark Commission for approval prior to beginning fill, surface restoration, and landscaping.

Commissioner Hammond accepted the amendment.

Vice Chairperson Lloyd confirmed that the motion would require that Public Utilities return with a final design plan to the Commission prior to any fill being made. Commissioner Funk concurred.

All voted in favor; the motion carried unanimously.

Chairperson Fitzsimmons called for a five minute break. [6:53:40 PM](#)

Chairperson Fitzsimmons called the meeting to order. [6:59:39 PM](#)

PLNPCM2009-00170 - Euclid Small Area Plan

The Planning Division seeks input from the Historic Landmark Commission regarding the draft of the Euclid Small Area Plan. The Plan is for the area generally located between North Temple and I-80 from I-15 to the Jordan River. No action is required by Historic Landmark Commission. (Staff contact: Nick Britton, 535-6107, nick.britton@slcgov.com)

Staff Presentation [6:59:44 PM](#)

Nick Britton noted that the plan started in 2003 and has recently been brought back. He stated that since that time, the South Temple rail line through the neighborhood has been narrowed and that additional detail regarding the North Temple light rail line is available. He requested that the Commission provide general comments tonight and throughout the adoption process.

Mr. Britton referred the Commissioners to the map in their packets, indicating the area is boxed in by three large barriers: Jordan River, North Temple, and Interstates 15 and 80. He acknowledged that with plans for light rail on North Temple moving forward, the city has a unique opportunity to capitalize on the neighborhood's proximity to Downtown, light rail, and FrontRunner to encourage more pedestrian-oriented activities, recreation, and an increased mix of residential and commercial types. He summarized that the Plan's basic components include eliminating the M-1 and CC zoning which currently dominate the North Temple area. He identified the location of Questar near the Fisher Mansion, noting that the city anticipates that business park use, which fits the community, would expand. He identified old rail lines which mark the potential location for day lighting of the City Creek corridor, which would create a water feature centerpiece for the neighborhood with pathways and development alongside it. He emphasized the significance of the size of the potential open space corridor so close to Downtown. Mr. Britton highlighted the location of two planned light rail stops, one at 800 West and one at the Jordan River near the Fair Park, emphasizing the opportunity this creates for transit oriented development along the North Temple corridor, which aligns with the North Temple plan currently underway. He noted the Euclid neighborhood will have slightly higher density around the light rail stations which then transitions to a neighborhood focus in between stations before shifting to single family areas to the south. Mr. Britton referenced historic preservation techniques to be utilized in order to encourage renovation of the existing single family homes in this area, and noted the desire for mixed use zoning that emphasizes residential along the City Creek corridor that emphasizes pedestrian access and compliments the Jordan River access, which will eventually connect lakes and become a larger regional greenway, as well as connecting the transit and pedestrian orientation along North Temple.

Mr. Britton addressed the need for historic preservation in the Euclid neighborhood. He reviewed the area's history as a location where housing was planned alongside industry, although many of the housing developments did not occur, resulting in residential pockets rather than a residential neighborhood. He stated the goal is preserve the historic residences without ruining the overall goal of developing a transit oriented corridor.

Mr. Britton identified one of the recommendations in the plan is to conduct additional outreach to the residents to educate them about options through the city, state, and heritage foundation to obtain low-interest loans to renovate and restore these historic homes. Another proposal is to seeking a National Historic District designation for the Euclid neighborhood, which would increase preservation options for the owners. Mr. Britton identified that there are numerous homes being preserved, particularly along Euclid Street, and that there is a growing movement in the community to transition away from industrial/commercial areas with poorly maintained houses to a more pedestrian friendly, open space neighborhood. He concluded that based on the neighborhood's proximity to Downtown, the North Temple light rail line, and the Jordan River, the neighborhood has a unique opportunity to create a vibrant community.

Questions by the Commission [7:08:50 PM](#)

Commissioner Davis referred to the goal to increase the amount of residences in the area and inquired if this refers primarily to high density residential or to expanding single family

residences. Mr. Britton reviewed that minimal single family zoning exists along Chicago, stating that the proposal is to introduce some single family zoning. He acknowledged that more residents will likely come through higher densities along North Temple, where little residential currently exists.

Vice Chairperson Lloyd asked what level of historic survey of the area has been completed. Mr. Britton recognized none has been done, noting the recommendation is to work toward that goal. Commissioner Funk complimented the plan as visionary but expressed concern about the slowness of moving forward. She noted that nearly 20% of the homes are occupied by residents 60 years of age and older and inquired regarding a faster implementation, suggesting that perhaps the RDA [Redevelopment Agency] could be influenced to consider renovating some of the homes so that people would be more willing to purchase them. She emphasized that timing is a critical factor. Mr. Britton responded that the proposed zoning changes will be made at the same time that the plan is proposed. He noted the current zoning mix of M-1 and CC zoning will be replaced with mixed use and single family zoning as the plan is adopted, which could quickly spur developers interested in the properties. In the past, zoning changes have lagged behind master plan adoptions, but they are occurring together in this case. He cited increased attention to the North Temple corridor as another factor which may spur development in the Euclid area. Mr. Britton acknowledged that the RDA is working in the North Temple area further to the west, so private developers are more likely to be engaged in this neighborhood. He noted the Neighborworks projects in the area and stated that some property owners have already acquired large groups of parcels and have indicated interest in getting projects done.

Commissioner Bevens asked if the many of the single-family residences are owner occupied. Commissioner Funk noted that the staff report indicates 51% rentals, leaving the remaining 49% owner-occupied. Mr. Britton noted that some property owners live in one residence and own and rent out the neighboring properties, stating that the low number of single family homes is a result of zoning that does not support that use; the city plans to reestablish that use through the recommendations of the Euclid plan.

Chairperson Fitzsimmons inquired as to the vacancy rate. Mr. Britton noted that some commercial properties are vacant, although the County's land use data confirms fewer than appearances indicate. The residential component is largely occupied. Chairperson Fitzsimmons noted the neighborhood appeared fairly stable when viewed during the field trip. Mr. Britton confirmed there is minimal activity during the day but that many of the uses foster morning activity.

Commissioner Davis asked for clarification regarding changes to the commercial zoning. Mr. Britton identified two commercial areas, one along North Temple and a higher density area in the middle. He noted the recommended mixed use zoning allows commercial on the first floor with additional residential above. He stated the goal is neighborhood oriented commercial, especially along 900 South with higher density around the light rail stops. He stated the intent is to encourage people traveling between the airport and downtown to stop for a meal or some

shopping while maintaining the focus on the neighborhood needs. Commissioner Davis expressed that the many of the businesses are more industrial than commercial and expressed concern that they are incompatible with long term plans to enhance residential growth, inquiring if the zoning would be changed to discourage that type of use and encourage something more appropriate. Mr. Britton confirmed that the proposed zoning would discourage intense commercial uses from expanding or relocating there. He noted that Questar, while a stable and well-liked neighbor, owns a significant amount of property which after the rezone will result in legal nonconforming uses. He reiterated that the goal is to encourage owners over time to consider opportunities to relocate industrial and heavy commercial uses and redevelop those parcels in other ways.

Chairperson Fitzsimmons solicited additional comments from the Commission; none were offered.

Public Comments [7:19:11 PM](#)

None.

Executive Session [7:19:19 PM](#)

Vice Chairperson Lloyd commented that the draft citywide preservation plan lists a number of areas for potential recommendation but the Euclid neighborhood is one of the few areas where a survey is not even recommended. He suggested that the Commission might reconsider whether the Euclid area is worthy of proposing surveys. He expressed concern that rezoning to SR-1 or SR-1A restricts some of the funky uses seen along the streets which give Euclid its interesting vibe. He stressed that the development pattern in this neighborhood will be different than that of other single family neighborhoods.

Chairperson Fitzsimmons requested additional comments. None were forthcoming.

Petition PLNHLC2009-00046 Larry Bogdanich, New Construction (garage) [7:21:03 PM](#)

A request by Larry Bogdanich, owner, for construction of a detached garage at approximately 361 E. Fourth Avenue in the Avenues Historic District. As part of the request, the applicant is requesting the Historic Landmark Commission modify the maximum height regulation of 9 feet for flat roof accessory structures to allow the garage to be approximately 11 feet at its highest point. The property is zoned SR-1A, Special Development Pattern Residential District and is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Janice Lew, 535-7625, janice.lew@slcgov.com)

Commissioner Funk notified the Commission that Mr. Bogdanich did electrical work on a rental unit approximately 10 years previously, so she is acquainted with him. She stated she did not consider this an impediment to her ability to make an unbiased decision but expressed a willingness to recuse herself if the Commission so desired. Chairperson Fitzsimmons polled the Commission; all confirmed they were comfortable with her participation.

Staff Presentation [7:22:21 PM](#)

Janice Lew stated that the applicant owns the home at 361 E. Fourth Avenue, a one-story period cottage with a gable roof with a sweep to the west which covers the front porch. She referred the Commission to the photos in the staff report which were taken as part of the historic survey and include both sides of Fourth Avenue. She explained that the proposed accessory structure is a detached garage of approximately 480 square feet to be located at the rear of the property. It is a flat roof structure which would rise to a height of approximately 11 feet from existing grade. The primary wall material would be a fiber cement siding; the project also includes a rolled asphalt roofing material, double metal garage doors, and a sliding French door. [Ms. Lew noted the drawings are difficult to read as they have been revised many times and indicated the locations for the garage and French doors.]

Ms. Lew recognized that the applicant modified the design of the roof based on staff's recommendation; the original proposal was a 14 foot, asymmetrical gable roof form with a 2-12 pitch and a large overhang on one side. The current proposal is a flat roof that exceeds current regulations for height, which the Commission has authority to approve.

Ms. Lew noted that the property has a long enforcement history. She reviewed that a building permit was received in 1999 for an 18 foot gambrel roof garage with a footprint of 720 square feet. That garage was never finished and the building permit was voided due to lack of progress. In June 2008, an order was issued that the walls which had been constructed be removed due to lack of structural integrity. The applicant subsequently resubmitted the original plans; changes to the SR-1A zoning standards for accessory structures did not permit the original design. The applicant submitted a special exception for relief from the height and zoning requirements, which was reviewed and denied by the Board of Adjustment in September 2008. The applicant is now before the Historic Landmark Commission with a different design.

Ms. Lew conceded that due to the long-standing enforcement concerns, there are numerous complaints regarding the unfinished structure, and referred the Commission to an email in their packets to the Planning Division from the property owners to the east regarding the condition of the unfinished structure. She noted that the Commission had received copies of additional emails submitted today from that property owner, as well as a letter from Jim Jenkin, Chair of the Greater Avenues Community Council (GACC). She summarized his desire for the Commission to recognize the intent of the design standards. Ms. Lew reported that Mr. Jenkins sent another email after he became aware of opposition to the proposed height following an email received from another property owner, noting that copies of all the emails were provided to the Commission this evening. Ms. Lew referred the Commission to photographs of the block in their packets, noting the range of shapes leads staff to find that the proposed structure fits into the overall character of the area. She identified an attached garage with a flat roof on the property immediately to the west of the subject property, an accessory structure to the east, and other accessory structures in the area with their relative heights. Ms. Lew reiterated that based on the analysis as detailed in the staff report, staff recommends approval of the proposal with the conditions outlined in the staff report.

Questions by the Commission [7:30:02 PM](#)

Commissioner Hart noted that two elevations were provided, south and east, and inquired as to the rear and east elevation. Ms. Lew referred her to the elevations in the corner of the drawing.

Commissioner Davis inquired whether there were a deadline or time limit for project completion, should it be approved. Ms. Lew responded that the recommended Condition 4 requires plans to be submitted within 45 days and construction be completed within 180 days of obtaining a permit; failure to meet those requirements would result in reinstatement of enforcement. Chairperson Fitzsimmons confirmed this is a recommendation from staff to the Commission; Ms. Lew concurred, noting there are no statutory requirements, explaining that the timeline was established based on discussions with Craig Spangenberg, Zoning Enforcement Supervisor.

Commissioner Funk verified that the current walls will be removed. Ms. Lew responded that some of that work will have to be demolished, as the current structure is too large. Commissioner Funk questioned whether the walls could be utilized at all based on the lack of structural integrity cited in the order to remove the walls in June 2008. Ms. Lew noted that the applicant would have to submit drawings to complete that work that will have to meet building codes. Chairperson Fitzsimmons verified that a building permit will have to be obtained; Ms. Lew confirmed that there is no current building permit.

Applicant Presentation [7:33:03 PM](#)

Mr. Bogdanich stated that he had nothing to say to the Commission other than he would like the project to be approved so he could finish the project.

Public Comments [7:33:47 PM](#)

Chairperson Fitzsimmons noted that copies of the email correspondence had been distributed to the Commissioners. He then invited Patricia Shail-Berryman to address the Commission.

Ms. Shail-Berryman identified herself as a resident living at 369 Fourth Avenue, directly east of the subject property. She addressed Commissioner Funk's questions regarding the structural integrity of the walls. Ms. Shail-Berryman referred to the applicant's original petition, noting that he states the exterior walls are complete and asserting that he plans to build on the rotten walls, claiming that measurement of the structure is equivalent to his requested height for the flat roof. Ms. Shail-Berryman addressed the historic nature of the area, expressing pride in the homes in the area and how they are maintained. She asserted that the height ordinance was passed to avoid a large structure protruding over others and to maintain the integrity of the community. She stated that one of the photos in the packet referenced during the staff presentation is of a 1940s era attached flat-top garage with a patio deck on top that measures 8-½ feet in height, meeting the current standards. She emphasized the reason for adoption of the 9 foot height restriction was to maintain the integrity of the area.

Ms. Shail-Berryman requested that if the application were approved, a condition be included that the existing walls be removed, claiming they blow in the wind and are likely to fall on her property at any time. She referred to the pictures of the property that show the perspective from her home and what she has to view every day. She explained after 14 years of dealing with the junk, she does not trust that the petitioner would complete the project within the established timeframe and requested that the Commission deny the request.

Chairperson Fitzsimmons invited Alex Berryman to address the Commission.

Mr. Berryman introduced himself as a resident living at 369 Fourth Avenue, immediately east of the subject property. He stated that his garage, built in 1997, meets code and is 3-½ feet higher due to landfill, acknowledging they increased the grade in order to elevate the building without exceeding the height standards. He indicated that others should be equally responsible to meet code.

Chairperson Fitzsimmons inquired as to the height of Mr. Berryman's garage walls and the height at the peak. Mr. Berryman responded they are 8 feet high and the height is 3 or less feet; he acknowledged he bought an A-shed, a permitted use, and is unsure of the height at the peak.

Mr. Berryman continued that the key issue is maintaining the integrity of the neighborhood. He noted that the flat-top roof was built in the 1940s and asserted that other buildings shown in the handouts were not historically relevant, appearing to be just sheds, garages, or carports. He expressed that his concern is that the current structure is built flush to the property line, noting that installation of his fence in 1997 required an offset to accommodate the structure. He affirmed there is no way to complete the building without crossing that 12" spread. He referred to the general condition of the facility, citing it has never been maintained and is in poor condition. He acknowledged concern that the habits demonstrated by the petitioner in the past will continue into the future, contending that what will be built will not fit with the historic relevance of the neighborhood or be of good workmanship.

Mr. Berryman expressed another issue is the length of time the project has been underway, with a repeating pattern of denied petitions. He stated that it was time to determine the structure is not viable, does not fit the characteristics of the neighborhood, is detrimental to property values, and could cause real damage to surrounding properties. He stated that neighbors and friends are aghast at the conditions of the property and asked that the Commission deny the petition.

Chairperson Fitzsimmons invited Gwen Springmeyer to address the Commission.

Ms. Springmeyer introduced herself as a member of the housing committee of the GACC attending this meeting at the request of Jim Jenkins. She referred to Mr. Jenkins' email that deferred to the able discretion of the Commissioners, stating the email reflected his unawareness of neighborhood opposition. She stated that Mr. Jenkins asked her to attend this meeting after learning of concerns by the Berrymans and another couple unable to attend tonight. Ms. Springmeyer expressed that Mr. Jenkins asked the Commission to remember the 9

foot height restrictions were instigated because anything higher has significant potential for negative impact on neighboring residents. She clarified that Mr. Jenkins asked her to clarify that rather than defer to the Commission, he would defer to the comments of the neighbors.

Chairperson Fitzsimmons sought additional public comments. None were forthcoming. He then invited the applicant to respond to the public comments. Mr. Bogdanich declined.

Executive Session [7:43:28 PM](#)

Chairperson Fitzsimmons invited a motion at any time, reiterating that the Historic Landmark Commission does not have purview to enforce the quality of construction standards, only to review the appropriateness with regards to historical design.

Commissioner Hart stated that historically, rules are in place for a reason and that exceptions to the rules are considered when there is a specific hardship, usually dealing with slope. She noted this does not apply to this site, affirming that making exceptions without a specific hardship is troublesome. Commissioner Bevins inquired about the zoning considerations in the application, which identifies 12 inches between the side property line and the structure. Commissioner Hart contended this is a side setback, asserting her comments address the height exception without a significant grade change that is creating significant hardship. Vice Chairperson Lloyd clarified that there is a grade change between the subject property and the property to the north; Chairperson Fitzsimmons concurred. Commissioner Hart agreed, noting the grade change creates a condition more favorable to the applicant, rather than creating a hardship.

Vice Chairperson Lloyd commented that the considering the condition of the walls, the most straightforward approach to roofing the building would be build on top of that plate, which will add height. If the top of the walls are considered the top of the roof height, the framing would have to be suspended using top-mounted hangers to avoid adding additional roof height. He asserted this is only at issue when considering if the existing walls are suitable. Commissioner Hart asserted she understood the existing walls, including the concrete walls, had to come down because the footprint is nearly twice what is currently allowable. Vice Chairperson Lloyd summarized that two of the walls could be used and the other walls would have to be removed due to the size of the building footprint. Commissioner Hart asserted that it is not the concern of the Commission that something exists which is not allowable; the applicant had permission to build 10 years ago and didn't do it, so he now has to follow existing ordinances.

Joel Paterson reviewed that the standard the Historic Landmark Commission uses to review requests for additional height in historic districts, in this case the SR-1A zoning district, noting that the language used in the ordinance reads, "... a request for additional building height for properties in the "H" Historic Preservation Overlay District shall be reviewed by the Historic Landmark Commission , which may grant such requests subject to the provisions of Section 21.34.020 [which is the landmark section]..." Mr. Paterson clarified that the Commission would use the same standards that they would use to review the new construction of this building,

considering the characteristics of similar properties in the zoning district and in this general vicinity with regards to building height, and not just base height or hardship on topography. Chairperson Fitzsimmons asserted that the Commission has approved taller garages. Commissioner Hart agreed, but she emphasized there is no point in having a 9 foot height limit if everyone who appears before the Commission asking for an exception receives it.

MOTION [7:49:21 PM](#)

Commissioner Hart moved that in the case of PLNHLC2009-00046 the Commission deny the application based on the findings that with regards to standard 2A.34.020H(1) Scale and Form, there is no evidence of a significant number of garages in the neighborhood which exceed height requirements; using the standard of height, the proposal does not meet the adopted guidelines and there is insufficient evidence of hardship to necessitate the additional requested two feet.

Commissioner Davis seconded the motion.

Vice Chairperson Lloyd stated that both the applicant and neighbors have requested resolution, expressing that a simple denial creates additional ambiguity. He suggested making conditions to make the proposal acceptable, inquiring if the project could be approved with acceptable height conditions. He acknowledged the shared concern that the end product be a good design and compatible with the neighborhood. He conceded his personal belief that with the grade change at the back end the requested 11 feet is not too high, but he expressed preference for providing conditions which would allow the applicant the option to meet them and conclude the project.

Commissioner Bevins suggested approving the staff recommendations with the exception of 3 [which allows modification to the maximum height not to exceed 11 feet]. Commissioner Hart stated that she would accept the staff recommendations with the amendment that the allowable height be 9 feet, and appealed to Mr. Paterson to confirm the Commission's authority to approve something different than what was requested. Mr. Paterson confirmed that the Commission could craft a motion to approve something different than proposed, such as lowering wall heights.

Commissioner Hart withdrew her motion.

NEW MOTION [7:55:29 PM](#)

Commissioner Hart moved that in the case of PLNHLC2009-00046 the Commission approve the petition based on the findings detailed in the staff report the project adequately meets or will meet the standards that pertain to the application (1-4) and therefore, recommends approval with the following conditions:

- 1. Approval of the final details of the design shall be delegated to the Planning Staff based upon direction given during the hearing from the Historic Landmark Commission;**

2. The project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission, Administrative Hearing Officer, or Board of Adjustment;
3. The maximum building height standard for a flat roof not to exceed nine feet (9 ');
4. Due to the fact that there is an active zoning enforcement case, the applicant shall submit plans within 45 days of a Historic Landmark Commission approval, and that the work is completed within 180 days of obtaining permits. Failure to accomplish this condition shall result in the City reinstating enforcement; and
5. The approval will expire if a permit has not been taken out or an extension granted within 12 months from the date of the approval.

Vice Chairperson Lloyd seconded the motion.

Commissioner Bevins questioned whether the timeframes should be tightened. Commissioner Hart confirmed that she did not amend the timeframes in her motion, stating that the proposed 45 days is brief in the world of building.

Commissioner Funk stated that she does not consider the 11 foot height to be a problem and that she does not consider a hardship to be required before allowing an exception to the height change, as per the ordinance, as long as it is compatible with surrounding structures. She asserted that the 11 foot flat-roof structure is not out of proportion to the other structures in the area. Commissioner Hart disagreed, noting that on the field trip which Commissioner Funk did not attend, the grade change is between the subject property and the house to the north. She asserted that the home to the east is at the same grade as the subject property, conceding a slight grade change as referenced in the public comment. Commissioner Hart denied the request to amend her motion further.

Commissioner Funk voted in opposition; all other Commissioners voted in favor. The motion passed 5-1.

Petition PLNHLC2009-00385, Major Alteration 7:58:31 PM

A request by Douglas and Kristin Willmore, represented by AMD Architects, for major alterations to a single family home located at 175 North Virginia Street in the Avenues Historic District. The applicant is proposing to replace windows on the south and front facades and a rear addition above an existing garage. The addition will require an exception to the maximum height limit from 23 feet to 29 feet 5 inches. The property is zoned SR-1A and is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff: Ray Milliner, 535-7645, ray.milliner@slcgov.com)

Staff Presentation 7:58:50 PM

Ray Milliner confirmed the request is for an addition to a single family home at 175 North Virginia Street, with three requests to be considered at this time: first, approval of the design on a rear addition to the rear of the home; second, an exception to the height from 23 feet

above grade to 29-½ feet above grade; and third, replacement of existing windows on the front and south elevations of the home. Mr. Milliner stated that the rear addition meets design criteria and standards and the height exception is consistent with requirements of the code. He explained that the addition will be located above the three-car garage, noting that the slope of the lot traverses downhill from the street, so the visual impact as viewed from the street will be minimal. Mr. Milliner stated that staff recommends the Commission deny the request to replace the windows and instead allow staff to work with the applicant to refurbish or refinish the windows. He emphasized the significant impact of windows on historic homes and requested the opportunity to address the applicant's concerns regarding energy efficiency by means other than replacement. Mr. Milliner summarized that staff recommends that the Commission approve the first two items and deny the third.

Questions from the Commission

None

Applicant Presentation [8:01:37 PM](#)

Angela Dean with AMD Architecture introduced herself, stating she represented her clients at this meeting. She identified the owners' goals for the project as adding a living/dining space to the rear of the home over an existing patio, as the home has no dining space, and add a third bedroom on the upper level. Ms. Dean stated that the design utilizes the existing patio and extends the existing ridgeline from east to west, which allows integration of a solar intake system on the south side. She referred the Commission to the drawings in their packet, noting key elements and highlighting the minimal visual impact from the street, then offered to answer any questions.

Questions from the Commission [8:03:54 PM](#)

Commissioner Davis inquired if some of the porch to the west would remain open; Ms. Dean confirmed that it would, explaining that the new addition will be aligned over a structural steel beam between the second and third garage bay, which will leave about 12 feet of remaining patio.

Vice Chairperson Lloyd noted discussion regarding replacement versus rehabilitation of the front windows, confirming the windows are three operable casements. Ms. Dean stated the windows are fixed, expressing that the goal is to improve energy efficiency, which is why replacing the windows with divided double pane windows was requested. She assured the Commission they are willing to work with Planning staff to achieve improved efficiency by other means while maintaining the historic character. Vice Chairperson Lloyd noted other cases where windows have been rehabilitated with weather seal and/or storm windows, suggesting these as options for improving thermal performance. Ms. Dean inquired which option is more effective. Vice Chairperson Lloyd indicated both are ideal, achieving infiltration with weather seal and then adding a removable storm pane, noting this can be a maintenance issue. Ms. Dean noted the windows are in good condition but drafty.

Public Comment [8:06:10 PM](#)

None

Executive Session [8:06:27 PM](#)

Vice Chairperson Lloyd stressed that condition of the front windows is a particular concern, noting the Commission has allowed replacement but where the existing windows can be improved, it enhances an already elegant project with a few historic preservation features. He commented that the integration of solar collection panels is ideal, not being on the primary façade and being minimally noticeable on the drawings.

MOTION [8:07:52 PM](#)

Vice Chairperson Lloyd moved that in the case of PLNHLC2009-00385 the Commission accept the staff recommendation to approve design of the rear addition, approve an exception to the maximum height allowed in the SR-1A, and deny the request to replace the windows on the south and front facades pursuant to the findings and analysis in the staff report with the following conditions:

1. No replacement of original windows on the front or south facades is allowed. The applicant may refurbish these windows, but not replace them;
2. Final design and style of new windows shall be reviewed and approved by planning staff prior to installation. Windows shall match the historic style and design of the original home;
3. All wood siding shall have a smooth finish. No rough cut or faux wood grain imprints shall be permitted;
4. All exterior colors and materials for the addition area shall be designed and constructed to match the existing colors and materials of the home;
5. The maximum height of the primary ridge of the addition shall not exceed 29.5 feet above finished grade (existing grade at the time this application was submitted); and
6. The addition must meet all other applicable Zoning Ordinance requirements, including setbacks, maximum footprint and lot coverage.

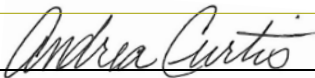
Commissioner Davis seconded the motion.

All voted in favor; none opposed. The motion passed unanimously.

Chairperson Fitzsimmons noted that this concluded the business of this meeting; the next meeting will be held on June 3, 2009.

Commissioner Hart made a motion to adjourn. [8:09:58 PM](#)

Vice Chairperson Lloyd seconded the motion. All voted "Aye". The meeting adjourned.



Andrea Curtis, Acting Historic Landmark Commission Secretary

Formatted: Font: Bold, Underline