

**SALT LAKE CITY HISTORIC LANDMARK COMMISSION
MINUTES OF THE MEETING
Room 315, 451 South State Street
November 4, 2009 at 5:45 p.m.**

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The briefing/dinner session was held before the regular meeting of the Historic Landmark Commission on November 4, 2009, at [5:19:54 PM](#) in Room 126 of the City and County Building, located at 451 South State Street. Commissioners present for the meeting included: Warren Lloyd (Chairperson), Anne Oliver (Vice Chairperson), Arla Funk, Creed Haymond, Bill Davis, and Sheleigh Harding. Planning staff present for the meeting were: Pat Comarell, Assistant Planning Director, Joel Paterson, Planning Manager; Janice Lew, Principal Planner; Paul Nielson, City Attorney; and Angela Brusatto, Historic Landmark Commission Secretary.

FIELD TRIP 4:00 p.m.

A field trip was held prior to the meeting at 4:30 p.m. The field trip was attended by Warren Lloyd (Chairperson), Anne Oliver (Vice Chairperson), Arla Funk, and Sheleigh Harding. Joel Paterson and Janice Lew attended for the Planning Division.

BRIEFING/DINNER 5:00 p.m. [5:19:53 PM](#)

Bob Sperling, Salt Lake Public Utilities Department, discussed the Reservoir Park project and the improvements they have begun at the location.

Pat Comarell, Assistant Planning Director, conducted a briefing with the HLC and discussed the criteria for designation of historic districts. Options had been sent to the HLC ahead of time by staff which indicated: (1) what the Historic Overlay ordinance required, (2) the criteria from the Preservation Plan related to surveys (which staff felt could be applicable to designation as well), (3) area analyses from six areas mentioned by the Council and HLC members, and (4) recommendations made by consultants who did the RLS and ILS for these areas. Vice Chair Oliver also presented a matrix to assist the HLC in their deliberations. The Planning Staff was asked to provide the HLC with the RSL or ILS summaries from each of the six areas for their review (where available) and data regarding the number of Certificates of Appropriateness issued for the Avenues last year as an indicator of what the workload of a new area of similar size would be.

5:45 p.m. HISTORIC LANDMARK COMMISSION MEETING

The regular meeting of the Historic Landmark Commission was held on November 4, 2009, at [5:53:12 PM](#) in Room 315 of the City and County Building, located at 451 South State Street. Commissioners present for

the meeting included: Warren Lloyd (Chairperson), Anne Oliver (Vice Chairperson), Polly Hart, Arla Funk, Creed Haymond, Bill Davis, and Sheleigh Harding. Planning staff present for the meeting were: Pat Comarell, Assistant Planning Director; Joel Paterson, Planning Manager; Janice Lew, Principal Planner; and Angela Brusatto, Historic Landmark Commission Secretary.

APPROVAL OF MINUTES from September 2, 2009 and July 1, 2009

Commissioner Funk noted corrections need to be made to both sets of minutes and should be resubmitted at the next HLC meeting in December 2009. Commissioner Funk made a motion to postpone the approval of September 2, 2009 and July 1, 2009 minutes. Commissioner Harding seconded the motion. Commissioner Funk asked the Commissioners to submit their corrections to her and she will make a master copy and forward to the correct parties. All voted “Aye”. The motion carried for postponement.

REPORT OF THE CHAIR AND VICE CHAIR

Chairperson Lloyd reminded the Commission of the invitation by the U.S. Department of Transportation-Federal Transit Administration to be a consulting party on the Sugar House Street Car Project. He passed around the letter that was written to the Commission to receive the Commissions input and approval.

COMMENTS TO THE COMMISSION [5:57:42 PM](#)

Cindy Cromer addressed the Commission about the roof and chimney on the Carriage House at the Fisher Mansion, which needs immediate preservation attention. She gave a note of thanks to the Commission for being present at the Open House. She commented that the City will be receiving \$150,000 due to the efforts of Congressman Bishop, (the Mansion is in his congressional district.) She suggested that the Commission talk to people about the need for restoration of the Fisher Mansion/Carriage House restoration.

George Kelner addressed the Commission as the Vice Chair of the Yalecrest Community Council. He voiced the concern that the Yalecrest Community Council has regarding tear downs in the neighborhood. He noted the letter that was sent to the Commission requesting designation of the Yalecrest neighborhood as a local historic district.

Chairperson Lloyd inquired if the Yalecrest Council is aware of the changes to the demolition ordinances and are they having discussions regarding those changes.

Mr. Kelner commented that they are aware of the changes and are planning on meeting as a Board to discuss this issue.

PUBLIC HEARINGS [6:04:13 PM](#)

PLNHLC2009-00983 –McDonald’s Restaurant Minor Alterations – A request by Jane McKenzie, representing McDonald’s Restaurant, for a minor alteration located at approximately 242 South 700 East in the Central City Historic District. The request is to legalize a vinyl fence that was installed without the appropriate permits. The request could not be approved administratively since the action does not meet the standards of the Zoning Ordinance nor the Preservation Design Guidelines. Therefore, Planning Staff referred the request to the Historic Landmark Commission for consideration. The property is zoned CB

(Community Business District), and is located in City Council District 4 represented by Council Member Luke Garrott. (Staff contact: Janice Lew, 801.535.7625 or janice.lew@slcgov.com)

PRESENTATION AND DISCUSSION [6:04:33 PM](#)

Janice Lew presented a Powerpoint presentation showing the business under consideration for approval of a vinyl fence. She noted that in July of 1979 a variance was granted to McDonald's to allow the drive through window and associated driveway without maintaining the setback on Markea Avenue. As part of the approval, the applicant was required to get the sign-off of the property owners along Markea to consent to the variance. The approval of the variance was contingent upon the business owner widening the intersection on 700 East to avoid traffic on Markea Avenue, installing a wall to shield Markea Avenue, and then landscape that area along the wall. She noted staff is recommending that the Historic Landmark Commission deny the request due to the request failing to meet the Zoning Ordinance Standards in 21A.34.020.H. It does not meet Standards 2 and 3 of the Zoning Ordinance and Standard 4 is not applicable.

APPLICANT RESPONSE [6:08:28 PM](#)

George Ray, the Director of Operations at McDonald's, represented the applicant. He noted that McDonald's Cooperation performed a site study for the 2002 Olympics and it was considered a high visibility site. This was when the old wooden fence was pulled down and the new vinyl fence was installed. Mr. Ray noted that McDonald's plans on doing a remodel in 2010, whether it is a scrap and rebuild or a four wall design remodeling project has not been determined yet. He stated that the driveway and fence area would change with the new reconfiguration.

Chairperson Lloyd asked Mr. Ray to state the plans of McDonald's in 2010 again. Mr. Ray stated McDonald's would like to keep the current fence in place while construction is going on and then restructure it after the remodeling is completed.

QUESTIONS BY THE COMMISSION [6:14:30 PM](#)

Chairperson Lloyd inquired if there was financing in place for the future remodeling project. Mr. Ray stated that he was not at liberty to disclose that information.

PUBLIC COMMENTS [6:17:24 PM](#)

Terry Beaver, homeowner on Markea, addressed the Commission in regards to the fence maintaining a buffer zone between the homeowners and McDonald's. He stated that a brick wall would be more acceptable to keep the noise and garbage out of Markea Avenue.

Kathleen Pardee, homeowner on Markea, addressed the Commission in regards to the fence creating a boundary and that McDonald's should fix the fence.

Cindy Cromer, homeowner on Markea, addressed the Commission in regards to McDonald's proposed renovations and the inappropriate variance. She commented that previous owners have conformed to the Historic Guidelines during past renovations and feels that McDonald's should do the same.

APPLICANT RESPONSE [6:32:16 PM](#)

Mr. Ray noted that the district was not formed until the late 1990s and the original contract between McDonald's and Markea residents was formed after that. He noted that there was no mention of the business being in a historic district from previous owners.

EXECUTIVE SESSION [6:34:46 PM](#)

Commissioner Oliver agreed with the staff report that the fence does not meet the criteria. She commented that the proposed rebuild in 2010 was unreliable and should not be considered. She stated that the fence needs to be removed and rebuilt now instead of at a later time and based on comments by the applicant McDonald's building designs are sufficiently standardized to allow for the design and construction of a new compatible wall prior to the proposed tear down or rebuild of the McDonalds.

Commissioner Hart agreed with Commissioner Oliver's statement.

Commissioner Haymond agreed with Commissioner Oliver and Commissioner Hart and stated that McDonald's would know what the fence will look like to rebuild.

Commissioner Funk stated that the Commission knows what the appropriate fence is for the historic district and it could be rebuilt to meet those guidelines. Her concern was whether or not McDonald's could protect a new fence during the construction period for the new restaurant. She directed a question to Chairperson Lloyd asking if he felt the fence could be maintained during reconstruction.

Chairperson Lloyd did comment that a permanent fence could be built and withstand the construction site and he concurred that a fence could be protected during the construction period.

Commissioner Funk inquired as to the length of the fence and would the Commission be allowed to require McDonald's to extend the fence beyond the current location. She did state that it is a legitimate concern where the fence ends currently.

Joel Paterson stated that the Zoning Ordinance requires buffering between commercial and residential zones where they abut residentially zoned property and the ordinance would require landscaping or some type of fencing to provide the buffer. He stated it could be required to go further east. Review of the Transportation Division would be necessary because there is a point where the east end of the fence would block the view of the traffic coming in and out of McDonald's.

Commissioner Funk agreed and inquired about the landscaping and if the Commission can designate the type of landscaping to be planted. She asked if the Commission can specify the landscaping.

Commissioner Oliver stated that it would depend on the fence and what space was available.

Commissioner Funk noted that the drive-in should be planned to be on the opposite side (north side) of the structure and suggested some type of sound absorbing landscaping.

The Commission indicated they would like to see the new fence design and if they may make that request.

Joel Paterson noted that the fences are often approved administratively. Mr. Paterson asked Paul Nielsen, City Attorney, if the request to see the new fence design is appropriate in this current petition.

Paul Nielson noted that the application is for a Certificate of Appropriateness in regards to the current fence in place. He stated that if the current fence is not an appropriate vinyl fence then the Certificate of Appropriateness must be denied and the Commission cannot attach conditions to a denial.

Pat Comarell, Assistant Planning Director, noted that the zoning ordinance requires a fence in that location. If this petition is denied, the applicant must remove the fence. The zoning ordinance would still require the fence. She stated that it may be possible to put an alert on the Accela system, which would alert the Buzz Center that the McDonald's is in a Historic District and direct the application to the Historic Landmark Commission.

Mr. Paterson commented that when staff is reviewing an administrative request for a Certificate of Appropriateness, and is uncomfortable with the details, the staff can forward the request to the Commission.

Chairperson Lloyd restated that if the Commission was to deny the request for legalization, then McDonald's would be required to remove the fence. The next step in terms of meeting the zoning ordinance requirement would be that they have to provide a replacement fence and it would require a Certificate of Appropriateness.

Mr. Paterson concurred.

MOTION [6:43:09 PM](#)

Commissioner Funk made the motion in the case of PLNHLC2009-00983 –McDonald's Restaurant Minor Alterations that based on the analysis and findings of the staff report, this application does not meet Standards 2 and 3 of Section 21.A.34.020H of the zoning ordinance, Standard 4 is not applicable to this application, and, therefore, we deny this Certificate of Appropriateness.

Commissioner Hart seconded the motion.

All voted 'Aye'. The motion carried.

The meeting adjourned to reconvene downstairs in Room 126. [6:44:58 PM](#)

The meeting reconvened in Room 126.

OTHER BUSINESS [6:55:50 PM](#)

STAFF PRESENTATION

Janice Lew presented the last portion of the Commercial Design Guidelines to the Commission for their input and guidance for the consultants regarding the Design Guidelines in related to signage.

Commissioner Funk noted that pictures of the buildings and discussions are repeated and she would like to see other examples of buildings throughout the document.

Chairperson Lloyd discussed a conversation that he had with Mike Akerlow who represents the Small Business Advisory Board. He stated that they requested an opportunity to review the guidelines. He inquired if the Commission could offer some information to the Board regarding the historic districts.

Janice Lew noted that she had provided a presentation to the Business Advisory Board.

Ms. Lew inquired of the Commission if it is appropriate in these areas to use substitute materials such as a missing cornice or would the Commission prefer stating using original materials.

Commissioner Harding noted that it is difficult to tell if the materials are actually the original materials. She suggested that it might be a good idea to enforce staying with a certain material.

Ms. Lew noted that an example of materials could be fiberglass columns on porches and asked the Commission if that would be an appropriate direction.

Commissioner Funk commented that it might not be possible to define the specific materials to be used, but did say that if the appearance is similar, it would be appropriate to allow different materials.

Commissioner Oliver commented that materials could be listed, but do allow for some leeway.

Commissioner Hart stated that it should also stated, *where appropriate, where possible, use historic materials.*

Commissioner Oliver noted that in deterioration of historical materials they deteriorate naturally whereas other materials do not deteriorate the same and can cause confusion and draw attention.

Commissioner Lloyd noted that in cement board-siding and cement board detailing it shows aging. It does not age or wear like wood.

Ms. Lew inquired of the Commission as to them considering non-historic materials in certain situations.

Commissioner Oliver agreed it is appropriate in certain situations, but they are so specific it would be difficult to explain.

Ms. Lew suggested soften the language regarding the situations and materials.

Ms. Lew inquired of the Commission on their input of the issue of gutters.

Commissioner Lloyd noted that on page 43 in his copy, the sentence is chopped off and it should be continued. He also continued that round gutters are preferred, but K-style is acceptable.

Commissioner Oliver noted that where the gutters drain is important. She noted that if gutters obscure such things as rafter tails that issue is more important than the gutter shape. She also objects to the picture on page 43 that the appropriate downspout is draining into the foundation, which causes erosion.

Commissioner Lloyd inquired if the Commission will be able to see the photos that the consultants are planning on using.

Commissioner Oliver noted that the problematic areas are drainage, which is the source of deterioration. She suggested that the consultants include a bullet points regarding drainage.

Ms. Lew introduced the portion on signage. She asked the Commission if there should be different regulations for different areas and, if it is possible, for this to be addressed in the new guidelines.

Commissioner Oliver suggested a history of downtown Salt Lake City signage as an example. She commented that the consultants should take an inventory of the signage in the different districts.

Commissioner Funk noted that the regulations regarding signage on a window needs to be clearly stated in reference to percentage, etc.

Commissioner Oliver suggested that signage should be broken into categories: historic, new construction, adaptive reuse, commercial buildings in residential neighborhoods, etc. She also suggested using different types of neighborhoods and eras as categories.

Commissioner Harding suggested reviewing other City ordinances regarding signs.

Commissioner Hart suggested using Sterling Furniture in Sugarhouse as an example of needing signage guidelines.

Ms. Lew asked the Commission if internally illuminated signs were appropriate and Commissioner Hart and Commissioner Funk noted that they were not appropriate for the historic districts.

Ms. Lew asked if this document should be a standalone document organized by building and neighborhood types and eras. She noted some questions she had regarding Master Sign Plans and identifying signage location early in the design process. Other items included treating retail office spaces differently, and considering contributing versus non-contributing buildings.

Commissioner Lloyd noted that signage depends on the context of the sign. He suggested that other cities standards would be helpful in addressing unique conditions. An example would be a 1950s interiorly illuminated sign would be preserved without setting precedents for big box retailers to place signs on blank walls.

Commissioner Oliver agreed with Commissioner Lloyd about context. She noted it should be stated as an overriding principle to the context of the block face that may override other things stated in the specific guidelines.

Ms. Lew inquired if what the Commission is requesting is more general than detailed. Commissioner Harding agreed.

Pat Comarell, Assistant Planning Director, asked the Commission if there were historic signs which need to maintain and reused e.g neon

Once the discussion of the commercial design guidelines was completed, Commissioner Lloyd noted the proposed revision of the demolition ordinances being considered by the City Council, he feels that the ordinance could impact the work of the Commission. He stated the sentence of concern is, "Contributing

structures in National Historic Districts would be required to come to the Historic Landmark Commission if they are proposing demolition.” He asked the Commission their opinions about that statement.

Commissioner Funk voiced concern that the ordinance should be reviewed in conjunction with the Historic Overlay district ordinances. She urged the Commission members to go before the City Council and request that the ordinance come for review through the Commission. She stated another concern being the statement, “That they can deny demolition for a period of six months during which time period they try to get a reuse of the building as it is.” She noted it does not outline any requirements that are needed during the six month waiting period before demolition. She stated that something needs to be written in the ordinance as to what they are expected to do in that six month period while determining if demolition is appropriate. She feels that the ordinance is not ready for adoption.

Ms. Comarell suggested that the Commission send their concerns to the City Council. She noted three points that the Commission has expressed this evening that need to be brought to the City Council’s attention. 1. Work load of the Historic Landmark Commission which will be impacted, 2. what to do in the six month waiting period before demolition and how does that mesh with the discussions of the demolition provision and the Historic Overlay Ordinance, 3. Tie to the National Register of Historic Places. She noted the State Preservation Office is concerned that when a property is designated on the Council’s National Register; the property owner is given assurance that there are no regulations tied to it. Adaption of this demolition ordinance would not provide owners of property listed on the National Register procedural due process because they will not be aware of the new ordinance which would now regulate demolition of their property.

Meeting adjourned.

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on November 4, 2009.

Angela Brusatto, Senior Secretary Historic Landmark Commission