

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 326, 451 South State Street
August 4, 2010**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on August 4, 2010.

To download the FTR player and listen to audio excerpts from the record, click [here](#).

A regular meeting of the Historic Landmark Commission was held on August 4, 2010, at [5:58:33 PM](#) in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: Earle Bevins, III, Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Warren Lloyd, Chairperson; Anne Oliver, Vice Chairperson and Dave Richards. Commissioner Davis was excused from the meeting.

Planning staff present for the meeting were: John Anderson, Principal Planner; Cheri Coffey, Assistant Planning Director; Carl Leith, Senior Planner; Janice Lew, Senior Planner; Michael Maloy, Senior Planner; Ray Milliner, Principal Planner; Deborah Martin, Senior Secretary; Paul Nielson, City Attorney; and Joel Paterson, Planning Manager.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Commissioners Bevins, Funk, Harding, Haymond, Richards, Chairperson Lloyd and Vice Chairperson Oliver. A quorum was present. Field trip notes are included with the record of the minutes in the Planning Division Office.

WORK SESSION [5:19:23 PM](#)

Chairperson Lloyd recognized Dell Cook from City Engineering to discuss proposed improvements to the Liberty Park Retention Lake.

Mr. Cook noted that the recent oil spill highlighted the fact that the existing curb around the perimeter of the retention lake required attention and Chevron was willing to give attention to the matter and replace accordingly. He noted that a possible concept to replace the curb would be to add a thickened edge sidewalk around the lake along with a series of benches. Mr. Cook noted that plan would also incorporate a sitting wall comprised of modular masonry to appear as cut-face stone.

Commissioner Funk inquired if the lake would continue to overflow.

Mr. Cook noted that Engineering anticipated this eventuality and believed that an increased edge would help to keep the banks of the lake from eroding further whether from normal flooding or periodically required dredging.

Commissioner Richards inquired how the plan would affect the ducks inhabiting the lake area.

Mr. Cook noted that the plan intended to create shelter or habitat areas for the ducks around the lake's exterior and island. Mr. Cook noted that they would only change the contours of the lake where they might create more habitable area for wildlife and at the boat dock.

Chairperson Lloyd inquired what the Commission would wish to see regarding the issue.

Commissioner Haymond noted he would like to see updates regarding the process.

Ms. Lew noted that updates could be provided.

Chairperson Lloyd recognized Planning Director Wilf Sommerkorn to update the Commission regarding the Yalecrest process.

Mr. Sommerkorn noted that the Yalecrest neighborhood had been identified as a potential area for preservation to examine when reviewing the draft Historic Preservation Plan. He stated as part of that discussion the Commission had made a motion to prepare a nomination for the area once it had been determined that it was the desire of the neighborhood to move forward with designation. Mr. Sommerkorn indicated that the ordinance noted any individual or organization could request an area be considered for designation. He stated that with regard to the letter written in October 2009 for designation consideration of the Yalecrest area, consideration had been given to the matter, particularly on March 17, 2010. He stated that it was clear there was ongoing debate within the Yalecrest neighborhood itself.

Chairperson Lloyd noted they needed to address what they should consider and what the desire of the Yalecrest neighborhood truly was. He stated it seemed everything which had transpired since the meeting on March 17, 2010 could be seen as consideration of the matter.

Commissioner Funk noted the new proposal would likely not satisfy the parties which had made the original request for consideration of the Yalecrest Neighborhood as a local historic district. She stated she believed something more formal needed to be done to determine the true desire of the neighborhood.

Mr. Sommerkorn stated that City Council had discussed possibilities for such a process for the neighborhood, but no real formal process had been followed and no one had a better feel for what the true desire of the neighborhood was.

Commissioner Funk stated she was not comfortable in just dropping the issue altogether. She noted she felt the information needed to be gathered possibly by a neutral third party so the answer was not being guided.

Vice Chairperson Oliver noted it was not their prerogative to determine whether or not the public approved of the district, it was to determine whether or not the neighborhood itself met the criteria for designation of a local historic district, and therefore she would almost feel comfortable in stating that it would make a good candidate for a local historic district and move the issue forward to the Planning Commission and City Council for their consideration on other levels.

Ms. Coffey noted that they had not, however, held a public hearing formally considering the designation of the Yalecrest Neighborhood as a local historic district and would need to do so to forward any recommendation.

Chairperson Lloyd noted that the Commission would not be reviewing that issue during the evening's hearing, but rather, the new proposed demolition ordinance.

Ms. Coffey noted that it was her understanding that if there were areas which stepped forward in favor of designation, the Council would repeal the existing overlay as the purpose was to protect the area from demolition.

Commissioner Funk inquired if they might advertise the issue for consideration at their next meeting in September.

Mr. Sommerkorn noted that this was a possibility.

At this time, the meeting's proceedings moved to Room 326 of the City and County Building where the evening's agenda resumed at [5:58:33 PM](#).

APPROVAL OF THE MINUTES from February 3 and July 7, 2010. [5:59:41 PM](#)

Vice Chairperson Oliver noted not everyone had had a chance to review the minutes. Chairperson Lloyd deferred the minutes from February 3, 2010 to the September meeting.

Vice Chairperson Oliver made a motion to approve the minutes from July 7, 2010. Commissioner Harding seconded the motion. Commissioners Bevins, Harding, Haymond, Richards and Vice Chairperson Oliver voted "Aye". Commissioner Funk abstained from the vote. The minutes stand approved.

REPORT OF THE CHAIR AND VICE CHAIR [6:01:26 PM](#)

Chairperson Lloyd noted he had nothing to report.

Vice Chairperson Oliver noted she had nothing to report either.

PUBLIC COMMENTS [6:01:34 PM](#)

Cindy Cromer, 816 East 100 South, noted that Gilgal Gardens was celebrating their 10th Anniversary as a protected public space on Saturday, September 12, 2010 and that the celebration was open to everyone.

PUBLIC HEARINGS [6:03:15 PM](#)

PLNPCM2010-00448 & PLNPCM2010-00461 – YNC Yalecrest Neighborhood Character Overlay District – A request by the Salt Lake City Council to amend the Salt Lake City Zoning Map and Ordinance. The proposed zoning text amendment will create a new overlay district to limit demolition of homes that define the character of the Yalecrest neighborhood and preserve existing streetscape building setbacks. The proposed zoning map amendment will apply the YNC Yalecrest Neighborhood Character Overlay District to property located approximately between Sunnyside Avenue and 1300 South, and between 1900 East and 1300 East. The property affected is located in Council District 5, represented by Jill Remington Love, and Council District 6, represented by J.T. Martin. (Staff contact: Michael Maloy at 801-535-7282 or michael.maloy@slcgov.com.)

Staff Presentation [6:03:37 PM](#)

Mr. Maloy noted that the Planning Division and City Council were requesting that the Commission review the proposed ordinance and consider forwarding a recommendation to the Planning Commission and subsequently to City Council on the matter. He stated he appreciated the involvement of the community as staff had received a great deal of input on the issue and that Yalecrest was clearly a desirable and special neighborhood within the local community. Mr. Maloy stated that the Council had adopted a legislative intent statement request that the Planning Division work to redefine the City's definition of demolition in an attempt to serve the Yalecrest neighborhood and preserve its character.

Mr. Maloy noted that the current draft of the demolition ordinance had been created between July 7th and July 20th. He stated that staff had not received additional direction from Council. Mr. Maloy noted that the Planning Commission would hear the matter on August 11, 2010 and that the Council would tentatively hear the issue on September 7th, 2010.

Mr. Maloy stated that the current demolition regulation of the City defined demolition as any act or process removing 75 percent or more of exterior walls or total floor area of a structure, improvement or object. He noted that to obtain a demolition permit, the City usually reviewed what was being built in place of the existing structure as part of the building permit process.

Mr. Maloy stated that the proposal would reduce the percentage from 75 to 50 percent with additional specifications, particularly that no more than fifty percent of the roof area may be removed as measured in the plan view without further review from the Historic Landmark Commission. Mr. Maloy noted the ordinance would also recommend that a demolition of a side facing façade on a corner lot would also require review from the Historic Landmark Commission. He noted that the proposal did not require any review of windows or doors under the Residential Design Guidelines.

Mr. Maloy noted that the proposal would still allow for demolition of unsafe structures such as those damaged in a fire or other natural disaster. He stated that plans for any such structure requiring demolition of 50 percent or more would be reviewed by the Historic Landmark Commission. He noted that the common standard for demolition delay would be to apply a standard of 50 years to the ordinance, so that rather than requiring that any home constructed prior to 1942 be considered more closely when applying for demolition, any home 50 years old or older be given consideration as a possibly significant structure.

Mr. Maloy stated there would still be a process to consider demolition of a property even if that property was considered significant.

He noted that the ordinance would also place a freeze upon front yard setbacks, meaning that properties would retain their current setbacks and not move beyond them. He stated that this requirement was an issue of concern within the community.

Mr. Maloy stated that he had received approximately 109 comments from the public regarding the draft ordinance within the last two weeks; 11 in favor of the proposal, 63 against the ordinance and 15 against the ordinance but in support of some sort of regulation.

Mr. Maloy noted that the Planning Commission was in favor of allowing more than 50 percent demolition with some kind of design guidelines in place as well as some reconsideration of an average setback determined from abutting properties.

Mr. Maloy stated that the Historic Landmark Commission could decide to recommend denial of the Ordinance, approve the Ordinance or return with amendments as suggested through comments. He noted that proposed work groups would move forward regardless.

Mr. Maloy stated that there might also be another option for the Commission to consider. He stated that there were several communities which had specific demolition delay ordinances, often not associated with Historic Districts. He noted that oftentimes there were several historic resources within a community which did not constitute a full district. He stated that in order to attempt to prevent demolition of such sites there was often a process when someone applied for demolition whereby a delay could be set forth to seek modification of the proposal or find a buyer for the property or landmark designation. He noted that the Planning Commission did not respond to that idea.

Questions from the Commission [6:32:34 PM](#)

Commissioner Richards inquired how the demolition ordinance would be triggered.

Mr. Maloy noted that it would be for any structure seeking to remove more than 50 percent of the wall or roof area; however there would be some sort of provision for dangerous structures.

Commissioner Richards inquired how the percentage of wall area would be determined.

Mr. Maloy noted it would be taken from the measure of the entire wall.

Commissioner Richards inquired if there had been any discussion regarding the size of the structure, noting that 50 percent of a smaller structure could be quite significant visually.

Mr. Maloy noted that staff had not considered the size of a structure. He noted that the draft ordinance also did not discuss whether it would be the front or the rear of a roof which could be removed.

Chairperson Lloyd inquired which cities' demolition delay ordinances had been examined.

Mr. Maloy noted they had studied such ordinances in Boulder, Colorado; Boston, Massachusetts and Lake Forest, Illinois.

Commissioner Richards inquired who would determine significance of a structure when necessary.

Mr. Maloy noted that the authority would be given to the Planning Director but would admittedly most often be assigned to a staff member with a role in preservation planning. He stated that such an issue might also be forwarded to the Landmark Commission for a determination.

Chairperson Lloyd noted that in summation of the changes proposed, the real questions seemed to be with the period of eligibility and in defining percentage areas for consideration regarding roof and wall areas.

Commissioner Richards noted that the hardship section seemed to apply more to commercial structures than residential ones.

Ms. Coffey noted that the hardship section of the ordinance was taken from the existing ordinance which had to regulate a greater variety of structures and zoning districts. She stated the hardship ordinance for Yalecrest would not prohibit rebuilding of single family structures.

Public Comments [6:45:55 PM](#)

Karen Morgan noted she was in support of the preservation of her neighborhood and that they should be able to expect that the structures surrounding them not be significantly changed. She noted she would support hiring experts in the field to help draft guidelines.

Scott Whittle, 1521 E Yale Avenue, noted he was strongly in support of trying to preserve the character of the neighborhood. He stated that he was in favor of the ordinance as described but was concerned that there had been a non-scientific gathering of information with an over-representation of one side of view.

Chairperson Lloyd noted that the Yalecrest Community Council was not able to send a representative as their meeting was being held concurrently.

Katie Sorenson, 1836 East 900 South, spoke in opposition. She noted her concern that the ordinance would make it more difficult to provide a structure safe for her family to inhabit. She stated that in the event of an earthquake, most homes in the neighborhood would not stand. She noted that she would wish to provide more than 50 percent of a structure for her family to be safe in.

Craig DeMordaunt, 932 Military Drive, spoke in opposition. He noted the proposal undermined the demolition process and that for reconstruction plans, the guidelines were too broad. He noted that the Commission should explore other alternatives such as applicable design guidelines.

Philip Winston spoke in opposition. He noted that it was too brief a time period to institute a new ordinance and felt the proposal to be more restrictive than a proposed local district.

Nader Oskoui, 1390 Michigan Avenue, noted that he felt there were too many restrictions under the proposed ordinance which could lower property values. Mr. Oskoui stated that he did believe it was important to retain the appearance of the neighborhood.

Shahnar Mocri, 1390 Michigan Avenue, spoke in opposition. She noted that it needed to be less stringent to allow younger generations to live in the area and expand their homes for future needs.

Robert Moody, 1345 Princeton Avenue, spoke in opposition. He stated he felt the restrictions to be arbitrary and felt that most neighbors wanted to preserve the character and beauty of the neighborhood but did not wish to preserve the history. He noted that they needed to do it in a way that was not so restrictive.

Scott Brown, 1861 Michigan Avenue, spoke in opposition. Mr. Brown noted that he believed it had been too rushed and was overbroad with vague terms. He stated he felt it was a backdoor process to institute a local historic district.

Barbara Madsen, 1871 Yalecrest Avenue, spoke in opposition. Ms. Madsen stated that she had done some limited research regarding property values across the nation in relation to historic districts and had found that property values had improved in areas that had been blighted or were heading towards blight. She noted that it seemed through this research that the opposite might be true in areas such as Yalecrest.

Ben Winchester, 1450 Princeton Avenue, spoke in opposition. He noted he was adamantly opposed to the proposal based upon the restrictive nature of the draft ordinance as well as the haste with which it was being pushed. He noted that he was greatly concerned with the current process and wished to see the process clarified with more involvement from all interested parties.

Rebecca Waldron, 1821 Yalecrest Avenue, spoke in opposition. She noted her main concern was the speed at which the ordinance was being reviewed. Ms. Waldron stated that she did not feel that every house in the area could be treated in the same way.

David McConkie, 1789 Hubbard Avenue, spoke in opposition. He stated that he lived directly across the Garage Mahal and worried that the ordinance could be considered a regulatory taking. He noted that he did not believe all major remodels or teardowns to be bad.

Alex Schiel spoke in opposition. Mr. Schiel noted that as an architect, the 50 percent rule would make no sense from a seismic retrofitting standpoint. He stated that people should be allowed to alter their houses as they saw fit.

McKay Edwards, 1400 East 900 South, spoke in opposition. He noted he was an urban planner by profession and that he was not against it because he wished to demolish his home. Mr. Edwards stated

that he felt the Yalecrest neighborhood was highly successful and felt the proposed ordinance would only do harm.

Jeff Justice, 1600 E Yale Avenue, spoke in opposition. Mr. Justice noted that he did not feel the demolition delay option to be valid. He noted that a delay could greatly affect the loan. He stated that as a real estate professional he saw people wishing to move out of the area and not buy in the area due to the proposed restrictions.

Pam Clawson, 1619 Yalecrest Avenue, spoke in opposition. She stated she was in favor of preserving the character, but in opposition of redefining demolition for the area. She noted she felt the term “significant structure” to be too subjective, noting that many homes had already been altered. Ms. Clawson stated that she was concerned with the setback restriction which could not allow for the expansion of some homes at all.

Curtis Pons spoke in opposition. He noted that he had not seen a large number of people in favor come forward to speak to the issue. He stated that he would like to see a vote.

Chairperson Lloyd stated that the current meeting was not the forum to conduct such a vote. He noted that the Commission wished to hear his comments and that there were other forums through which he could conduct such a vote.

Mr. Pons noted that he felt the 50 percent requirement to be too restrictive and was very opposed to it.

Cindy Cromer, 816 East 100 South, noted that the average lifespan of a home was now 170 years meaning that each owner was now a temporary steward. Ms. Cromer stated that the challenge in the formation of new ordinances was to balance the rights of the current property owners with the public need. She stated that the proposed ordinance attempted to achieve this balance.

Susan Porter, 1601 Yalecrest Avenue, spoke in opposition. She noted her belief that the ordinance would restrict the neighborhoods ability to make tasteful renovations. She agreed with others that the 50 percent demolition of the roofline would create structural problems. Ms. Porter noted she had great concerns with the potential impacts to property values.

Kim Childs, 1655 East 900 South, spoke in favor. He stated the area was significant and needed to be preserved. He noted that there would be more demolitions if nothing were done. He stated that to add a second floor on some of the smaller properties in the area greatly impacted the surrounding neighbors, some of whom would no longer see sunlight through their side windows.

Don Brady spoke in opposition. He noted that the desirability of the area did not come solely from the homes, but also from the streets, the streetlamps, the trees and other features. Mr. Brady noted that not all old homes were charming. He stated he felt the ordinances were too restrictive and would keep potential residents away.

Sidney McDonald noted that she would like to see guidelines, but not mandates.

Nathan Morgan noted he was in support of restrictions on demolitions.

David Boren noted he was in opposition and felt the majority of residents were also opposed. He noted he felt the discussion should end.

Donell Pons noted that the ordinance was too restrictive and he felt it was based upon the comments of a vocal minority.

Mr. Maloy noted that he was keeping track of the comments from email and in person and that there was not a great deal of overlap, most of those present during the hearing had not given comment before by email or phone. Mr. Maloy stated for clarification that the proposed ordinance would not prohibit outright demolitions; complete demolitions could still be allowed but would require a review by the Historic Landmark Commission under a different process.

Seeing no one else present to speak to the matter, Chairperson Lloyd moved the issue to Executive Session.

Executive Session [7:31:55 PM](#)

Commissioner Funk stated it seemed parts of the ordinance were unnecessarily complicated, specifically the method of determining whether a structure was significant or not. She noted that the existing Economic Hardship ordinance was written to address commercial structures and should be refined to address single family homes specifically. She noted she was also concerned about the effect of allowing a home to deteriorate which might allow it to become structurally unsound. Commissioner Funk noted that the Economic Hardship Committee should also allow for a member of the Historic Landmark Commission. She noted that she felt the density requirements needed to be resolved in some way.

Commissioner Funk stated that to the proposition in general, the purpose of a historic district was to maintain the historic integrity of an area, to preserve the history of that area of the City. She noted that it would be better to improve historic district ordinances than to pass the current proposal.

Commissioner Haymond noted that he was not comfortable passing the current ordinance either. He stated that a formal tally had not been taken regarding support and it was troubling. He noted the ordinance seemed flawed and wanted the integrity of the neighborhood to be addressed.

Chairperson Lloyd stated that he respected and agreed with some of the concerns regarding 50 percent roof replacement. He noted that the neighborhoods wanted specificity and in doing so, the lines were blurred regarding structural issues. He stated that Building Services had a strong incentive to increase seismic safety within the City and regularly instituted measures to do so. He noted that the neighborhood had not arrived at a consensus within their local community, and this was not the role of the Historic Landmark Commission.

Commissioner Funk stated that she was not proposing a historic district and the will of the people needed to be considered, but that the ordinance was flawed to the extent that the Commission would be better off to go back and improve the historic district ordinances, then determine whether it would or would not be a good option for the neighborhood.

Commissioner Bevins concurred that the ordinance had been cobbled together from separate existing ordinances and that the City needed to instead work to better define the existing demolition ordinance.

Commissioner Richards stated that he believed some of the comments about seismic safety to be red herrings and that the City required a lateral analysis wherever a second story over unreinforced masonry was added and required the necessary upgrades.

Vice Chairperson Oliver noted that there were two issues; the map amendment and the text amendment. She stated there seemed to be little debate over the map amendment and that the Commission might agree that this was okay. She noted that in the case of the text amendment, it had been acknowledged that this was a band aid; everyone was scrambling to provide some level of protection for the neighborhood. She stated that everyone needed to work to find a more suitable alternative. She noted that the Commission needed to take the time necessary and do the difficult work of figuring the issue out.

Commissioner Richards noted he believed the map amendment was more closely tied to the text amendment than Vice Chairperson Oliver believed.

Vice Chairperson Oliver noted that she may have spoken too quickly, but they had not seen residents from the excluded area step forward to be included.

Ms. Coffey noted that there would be no reason to accept the map amendment if the Commission was not comfortable with the text amendment. She stated that as of September 10, 2010, if nothing had been passed, all regulations would revert to their previous state. Ms. Coffey noted that the ordinance would not go before the City Council unless there was some type of recommendation from the Historic Landmark Commission and the Planning Commission.

Motion [7:54:59 PM](#)

In the consideration of PLNPCM2010-00448, the zoning text amendment and PLNPCM2010-00461, the zoning map amendment, Commissioner Funk made a motion to forward a negative recommendation to the City Council based upon the evidence and testimony heard during the evening's hearing.

Commissioner Haymond seconded the motion.

Discussion of the Motion [7:55:45 PM](#)

Vice Chairperson Oliver noted she would wish to add three major points as to why they were recommending denial, including;

1. By approving the proposed ordinance a more lengthy and thoughtful consideration of the issue would be derailed, whether the eventual outcome be a local historic district, a conservation district or an amendment to the existing overlay to strengthen the protection and predictability for residents.
2. Terms are ill defined; particularly the term 'design principles' and the method by which the Commission would review anything which came before them.
3. The standards for approving Economic Hardship need to be redefined to address single family residences rather than what the Commission would typically see such as a rental property or business.

Commissioner Funk stated she felt it would be appropriate to make a second motion.

Mr. Nielson stated that it was up to Commissioner Funk as to whether or not she wished to accept that language in the original motion.

Commissioner Haymond noted he did not feel it was necessary.

Mr. Nielson stated they could also discuss after the vote why they decided the way they did.

All voted “Aye”. The motion carries unanimously.

Chairperson Lloyd called for a recess at this time. The meeting reconvened at [8:13:11 PM](#)

PLNHLC2010-00426, PLNHLC2010-00427; Major Modification, New Construction Tracy Aviary Improvements — The applicant, Friends of Tracy Aviary are requesting approval of new construction and utility upgrades within the aviary located at the southwest corner of Liberty Park (located approximately between 500-700 East and 900-1300 South streets). The new construction includes a new entrance building with educational facilities. The utility upgrades include underground utility improvements and ground mounted utility boxes. The park is a Landmark Site on the Salt Lake City Register of Cultural Resources. The property is zoned OS (Open Space) and is located in City Council District 5, represented by Council Member Jill Remington Love. (Staff contact: Ray Milliner, 801- 535-7645, ray.milliner@slcgov.com).

Vice Chairperson Oliver disclosed that she worked with AJC Architects regularly, but was not involved in this particular project and did not feel her continued involvement presented a conflict of interest.

No one on the Commission took issue with Vice Chairperson Oliver’s disclosure.

Staff Presentation [8:14:04 PM](#)

Mr. Milliner noted there were three components to the project, the first of which had been approved one year ago by the Commission which involved construction of a new Ground Hornbill Exhibit, the remodel of the Wilson Pavilion, the construction of a bird holding structure and review of the Tracy Aviary Master Plan. Mr. Milliner stated that the current project included three items; the construction of an education and guest services building, the installation of new utilities and infrastructure throughout the site and the installation of a temporary sales trailer. Mr. Milliner noted that there were two petition numbers and would ask that the Commission make a separate motion for each.

Mr. Milliner noted the proposed guest services building would be located at the northeast entrance, replacing the current ticket building. Mr. Milliner stated the proposed building would be approximately 10,000 square feet in size, two stories high, with a z-shaped footprint and utilizing cement block with a metal decorative detail around the perimeter of the structure. Mr. Milliner noted staff analysis found the structure met the requirements of the zoning ordinance. He stated that the design was meant to reflect the nature of the building’s use and the exterior would be designed to resemble a flock of birds flying away and the canopy of a forest. He noted staff recommended approval of the guest services building.

Mr. Milliner stated the second item for consideration involved improvements to the Aviary’s infrastructure, which was currently a cobble and updates would bring everything up to code. Mr. Milliner noted that some of the existing trees would need to be removed and others would be impacted by construction. He stated that staff recommended the applicant work with the City Arborist to determine what trees might be removed, how they would be replaced and what would be the best plan for replacement. He noted that staff recommended approval of the requested utility upgrades.

Mr. Milliner noted that the final component of the current plan was to install a temporary building. Mr. Milliner noted that the temporary structure would be removed at the time the guest services’ building was completed. He stated that staff recommended approval of the temporary structure as well.

Questions from the Commission [8:19:33 PM](#)

Seeing no questions from the Commission, Chairperson Lloyd invited the applicant forward to speak.

Applicant Presentation [8:19:55 PM](#)

Paul Svendsen, friends of Tracy Aviary, noted that they had attempted to involve the public in the process wherever possible. He stated that they had received six proposals and displayed them at the Chase House at the Aviary, held an open house and had received at least a couple dozen comments regarding the proposal. He noted they had also attended a Planning Division Open House on the issue as well as small group consultations with a number of interested parties. Mr. Svendsen noted that trees were essential to the Aviary environment and that they planned to avoid removing trees wherever possible.

Questions from the Commission [8:24:17 PM](#)

Commissioner Richards inquired about the trees to be removed.

Mr. Svendsen reviewed a revised drawing for the Commission, noting that the number of trees to be removed had been reduced dramatically. He noted that the vast majority of the trees to be removed were quite small, in the two to eight inch caliper range. Mr. Svendsen stated that as part of the following landscaping and site work they would be planting 50 new trees. He noted that there were three very large trees that they could not figure out how to save, one large Elm and two Cottonwoods.

Chairperson Lloyd inquired if there was any historic evidence in existence regarding a landscape plan.

Mr. Svendsen noted there were two existing historic surveys which indicated structures, but not trees. He stated that he had done a fairly thorough search of photographs and did not know of any that showed that part of the park.

Mr. Milliner noted that the previous Master Plan for the Aviary indicated that the area's vegetation and overall wooded environment had been considered important but not individual specimens themselves.

Commissioner Richards inquired where the site plan drawing was for the proposed guest services building.

Mr. Svendsen noted that the structure would be located at the current entrance in approximately the same location as the Cottonwood and would leave a plaza area to integrate with the Liberty Park Concession Area. He stated that at the back part of the proposed structure there would be an orientation area for interpretive materials and a kiosk. He noted that the selection committee was very pleased with the proposal for the building.

Chairperson Lloyd noted that in the perspective views it had a very interesting look with a seemingly rusted metal finish.

Public Comments [8:37:24 PM](#)

Cindy Cromer, 816 East 100 South, noted her concern regarding the preservation of trees. She stated that there were two Mimosa trees slated for removal she would like to see saved.

Esther Hunter, Co-Chair of the East Central Community Council, noted her concern regarding the overall plan and process and the cumulative effect of each new structure without an indication of the total impact. Ms. Hunter stated that the success of the Aviary, the trust of the space and the trust of the funds were in the hands of the Commission and asked for their careful consideration of the matter. Ms. Hunter stated that the University of Utah Library Helen Wells Private Collection contained a great deal of information regarding the trees within the Aviary; their planting dates and significance. Ms. Hunter stated she had the opportunity to also speak with Bill Rutherford who had noted that in the last 90 days, they had the opportunity to investigate the safety and health of the trees and found them to be in good condition. Ms. Hunter stated that the Secretary of Interior Standards recommended for landscapes that historical research be performed through inventory and documentation, site analysis and evaluation and development of a landscape preservation plan be included. Ms. Hunter requested that the Commission consider a thirty day delay of the issue with a date certain for approval of the project.

Gary Felt, Co-Chair of the East Central Community Council, noted that they would prefer to see some of the larger trees possibly salvaged and would like to see the issue deferred 30 days in order to allow the Community Councils to provide more feedback.

Commissioner Richards inquired if they were asking the Commission to hold on both the infrastructure and the guest building issue.

Mr. Felt noted he felt it was important to first consider the trees, however the infrastructure would be first to disrupt the landscaping.

Applicant Response [8:49:36 PM](#)

Mr. Svendsen noted a 30 day delay would be difficult as they were attempting to balance several issues, such as beginning the projects as weather permits and at times that meet the Aviary's strategic goals and hours of operation. Mr. Svendsen noted the Aviary was interested in the trees, however had found that the trees in question were old and at the end of their lives. He noted that it was painful to have to remove such great trees, they have gone to lengths to minimize the impact and had a mandate from Salt Lake County voters to go forward. He noted it was impossible to achieve a zero percent loss of trees given the scope of the Aviary improvements.

Questions from the Commission [8:52:58 PM](#)

Chairperson Lloyd inquired what the status of other permit applications for the Aviary was.

Mr. Svendsen noted that they were currently at 50 percent design development for the current proposal and that they did not want to move beyond that in case the Commission felt the proposal was moving in the wrong direction. He noted that their goal was to begin the permitting process in the fall with submitted drawings.

Seeing no further comments, Chairperson Lloyd moved the item to Executive Session.

Executive Session [8:54:02 PM](#)

Commissioner Haymond noted the staff report indicated in condition two that the applicant intended to work with the City Arborist to ensure removal of only those trees necessary for installation of utility upgrades. He stated that the Commission was also only addressing the new construction and utility installation. He noted that he did not feel the trees were intentionally planted and instead were volunteers

and while the Commission certainly did not disregard landscaping plans, he was not uncomfortable with the removal of the trees in question.

Commissioner Bevins inquired if the City Arborist had the authority to remove trees.

Ms. Coffey noted that they Urban Forester did have authority to remove trees within the City, but had consulted with the Commission in the past if it was a significant tree in a historic district. She noted that the Urban Forester had removed trees in historic districts in the past without consultation in the case of trees dangerous to public safety.

Vice Chairperson Oliver noted she concurred with Commissioner Haymond in that the trees did not appear to be part of the intentional landscaping and it was important that the Aviary be more integrated into the park. She stated that she would like to see the trees documented before being taken down and would love to see any documentation in existence from the special collection which Ms. Hunter had mentioned earlier.

Commissioner Funk noted she believed the trees were worth preserving and felt they could give the issue more time. She stated that oftentimes a plan could improve a project in a short period of time noting that Reservoir Park was an excellent example. She noted that she was hesitant to start any major project without further investigation of whether or not significant trees could be preserved.

Vice Chairperson Oliver noted that they could not move the building to an alternate location and the applicant had already done a great deal of work to salvage other significant trees. She stated she felt they had done their due diligence.

Commissioner Bevins inquired if the trees had been part of the approved Master Plan for the Aviary.

Mr. Milliner noted that there were some trees featured on the plan.

Commissioner Funk inquired if two weeks would be sufficient time for staff.

Mr. Milliner noted that they would have to notice the issue and hold another public hearing as a decision would be made by the Commission and did not feel that could be accomplished within that time frame.

Commissioner Funk inquired if the inventory of trees from the University of Utah Marriott Collection could be obtained in two weeks.

Chairperson Lloyd invited Ms. Hunter forward to comment.

Ms. Hunter noted that the information could be obtained.

Chairperson Lloyd inquired of the applicant if the possibility of an alternate site had been explored.

Mr. Svendsen noted that it had been considered at tremendous length. He stated that if they built within the drip-line of a large tree such as that Cottonwood, they would be putting the tree at risk of structural failure. He noted that there was not another space to build at the entry. Mr. Svendsen stated that they had spent a lot of time attempting to minimize the impact to existing trees. He noted it would simply not be possible to construct a 10,000 square foot building for the Aviary without removing some large trees.

Chairperson Lloyd inquired how many trees would be removed for the project.

Mr. Svendsen stated that it was possibly now 10 trees down from 100 for the infrastructure, and about 50-60 trees removed for the new entry building which would be replaced in kind in a better pattern for continued growth.

Commissioner Funk reiterated that she did not feel comfortable approving the proposal without further analysis of the landscaping and investigation of whether or not the larger trees might remain.

Motion [9:15:21 PM](#)

In the case of Petition PLNHLC2010-00427 and Petition PLNHLC2010-00426, Commissioner Funk moved to table the item for one month at which time the Commission reconsider the issue with additional information from the architect as to the exact site placement of the building, what additional trees they anticipate taking out to place the utility services and have presented the recommendations of the Community Councils as to the trees they would like to see preserved with the historic background information.

There was no second to the motion.

Alternate Motion [9:17:03 PM](#)

In the case of Petition PLNHLC2010-00427 and Petition PLNHLC2010-00426, Commissioner Harding moved to approve all three items as follows:

- **New Construction of an education and guest services building located at the main entrance to the Aviary. This building would replace an existing non-contributory building in the same location.**
- **New utility infrastructure, including: sewer, water, communication, gas, electricity and storm drain equipment.**
- **Installation of a temporary sales trailer**

And so moved to condition approval upon the conditions outlined in the staff report;

- 1. All proposed utility boxes and power vaults shall be placed so that they are screened from public view;**
- 2. Preferred screening is vegetation. The applicant shall work with the City Arborist to ensure that only those trees necessary for the installation of the utilities are removed, and that the replacement landscaping is appropriate;**
- 3. Final approval of exterior materials and windows shall be delegated to staff for compliance with the SLC Historic District Design Guidelines review;**
- 4. The guest services building must meet all other applicable Zoning Ordinance requirements, including setbacks, maximum footprint and lot coverage;**

Commissioner Harding based her motion upon the staff report and the reasoning contained therein.

Commissioner Richards seconded the motion.

Discussion of the Motion [9:17:53 PM](#)

Chairperson Lloyd inquired if the Commission cared to include any information provided from the Urban Forester or the East Central Community Council.

Commissioner Harding stated that the Urban Forester was listed for consultation and that it seemed the applicant had made a sincere effort to preserve as many trees as they could. She noted that the Community Councils had been given the opportunity to speak and it seemed that the Aviary needed to grow, which was the long term need they were meeting.

Commissioner Funk noted that another possibility might be for the Community Councils to study the rest of the park's trees for future consideration.

Chairperson Lloyd noted that it might be appropriate to request the site plan be brought to the Commission just for informational purposes and to request that the Commission receive updates regarding the landscaping and its progress as well as documentation on the significant trees, 24" diameter and larger.

Commissioners Bevins, Harding, Haymond, Richards and Vice Chairperson Oliver voted, "Aye". Commissioner Funk voted, "Nay". The motion carries 5-1.

PLNHLC2010-00311, Graylynn Apartments Certificate of Appropriateness for Window

Replacement – A request by the property owner, Bridger Development to retroactively request approval for several replacement windows and to request approval for the installation of additional new windows on the apartment building located at approximately 205 2nd Avenue in the Avenues Historic District. The property is zoned RMF-35 (Multi-Family Residential District) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Ray Milliner, 801- 535-7645, ray.milliner@slcgov.com).

Staff Presentation [9:22:33 PM](#)

Mr. Milliner reviewed the proposal, noting that the applicant was the owner of the apartment building and had begun to replace windows without a Certificate of Appropriateness. He noted that the applicant requested that the Commission approve the existing windows installed without a permit and allow the continued replacement of the old windows with the new windows. Mr. Milliner noted that the windows were vinyl sliders with an internal muntin system mirroring the existing window. He stated that staff analysis had found the existing windows were in a state of great disrepair, rotting, broken and non-functioning.

Applicant Presentation [9:26:45 PM](#)

Lance Anderson, property manager, noted he would be happy to answer any questions the Commission had.

Chairperson Lloyd inquired how the work was done without a building permit.

Mr. Anderson noted that they had wanted to replace the windows for a long time and while they were aware they were in a historic district, they were honestly unaware they needed a special permit. He noted that they had needed to replace the windows as there was finally a unit with no working windows. He

noted that currently there was only 15 inches of egress for escape and with the replacement windows there would be 20 inches of egress space, creating safer units.

Commissioner Richards noted that the internal grids did not read as a divided light and stated that there might be vinyl casement windows manufactured by the window company Amsco with an external muntin system that would be more appropriate.

Mr. Anderson stated that they would prefer to use the sliders for maintenance upkeep issues.

Commissioner Funk noted there was hardware available to prevent windows from blowing.

Chairperson Lloyd inquired if the applicant had explored tax incentives for the project.

Mr. Anderson noted that they had not.

Chairperson Lloyd noted that there were state and federal tax credits available to offset some of the costs incurred by such a replacement.

Mr. Anderson noted that he appreciated these suggestions but was concerned about the egress.

Public Comments [9:43:23 PM](#)

Cindy Cromer, 816 East 100 South, noted that the structure was very visible and the external muntins were so prominent, they really were character defining features. Ms. Cromer noted that screens were also a necessary element in today's society and no one had mentioned the appearance of screens over windows. She noted that from a maintenance and tenant standpoint, the concerns of the applicant were real, however the windows did not look correct on the building.

Seeing no one else wishing to speak, Chairperson Lloyd closed the public comment portion of the hearing and moved to executive session.

Executive Session [9:45:55 PM](#)

Commissioner Harding noted she felt the item should be transcribed as it seemed in a recent Land Use Appeals Board Meeting that the record was incomplete and to provide a more accurate depiction of the proceedings, transcription might be necessary.

Mr. Nielson noted that it might be off topic, but it was possible to provide transcribed proceedings of a meeting for LUAB when necessary and if every item were to be transcribed, it would be particularly time-consuming.

Chairperson Lloyd noted that he had not invited the applicant forward to respond to the public comments and opened the floor to allow the applicant that opportunity.

Applicant Response [9:47:18 PM](#)

Mr. Anderson inquired if approval was required to install storm windows.

Mr. Paterson noted that a Certificate of Appropriateness was required to install storm windows.

Mr. Anderson noted that they did not see much difference between the new and old windows and rather, they looked the same but better.

Executive Session [9:49:15 PM](#)

Chairperson Lloyd noted that there were options available for casement windows which would swing out and provide egress while still matching the profile of the existing casement window. He noted that such windows have a hinge operation that moves the sash inboard from the edge of the window. Chairperson Lloyd stated that there were also full casement windows that were inward opening. Chairperson Lloyd noted that a wood replacement window or aluminum clad window would also be more appropriate.

Vice Chairperson Oliver inquired if the tax credits available would offset the cost difference between vinyl and clad windows.

Chairperson Lloyd noted that he felt it would and that the applicant should also consider the fact that most analysis found that aluminum clad windows lasted longer than vinyl units.

Chairperson Lloyd noted he would encourage the applicant to meet with the State Historic Preservation Office (SHPO) and discuss alternatives and available credits.

Commissioner Funk concurred and noted that it seemed reasonable to delay or continue the decision for 30 days and ask the applicant to check into alternative windows that might accomplish their needs.

Commissioner Richards noted that the Amsco Artisan series did make an all vinyl window with external grids, and a full casement that hinges from the ends. He noted that they might not qualify for tax credits. He stated that they would only need two windows in a bank of four to be operable. He noted that the screens would also be internal and would not change the view from the street.

Commissioner Bevins concurred with Commissioner Richards and noted it would address the screen issue.

Commissioner Harding noted that she felt there needed to be more analysis of internal muntins. She stated that it was evident they did not meet historic guidelines, however, observations made at the Land Use Appeals Board seemed to indicate that they could not tell the difference between exterior and interior muntins 60 feet from a building.

Commissioner Richards noted that he did not agree with that assessment; the difference had been obvious to the Commission during their field trip. He noted that the windows were one of the key features of the structure under consideration.

Mr. Milliner inquired if it would be best to continue the application and then allow time for staff to review tax credits and alternative window options as well as finding someone to possibly fix the windows to provide an estimate.

Commissioner Funk asked that staff include the cost of aluminum or wood clad windows.

Mr. Milliner inquired how the Commission would like to proceed with the existing new windows.

Commissioner Harding inquired if the windows could be moved to the rear.

Commissioner Funk noted they would also be less visible on the east side.

Vice Chairperson Oliver noted that in her mind the issue needed to be denied and then the applicant could explore other alternatives.

Commissioner Funk noted that if they continued the item, the applicant did not need to apply for a new permit.

Ms. Coffey noted that it needed to be clear for the staff if the Commission was comfortable with replacing rather than repairing the windows. She stated that if the Commission felt the windows were not replaceable and there was a similar window, which was or was not an Amsco unit, it would also be a possible replacement.

Vice Chairperson Oliver noted that SHPO could also analyze whether or not the windows were repairable.

Motion [10:05:15 PM](#)

In the case of petition PLNHLC2010-00311, Vice Chairperson Oliver made a motion to continue the case in order to provide the applicant and staff time to work together to investigate options of repairing the existing windows, investigating options for replacement to include; aluminum clad wood windows and vinyl windows that operate in a casement fashion and also to investigate with the State Historic Preservation Office options for tax credits and what SHPO would require in order for those tax credits to be approved.

Commissioner Harding seconded the motion.

Discussion of the Motion [10:06:04 PM](#)

Commissioner Funk inquired if a clad window was included.

Mr. Milliner noted the motion included clad windows.

Commissioners Bevins, Funk, Harding, Haymond, Richards and Vice Chairperson Oliver all voted, “Aye”. The motion carries unanimously.

PLNHLC2010-00192 – Lindsley Certificate of Appropriateness for Major Alterations – (Unfinished Business) A request by property owner, Robert Lindsley for major alterations to a single-family residence located at approximately 1086 S Military Drive in the Yalecrest National Register Historic District. The property is zoned R-1-7000 (Single Family Residential District) and is located in City Council District 6, represented by JT Martin. This item was continued from the May 19, 2010 and July 7, 2010 meetings. (Staff contact: Janice Lew at 801-535-7625 or janice.lew@slcgov.com.)

PLNPCM2010-00376 – Zoning Text Amendment – A request by the Salt Lake City Planning Commission for a text amendment to grant the Historic Landmark Commission the authority to initiate petitions to amend the Zoning Ordinance and Zoning Map relating to historic preservation issues. This is a City-wide policy issue affecting all City Council Districts. (Staff contact: Janice Lew at 801-535-7625 or janice.lew@slcgov.com.)

Staff Presentation [10:07:54 PM](#)

Ms. Lew noted there were three areas in the Zoning Ordinance which would be amended; first, in Chapter 21A.06, covering decision making bodies which would add language allowing the Commission to

initiate petitions; second, amendment to the Ordinance to allow a Commission member to initiate petitions relating to historic preservation and eliminating the discussion regarding the overlay district and landmark sites; third to Chapter 21A.34, in designating historic districts and landmark sites, adding additional language regarding the Commission holding public hearings and making recommendations to the Planning Commission as well as that individuals or organizations can request the Historic Landmark Commission consider initiating a petition to amend the zoning map. She noted that the proposed amendment eliminated language for preparing an application and what would be required to do so. Ms. Lew noted that if the Commission concurred with staff analysis, staff recommended a favorable recommendation.

Questions from the Commission [10:11:05 PM](#)

Commissioner Harding inquired who requested the change.

Ms. Lew noted she believed it was originally the Planning Commission.

Ms. Coffey noted it was also on the priority list for the Preservation Plan.

Mr. Nielson noted that there were some punctuation issues to be resolved, but they would be fixed.

Ms. Lew stated that there were comments from Cindy Cromer included in the staff report.

Chairperson Lloyd noted that the language may seem obscure, but would be appreciated in the future when needed.

Public Comments [10:12:57 PM](#)

Cindy Cromer, 816 East 100 South, noted that Pat Comarell had been quietly shepherding the issue for some time before the end of her service with the City. She noted that the only comment she would add would be to consider the initiation of petitions for city owned properties outside of city limits.

Executive Session [10:14:24 PM](#)

In the case of petition PLNPCM2010-00376, Commissioner Funk moved that based upon the analysis and findings in the staff report that the petition substantially meets the ordinance standards for a zoning text amendment and that the Commission forward a favorable recommendation to the Planning Commission and City Council.

Commissioner Richards seconded the motion.

Discussion of the Motion [10:15:33 PM](#)

Vice Chairperson Oliver inquired if the language understood city-owned properties outside of city limits.

Ms. Coffey noted that it would, as long as the petition related to historic preservation of that property.

Commissioners Bevins, Funk, Harding, Haymond, Richards and Vice Chairperson Oliver all voted, "Aye". The motion carries unanimously.

OTHER BUSINESS [10:16:04 PM](#)

Chair and Vice Chair Election

Mr. Nielson read from the ordinance:

Section 21A.06.050.F. The historic landmark commission shall annually elect a chair and vice chair who shall serve for a term of one year each. The chair or vice chair may be elected to serve consecutive terms in the same office.

Chairperson Lloyd noted that he had enjoyed being Chair but would be willing to pass the duty on to whoever wished to do so.

Commissioner Funk nominated Chairperson Lloyd and Vice Chairperson Oliver to continue serving in their current posts.

Mr. Nielson noted Chairperson Lloyd could decline the nomination.

Chairperson Lloyd noted that he did enjoy it, but felt it was a valuable learning opportunity would offer the opportunity to anyone who would wish to serve.

Commissioner Funk noted she agreed it was a valuable learning opportunity but that Chairperson Lloyd hadn't learned enough.

Ms. Coffey inquired if he would accept the nomination.

Chairperson Lloyd accepted the nomination.

The Commission voted at this time by handwritten ballot.

Staff collected and tallied the ballots during the following discussion.

Commissioner Funk made a motion to forward the Yalecrest historic district nomination.

Commissioner Haymond seconded the motion.

Commissioner Richards inquired if the Yalecrest Community Council had asked the Commission to take action on the initial request from last September.

Chairperson Lloyd noted that there was another request on November 23, 2009 to move forward. He inquired if they should expect to see another formal application.

Commissioner Harding stated that it was unclear if the public support was present, or allow for the pursuance of another option such as a conservation district.

Chairperson Lloyd inquired if the effect would be to get a date on the calendar for a hearing and another public discussion.

Commissioner Haymond stated that they needed a better indication of public support.

Vice Chairperson Oliver noted that she would like to hear more information from the parties concerned that the Commission had not met their obligation to consider the overlay.

Commissioner Funk noted that they still needed to respond to the request.

Commissioner Harding noted that they could respond and note that the Commission needed a demonstration that the public support existed.

Ms. Coffey noted that the two council members in the area had not seen overwhelming support for the district, but had hoped that with the working groups, smaller areas might decide they wished to be local historic districts. She noted that most of the comments received seemed to be against the local historic district.

Chairperson Lloyd noted that an outcome of a scheduled hearing might be recommendations of smaller areas; however, it was unclear how they would arrive at that as there did not seem to be a leading force within the neighborhoods.

Commissioner Harding stated she believed the burden needed to be upon the neighborhoods to prove that the public support was present.

Commissioner Funk noted that this was problematic as everyone maintained the majority was on their side. She noted that maybe the Commission should approach the author of the original request and see if they still wished for the Commission to proceed.

Commissioner Funk withdrew her motion.

Chairperson Lloyd noted that in the work session discussion the Planning Director had noted staff would be willing to draft a letter indicating the steps the Commission had taken demonstrating consideration, and would advocate that they might review this letter and delay any further action for a month.

Mr. Paterson tallied the election ballots and reviewed the vote for the Commission.

Chairperson Lloyd and Vice Chairperson Oliver were re-elected to their posts until the end of August 2011.

The meeting stood adjourned at [10:31:50 PM](#).

Cecily Zuck, Historic Landmark Commission Secretary