

SALT LAKE CITY HISTORIC LANDMARK COMMISSION
MINUTES OF THE MEETING
451 South State Street, Room 315
January 6, 2010 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 January 6, 2010.

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Present for the Historic Landmark Commission meeting were Chair Warren Lloyd and Vice Chair Anne Oliver. Commissioners present were: Earle Bevins, III, Thomas Carter, Arla Funk, Sheleigh Harding, Polly hart, Bill Davis, and David Richards.

A field trip was held prior to the meeting. Historic Landmark Commissioners present were: Warren Lloyd, Anne Oliver, Earle Bevins, III, Thomas Carter, Arla Funk, Sheleigh Harding, Polly hart, Bill Davis, and David Richards. Staff members present were: Lex Traughber, Michael Maloy, Katia Pace and Joel Paterson.

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Historic Landmark Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff present for the meeting were: Wilf Sommerkorn, Planning Director; Pat Comarell, Assistant Planning Director; Cheri Coffey, Programs Manager; Joel Paterson, Programs Manager; Janice Lew, Principal Planner; Lex Traughber, Principal Planner, Michael Maloy, Principal Planner; Katia Pace, Associate Planner; and Angela Hasenberg, Historic Landmark Commission Secretary.

FIELD TRIP: 4:00 p.m.

PLNHLC2009-0141; 58 South 1200 E, Steven's Garage- Planner Katia Pace described proposal and described another identical garage that was approved by the Historic Landmark Committee. The current proposal gets a negative recommendation because the garage is not subordinate to the house. Other garages in are smaller, and this site has a significant grade change.

PLNHLC2009-01048; 715 E 4th Avenue, O'Neill fence Replacement/Legalization-New material for fences. Design issue, guidelines discuss an element of transparency; Trex fences are completely solid. Is the material appropriate commission asked if the new construction should result in a product of its own time?

PLNPCM2009-01048-1812 S West Temple Street Historic Landmark Designation – Designation will be for the home, not the entire site. Rear addition was removed; it was reviewed in the staff report. The Plan for the house has a common area for residents of the development. A development agreement with the city requires all future exterior modifications to be reviewed for consistency with the design guidelines.

DINNER AND WORK SESSION: 5:19 p.m.

Chairperson Lloyd welcomed new Commissioner Thomas Carter to the Commission and asked him to introduce himself.

Commissioner Funk asked Chairperson Lloyd to consider whether or not the Work Session discussion on district prioritization should be addressed before a public hearing.

Chairperson Lloyd asked that Commissioner Funk allow Mr. Carter to introduce himself and then the Commission could discuss the matter.

Mr. Carter introduced himself. He noted he was a professor of architecture history at the University of Utah.

Ms. Comarell noted that in terms of the work session over dinner, general notification was sufficient. There were no specific projects to be discussed and applications that required a public hearing were listed on the main agenda. She stated that the policies and priorities had been noted as Commission business.

Ms. Comarell stated that the website would be corrected as soon as possible, the webmaster was very ill and it would be corrected when she returned. She noted that copies of all staff reports which had not been available on the website would be available during the meeting.

Commissioner Hart noted she shared Commissioner Funk's concern that the prioritization of districts be discussed in a public hearing rather than in work session.

Ms. Comarell discussed the notification process.

Chairperson Lloyd noted the Commission should allow for all Community Council input.

Ms. Comarell inquired if the Commission would prefer to discuss the item as part of dinner or as part of the regular meeting.

Vice Chairperson Oliver noted that she believed the list to be a first effort in prioritizing historic district by some sort of fair analysis.

Commissioners Bevins and Funk noted that neighborhoods like Westmoreland were missing from the list.

Ms. Comarell noted that the neighborhoods in the list came from discussion with the City Council and the Commission. She stated that other neighborhoods could be added. Ms. Comarell stated that the City had said for a long time that they would not consider new historic districts until they had the staff to support them. Council approved a new preservation planner last year and staff asked the Council to put together a recommendation for new districts. She stated the possibility of conservation districts had also been part of the discussion.

Vice Chairperson Oliver inquired of the Commission to look at the list and examine what should take priority; age of survey, level of endangerment, level of neighborhood support and so on as listed.

Chairperson Lloyd noted that staff could provide more info and the Commission could then examine that data and prioritize the list.

Commissioner Davis noted he had a conflict that evening and would be leaving at 7:30. He stated in considering the West Temple Historic Landmark Designation, he could recuse himself as he had been very involved in the process as the Ball Park Community Council Chair.

Vice Chairperson Oliver stated the Commission should consider case studies for conservation districts. She referenced a publication written by Judith Miller for the National Trust on neighborhood conservation districts and their benefits.

Chairperson Lloyd moved proceedings to Room 326.

APPROVAL OF THE MINUTES FROM OCTOBER 7 AND NOVEMBER 2, 2009: 5:55 p.m.

Chairperson Lloyd noted that there were no minutes available to approve.

REPORT OF THE CHAIR AND VICE CHAIR 5:56 p.m.

Chairperson Lloyd welcomed new Commissioners Thomas Carter and Bill Davis and presented a plaque to outgoing Chairperson, David Fitzsimmons, recognizing his service.

COMMENTS TO THE COMMISSION 5:57 p.m.

Esther Hunter spoke. Ms. Hunter thanked Mr. Fitzsimmons for his donated time and acknowledged his service.

Ms. Hunter stated that she was a strong supporter of Historic Landmark Preservation and there were many people within the community that wanted to assist and help in this effort and she was here to make the Commission aware of the Salt Lake Community Network and that it had been meeting since April. Ms. Hunter stated that the Salt Lake Community Network's purpose is one of facilitating the communication process between the city and community councils. The hope is that this new way of proceeding would make the process simpler. On that front, three of the historic districts, Bryant, Gilmore and University Extension were part of the Community Network. Regarding the University extension, the community did the work and had a survey done, included the heart of Bryant Area, and so it's actually listed as one area instead of two separate areas.

Chairperson Lloyd thanked Ms. Hunter and inquired if anyone else had additional comments for the Commission.

Ms. Tracy Olivera-Cover was present, representing the Westmoreland Community Council. Ms. Olivera-Cover noted that based on an informal poll, Westmoreland would like to be considered for further exploration and

information on becoming a historic district. She stated the neighborhood would like additional tools for Historic Preservation. She referred to a letter that was distributed among the Commissioners. Ms. Olivera-Cover noted that Westmoreland Place neighborhood had a high historic value for preservation and their northern border is next to the Yalecrest neighborhood.

PUBLIC HEARINGS 6:02 p.m.

PLNHLC2009-01316, O’Neill Fence Replacement/Legalization – Minor Alteration – A request by Edmund Rose of CFC Fences & Decks, representing the property owners, Sally and Robert O’Neill, to retroactively approve the fence installed at 715 E. 4th Avenue. The property is zoned SR-1A (Special Development Pattern Residential District) and is located in City Council District 3, represented by Council Member Stan Penfold (Staff: Lex Traughber - (801) 535-6184 or lex.traughber@slcgov.com).

Chairperson Lloyd recognized Lex Traughber as staff representative.

Mr. Traughber stated that this was a request to retroactively permit an existing four foot tall fence that had been installed along the driveway in the Avenues Historic district. It’s made of Trex, a material made of fifty percent reclaimed wood and the other fifty percent of polyethylene. This material had not been deemed appropriate for historic districts. There were Historic Guidelines that were issued by the City, and this composite material was not included as one of them.

After looking at this issue, staff determined the City had adopted residential design guidelines that dealt with this issue, which included fencing. The criteria did not include a fence made of this material and therefore staff could not recommend a positive recommendation for this matter.

Mr. Traughber stated that at the dinner meeting staff received comments from several parties, but they were received too late to be included in the staff report. Mr. Traughber presented a series of photographs that detailed the points he was speaking about. Mr. Traughber described the issues regarding the replacement fences, and stated the question tonight was if the Commissioners felt that Trex was an appropriate material to use in historic districts?

Questions for Staff

Chairperson Lloyd noted this was a case that was referred to the Historic Landmark Commission by Housing and Zoning Enforcement. The photos of the fence were the only photos in existence.

Commissioner Hart inquired if this wood were made of any other type of material, would there be an issue with it.

Mr. Traughber explained that planning staff would be more inclined to approve it, because the material would be appropriate. He stated another issue with Trex was transparency; air and light could not move through the fence.

Commissioner Hart then asked if the fence was made of wood, would light and air be able to transfer through the wood.

Mr. Traugher stated more than likely yes.

Commissioner Carter stated that during the field trip it was pointed out that the transparency issue only pertained to the front yard.

Mr. Traugher noted there were different degrees of transparency; there was always some amount of sunlight that could come through the slats in the fence. Mr. Traugher noted that TREX has a very different look and feel than a traditional wooden fence that has slats. He stated that the design guidelines also discussed the exclusion of fences that are in the front yard.

Commissioner Oliver, read from the design guidelines that established that rules were different in the front yards than in the back yard. Section 1.4 stated *that a replacement then should have a transparent quality allowing views into the yard from the streets...using a solid fence with no spacing between the board is inappropriate in a front yard.*

Commissioner Hart stated that the standard was different from a front yard to a backyard or a rear side yard.

Mr. Traugher noted that historically the Commission had allowed privacy fences in rear yards.

Commissioner Carter replied the issue was the materials used.

Commissioner Funk asked if the visible part on the streetscape was of wood, would it be acceptable to have the Trex fence around the rest of the yard.

Mr. Traugher stated that if one could not see the fence from the street, staff would be more inclined to approve a fence of that nature.

Mr. Paterson noted that Trex was not listed for this type of fencing and therefore it was an issue for the Commission to discuss its' appropriateness in the rear yard.

Commissioner Hart inquired as to whether vinyl fencing was allowed in rear yards

Mr. Traugher confirmed that vinyl could be approved on a case-by-case basis. It was his understanding that vinyl could be used if it was not seen from the street.

Chairperson Lloyd asked if there were any other questions for staff, seeing none, he invited the applicant to come forward to discuss the matter.

Applicant Presentation

Mr. Bob and Mrs. Sally O'Neil, 715 S. 4th Ave, noted they had lived at this address for 19 years and were sensitive to the historic nature of their neighborhood which was why they moved into it. From their perspective, their fence in the rear yard had become a hazard due to the nature of inconsistency of type and

wear of the fencing in the rear yard, which included a six foot solid wood fence on 60 percent of the property, and which separated their property and two rental properties.

On the north side of the property a 25 foot high and 42 foot long concrete wall, and a 10 foot high and 15 foot long garage wall existed, which belonged to the neighbors to the east. In addition, an 83 foot long rusty wire fence was there which their neighbor had installed chicken wire to prohibit their dog from jumping into their yard.

The fence in the driveway was a chain link fence covered by heavy vines that reached a five foot level. The combination of weight of the vines and fencing was damaging the concrete below. The problems that instigated the new fence were: a solid wood fence that was rotting, the gates were falling off and slats had fallen out, nails were falling out, and the posts and cross bars were failing as well. Over the past five years the applicant had the fence repaired numerous times and was told by each contractor that the property needed new fencing.

The two criteria that the applicant had for new fencing were: low maintenance, and a green and sustainable product in the yard. Because of the plethora of materials used in the fencing previously, the applicants wanted to have continuity of material, and to create a look they would not regret in the long run.

Mr. O'Neil stated he wanted to have a fencing system that fit in with the neighborhood, which would be pleasing to the neighbors; he also noted that he would like to make sure that it was a good quality job and he had hired a professional landscape designers, The Landform Design Group, that helped them to develop a plan and handle all aspects of the project, including all the interactions with the hired contractors.

Mr. O'Neil introduced Brandon and Jason from the Landform design Group, Edmund and Rick from CFC Fences and decks and Dave, a neighbor on the west side of the property that recommended Trex as a potential material, and agreed to pay for half of the fence. Mr. O'Neil asked if the representatives from Landform Design Group could speak.

Landform Design Group distributed literature to the Commissioners and presented photos.

Brandon from the Landform Design Group elaborated on their design goals and thought processes of this project especially in an area that was Historic in nature or in any other community that had guidelines, and since this was an area that had overlay in City guidelines as well as Historic Guidelines, and therefore did research on what the Historic District required of them, thusly aligning their goals with the guidelines of the City.

He said that their design goal stated "Was to prepare a plan that would preserve the O'Neil property's historic scale, unique character, while accommodating compatible new construction" And answered the question, would this design be sustainable or green over time. Brandon added they wanted to respect the residential character of the neighborhood. Brandon noted that new construction should be compatible with its historic context while also reflecting current design. Therefore, they created a design that represented the elements of today while remembering the past.

Brandon stated that the goals of this plan were created specifically to match the goals of the Avenues District. To begin their design evaluation they asked the question of how to accomplish this. They evaluated

the surrounding area in context, and wanted to make sure they picked up on any hints or clues of the architecture from adjacent properties; they studied and applied historic landmark preservation guidelines, and discovered the owner's needs, wants, and desires for the property design outcome, and finally created a plan that met the City's design guidelines for sustainability.

Brandon also added they did consider other materials in addition to Trex, such as old brick to match the home, and brand new concrete that was weathered to blend with the existing concrete.

Brandon showed examples of other homes that were located in the Historic District, he made note that the fences were made of wood, but similar in design. He also provided an example of another fence in the Avenues district that was from Trex that the O'Neils really like. Brandon made the point that the fence the O'Neil's had would weather over time and was very similar to wood as it was a reclaimed wood product.

Some of the other reasons they chose the Trex material were because it had already been approved in the Avenues, not as a fence, but as a decking material, low maintenance, having all the effects of wood, but not the maintenance. It's also a very environmentally responsible company and they wanted to make sure they were sustainable. Additionally, Trex did not rot or splinter and did not require staining or painting, but retained a wood feel and looked great.

Edmund from CFC Fencing Distributed Materials, responded to the question raised by Mr. Traugber, and stated that the Trex product was very new, and had not been up to review as fencing material, but had been approved as a material for decking. The material was identical to the material used for the decking, fifty percent reclaimed wood, and fifty percent reclaimed plastic. The only difference was the intended use.

Edmund addressed the question of maintaining the similarity of the materials. He noted the use of regular wood increased the maintenance for the home owner, whereas Trex complimented the redesign, and did not require additional maintenance and upkeep.

Edmund noted that Trex was chosen for this project because of its similarity in look and feel of real wood as well as a worn look which emulated a worn, grey fence. Also, because the City's stance on sustainability, Trex fences were beginning to outsell real wood fences. Trex was also certified by the LEED requirements, essentially a certification process that was done through the United States Green Building Council. Trex had also been approved in other Historic districts, such as West Bountiful and in wood only areas such as Day Break and Traverse Mountain. He stated this project was based on a popular style found in the Avenues; there was a picture frame look to it, and the style along with a decorative post that was neighborhood friendly. The O'Neil's chose the grey color to blend in with the colors in the neighborhood. An important note, based on the criteria the City had set was the regulation required that a fence not extend beyond the offsets required from the street, so in fact, this is a side yard fence and not a front yard fence. Edmund noted that because this was a back yard and a side yard, the transparency issue is null. Many fences in the Avenues replicate the style of fence in question. There were also Trex fences already installed in the Avenues. Edmund reiterated that in designing this fence that all requirements of the city were met.

Public Hearing

David Johnson stated he was the neighbor immediately to the west and was aware of seven signatures of neighbors surrounding the property that supported the idea that the fence enhanced the properties. He

added there were other areas in Illinois and Massachusetts along with other states that had approved Trex fences. Mr. Johnson also pointed out that Trex fences were used in National Parks, and supported the idea that Trex should be approved on a case-by-case basis.

Gene Simmons stated he lived in the Marmalade District and was interested in erecting a Trex fence. He and his family moved into the area in 1983, and added a beautiful wood fence, but after twenty years and a lot of maintenance they were looking for an alternative that would be appropriate and low maintenance. Mr. Simmons noted that he had looked for support from his neighbors regarding the Trex fencing, and both supported the plan because they appreciated the quality and beauty.

Mrs. O'Neil addressed a complaint letter issued to the Planning Commission. She detailed their attention to detail in the plan for the landscaping; noting that they had meetings with the neighbors on all three sides of their property and completely explained what would happen and it was felt that all was in agreement. Chairperson Lloyd asked for clarification on the fact that this case was presented to the Historic Landmark Commission as a legal matter, and asked for details regarding the lack of permitting on the applicant's part. Mrs. O'Neil admitted there was no permit on the fence and apologized for the oversight.

Commissioner Richards asked for clarification regarding the issue of a repair of an existing fence does not require permitting.

Mr. Paterson offered that in the case of a new fence, and this would qualify as one, a permit was mandatory as well as obtaining a certificate of appropriateness.

Chairperson Lloyd closed the Public Hearing.

Executive Session

Commissioner Oliver asked CFC fencing to elaborate on the literature provided. She noted that the literature stated that Trex could be painted, and asked if this product was paintable.

Edmund from CFC replied that Trex could be treated exactly as lumber; it could be cut and painted as lumber would be.

Commissioner Oliver further inquired whether the product had been tested over time.

Edmund noted that Trex was a porous material and would achieve a degree of weatherization.

Commissioner Davis noted that future advances and sustainability needed to be considered in regards to appropriate materials for fences.

Motion 7:05:40 p.m.

In the case of PLNHLC2009-01316, the O'Neil Fence Replacement, Commissioner Funk made a motion to approve the fence based upon the discussion that evening; that the fence was sustainable, that it had its own character of the present time, the proposal met standard 1.2 as the existing fence had deteriorated

beyond repair and needed replacement, met standard 1.3 in using materials appearing to be similar to the original, met standard 1.4 as not a chain link or vinyl material, met standard 12.9 as it is similar in scale and finish to those used in the historic district.

Commissioner Davis seconded the motion.

Vice Chairperson Oliver asked that the motion also address the Policy Document and Standard 1.1.

Commissioner Funk noted that according to standard 1.1. the motion should note that the fence was neither a significant site feature nor historic.

Vice Chairperson Oliver suggested an amendment noting that the Policy Document had been adopted in 1993 and new materials had evolved and become more prevalent since that date.

Commissioner Funk accepted the amendment. Commissioner Davis seconded both amendments.

Vice Chairperson Oliver noted that she wished to indicate Commission would still be approving materials on a case by case basis.

Commissioner Funk stated that she did not believe the discussion to be appropriate as part of the fence approval.

Mr. Nielson noted he shared the Commission's concern about possible precedent. He stated that in terms of the motion, if Commissioner Funk wished to amend the motion she might.

Commissioner Davis inquired if the Commission might amend the motion to state that it would not be precedent setting.

Mr. Nielson stated he did not believe they could make that statement.

Commissioner Hart stated that the fence was already present.

Commissioner Funk withdrew her motion.

Ms. Comarell noted that the Policy Document Vice Chairperson Oliver had referred to was part of the Commission's general guidelines and was more flexible and could more be tailored to their preferences than policy adopted by the City Council.

Mr. Nielson noted that as changing the policy was not on the evening's agenda, he was not certain it was appropriate for the Commission to vote on changing it to address a new material.

Vice Chairperson Oliver inquired if the policy could be addressed and changed by the Commission.

Ms. Comarell noted this was so.

Second Motion 7:14:45 p.m.

In the case of Petition PLNHLC2009-01316, Commissioner Hart made a motion to table the application until the Commission has established whether TREX is an appropriate material for fencing.

Commissioner Funk seconded the motion.

Further, Commissioner Hart inquired of staff to place discussion of the issue on an immediately future agenda for consideration.

Commissioners Harding and Carter noted they believed the applicant was entitled to a decision now.

Mr. Nielson stated that the law would note an applicant was entitled to a decision within 45 days of requesting a decision in writing. He noted there was a concern if the motion was asking that the item be tabled until the Commission could do something further which indicated an indefinite period of review.

Commissioner Hart stated that the fence was already built and the Commission would not be halting any construction, just a legal decision.

Chairperson Lloyd called for a vote on the motion on the floor.

Commissioners Bevins, Funk and Hart, voted "Aye". Commissioners Carter, Davis, Harding, Haymond and Oliver voted "Nay". The motion fails 3-5.

Third Motion 7:19:20 p.m.

Commissioner Carter moved to reinstate Commissioner Funk's original motion as follows:

In the case of PLNHLC2009-01316, the O'Neil Fence Replacement, Commissioner Funk made a motion to approve the fence based upon the discussion that evening; that the fence was sustainable, that it had its own character of the present time, the proposal met standard 1.2 as the existing fence had deteriorated beyond repair and needed replacement, met standard 1.3 in using materials appearing to be similar to the original, met standard 1.4 as not a chain link or vinyl material, met standard 12.9 as it is similar in scale and finish to those used in the historic district. Commissioner Funk noted that according to standard 1.1. the motion should note that the fence was neither a significant site feature nor historic, and noting that the Policy Document had been adopted in 1993 and new materials had evolved and become more prevalent since that date.

Commissioner Davis seconded the reinstated motion.

Commissioner Davis noted the reality was the ordinance was somewhat vague and the Commission would not be bound by a singular decision.

Mr. Paterson noted that each case before the Commission was intended to be considered on its own merits.

Chairperson Lloyd called for a vote on the motion on the floor.

Commissioners Carter, Davis, Funk, Harding, Haymond, Oliver and Richards voted "Aye". Commissioners Bevins and Hart voted, "Nay". The motion carries 7-2.

Chairperson Lloyd noted the Commission might request of staff to evaluate information on composite materials and present a briefing at a later time.

Chairperson Lloyd noted the Stevens' party was present.

Mr. Nielson asked that the Commission make a motion to change the order of the agenda.

Commissioner Funk made a motion to change the order of the agenda to consider the matter of the Steven's Garage next. Commissioner Harding seconded the motion. All voted "Aye". The motion carries unanimously.

PLNHLC2009-01224 Stevens New Garage – A request by Colin Stevens for construction of a new detached garage with excessive height located at 58 South 1200 East and in the University Historic District. As part of the request, the applicant is requesting approval to construct the garage to a height of 19 feet in a zoning district that allows a maximum height of 17 feet for an accessory structure with a pitched roof. The subject property is located in the R-2 (Single and Two-Family Residential) zoning district in City Council District 4, represented by Luke Garrott.

Chairperson Lloyd recognized Katia Pace as staff representative.

Ms. Pace stated this was a request for a new garage as an accessory structure, in the rear yard part of the property. The property was zoned R-2 and registered as a historic property. Ms. Pace stated Mr. Stevens was requesting to build a 728 square foot and 19 foot tall accessory structure. The R-2 zoning district allowed for fifty percent of the square foot of the principle structure and allows only for a 720 square foot structure. Ms. Pace noted that in Historic Districts, anything that was beyond 600 square feet needed to be reviewed by the HLC. Ms Pace informed the Commission of architectural styles and material and roof scale relating to the principle structure and to the neighborhood. The architecture of the principle structure was that of a vernacular Tea Cottage, while the architecture of the accessory structure was Colonial.

She stated the square footage of the principle structure was 1440 square feet, and the proposed Garage was 728 square feet; however, the principle structure was one story, and the proposed accessory structure was two stories. Both had dormer windows, and the material of the original structure was stucco, but was currently covered with aluminum siding. The material on the accessory structure would be brick on the first floor and hardy shingles on the dormer windows on the second level. The roof of the principle structure was asphalt, and the roof of the accessory structure was metal. Ms Pace noted the obvious differences in the two structures, and added that the style of architecture on the street in the neighborhood varied, but were limited to cottages, bungalows, and classical.

Ms. Pace noted this accessory structure would be very different than any other garages on the street, and that this particular request was actually for a hobby shop, and would be presented to the Board of

Adjustment (BOA), but the issue in this meeting was the height of the structure and the BOA would have the final decision on the excess square footage and the hobby shop.

Commissioner Oliver asked if the discussion was regarding height design and square footage only.

Ms. Pace agreed that was true, with the exception of the square feet.

Ms. Coffey interjected that any garage over 680 square feet was presented to the Historic Landmark Commission and was not looked at administratively.

Ms. Pace added that its excess was more than what the district zoning allowed, which was a 720 maximum, therefore the BOA would have to review that aspect of the project as well.

Ms. Coffey stated that the HLC could make a determination on the massing and the scale of the structure, to make sure it was compatible.

Commissioner Funk noted even if the HLC passed this, it will still have to go to the BOA.

Collin Stevens, applicant, stated that in addition to housing his car the garage would be used as a work space.

Due to the nature of his business as an inventor and musician, it had become necessary to house expensive equipment that was separate from his home.

Commissioner Oliver asked if the applicant had ever considered an addition to his house rather than an accessory structure.

Mr. Stevens responded that he had, and that it made more sense to have a garage structure than to add to the house. He noted that his yard was large, and the structure from the street would not be seen from the street.

Commissioner Oliver stated that the Commission had received some public comment about possibly moving a structure to the south side of the lot and inquired if the applicant would consider that.

Mr. Stevens stated that it made more sense to have it as it was. He also made note that many homes on his street were three story structures.

Commissioner Carter asked what the slope of the yard was.

Mr. Stevens stated that a survey was done, and there was considerable slope.

Virginia Ulibari, project architect, stated that the purpose of the metal roof was to reflect heat.

Commissioner Carter asked why the Colonial style of architecture was chosen. Ms. Ulibari responded that it was what the applicant wanted to make the structure more exciting than the principle. She noted the roof was very similar to the principle structure and that brick was more attractive than the siding used on the principle structure.

Public Hearing

Chair Lloyd opened the public hearing and noted there was no one present to speak; he then closed the public hearing.

Executive Session

Commissioner Funk stated the design, scale, and structure was inappropriate. She added that this project was in her neighborhood and she would not appreciate such a large structure combined with such a small home.

Motion

Commissioner Funk made a motion regarding Petition PLNHLC2009-01224, based upon the analysis and findings of the staff report, that the petition be denied.

Commissioner Bevins seconded the motion.

The Commission unanimously passed the motion.

The applicant was encouraged to make an appointment and discuss further plans with staff.

PLNPCM2009-01048 – 1812 S West Temple Street Historic Landmark Designation – A request by Bill Nighswonger, Salt Lake City Housing Authority, for designation of the Stanley F. Taylor home located at 1812 S. West Temple Street as a landmark site on the Salt Lake City Register of Cultural Resources. The petition is a request for a Zoning Map amendment to place the H Historic Preservation Overlay zone on this property. This request requires the Historic Landmark Commission to forward a recommendation to the Planning Commission and City Council. The site is zoned RMF-45 Moderate/ High Density Multi-Family Residential District and is located in City Council District 5, represented by Council Member Jill Remington Love. (Staff contact: Michael Maloy, 801-535-7118 or michael.maloy@slcgov.com)

Bill Davis recused himself from voting on the issue.

Chairperson Lloyd recognized Mike Maloy as staff representative.

Mike Maloy presented an aerial photograph of the lot. Mr. Maloy established that the historical designation request is for the home only. The home was part of a previous plan development that had been approved by the planning commission in September, 2008.

Mr. Maloy presented other photographs showing the different elevations of the home. It was noted that the addition on the rear portion of the home is not original and has been removed, per a demolition request that was reviewed and approved by the city planning staff.

The Planning Commission staff report recommended a condition that the applicants submit to the city a petition for this designation. The City also required the developer to follow the design guidelines of the historic district, regardless of the outcome of this petition. Subsequently, the applicant entered into a development agreement with the City that was authorized by the City Council that also stipulated that

understanding. Mr. Maloy made it clear on the record that regardless of the Landmark Commission's recommendation to the Planning Commission and subsequently to the city council, this structure will be reused as part of the development and that the exterior of the home will be renovated following the best practices outlined in the Design Guidelines. To that end, as noted in the staff report, Robin Zeigler, the former senior HLC planner, believed that it did not rise to the level of warranting a Landmarks' designation. Mr. Maloy summarized a memo from Ms Zeigler stating that if this was part of an established district, it would be a contributing structure. But does this home alone rise to the level of the standards of our criteria in the city code for being designated? Mr. Maloy noted that it was her (Robin Zeigler's) recommendation that it did not, that the physical structure as it is right now, with the windows being removed, and the additional remodeling, that it depleted the historical value of this property.

Mr. Maloy stated that it is staff's recommendation that the property does not meet the Landmarks' Designation Standards.

Questions for Staff

Commission Lloyd queried, functionally speaking, would the designation of the home change the manner of demolition protection for the home.

Mr. Maloy replied that certainly it would, that from practical standpoint the designation would create a heightened level of awareness for review. It was discussed previously that this property will be flagged, that it is a conditional use; it will have restrictions listed in all of the city's databases that the property would need to comply with this condition of approval. Potentially, however, if there is a change of use in the future, from the conditional use of the senior residential project, those conditions could be removed. Change of Use would allow for that possibility.

Chairperson Lloyd asked if alterations to the structure would have to come back to the commission based on the Planning Commission requirements.

Mr. Maloy answered that his initial response would be no, because it is a conditional use, which is under the discretion of the Planning Commission, but as a practical point of view, where we are administrating the Design Guidelines there might be a necessity to do that.

Commissioner Oliver noted that it seems that it is a strange position to be in, and asked if there are other buildings in Salt Lake that are in a similar situation?

Mr. Maloy answered that he did not know of any and asked Cheri Coffey if she was aware of any.

Cheri Coffey stated that she was not aware of any.

Polly Hart asked if in order for a building to be individually listed on the City's register, that it has to be able to be individually listed on the National Register?

Cheri Coffey said that she did not believe that was true, but that she thinks that our regulations are similar to the national register regulations.

Polly Hart noted that what goes for one might go for the other. That what is required to meet the City's regulations might be needed to fit the National Regulations.

Mr. Maloy offered that perhaps they were referring to a letter the applicant received from Utah State History Office saying that they believed that without further review that it would not likely merit that standard.

Commissioner Hart added that it was because it was not part of a district that it would not be individually allowed.

Ms Coffey stated that because technically it is a zoning change, that it to the discretion of the city council as to whether it is listed.

Commissioner Lloyd asked about the conditions that were imposed from the Planning Commission and the City Council, were there any statements with regard to this application that there would be penalties if it wasn't approved?

Mr. Maloy responded that both the Planning Commission and the City Council understood that there was potential that this petition would be denied. The language which I originally wrote for the Planning Commission required that the property would be listed, however, through planning review and discussion with senior staff, recognizing that the requirement was out of staff's hands, or out of the Planning Commissions hands, but that the applicant would simply have to submit an application. Clearly the Community Council and the Planning Commission wanted the building to be preserved in some reasonable fashion and that has been the intent of staff. The question is whether or not the desire to preserve the building warrants the Landmark Designation? It was Mr. Maloy's belief that with the process that has already been established, that the building is protected for the foreseeable future.

Commissioner Bevins wondered if there is a time frame to a conditional use permit as to when the building has to be preserved in accordance to the National and local historic standards and guidelines?

Mr. Maloy answered that the development that is under construction right now could not be fully occupied and granted a final occupancy permit without it being completed. The construction has begun, so the conditional use permit would not expire as would typically happen if construction hadn't happened within a certain amount of months or years after the original approval. The permit won't expire, but it cannot be occupied until the renovation of this structure is completed. Mr. Maloy reminded the Commission that this was a planned development and as such, the developer in exchange for modifying the zoning regulations are required to offset the exchange with a benefit to the community, some type of improvement to the project that goes above and beyond the minimum standards of the zoning ordinance. Mr. Maloy noted that this building was the most significant attribute of the planned development.

Commissioner Bevins inquired if Mr. Maloy was aware of any plans in place.

Mr. Maloy replied that he has not seen the plans to renovate the structure at this time. He also noted that he was not aware of any plans that had been submitted.

Applicant Presentation

Bill Nighswonger, the director of the Housing Authority of Salt Lake City, stated that the property had been purchased in 2007 and has met with the community council 6 times, and had met with Bill Davis on those occasions and that is why Bill Davis cannot be part of the vote. Mr. Nighswonger stated that his job is to build affordable housing and housing for homeless people and that is there primary purpose at the Housing Authority. He noted that this renovation is not something that the Housing Authority would not normally do,

it doesn't make affordable housing, affordable, and the cost of this project to renovate is probably twice the cost of taking it down and rebuild an exact duplicate. This is also a low income housing tax credit project which has a 99 year commitment, whatever the City Council and Planning Commission would chose to do to designate it, the Housing Authority is committed for 99 years, and the house will be there for that length of time. American Express has donated 10 million dollars and will not allow the use of the home until it has been brought up to use standards.

Mr. Nighswonger established that after meeting with the engineer of the project, the roof will have to be removed, the front porch will most likely have to be replaced along with a new basement, they will also have to replace all of the interior walls and connect them to the new foundation in order to bring the structure to seismic code. The end result will look completely different. Another issue is that the brick will need to be attached to the new wall within the inside of the building which means drilling and using an epoxy that holds the brick to the wall from the inside.

The applicant explained that the reason there has been no submitted plans is because until the decisions regarding the remodel of the home have been established, there is no way to submit for a permit. Additionally, the lender is holding 1 million dollars of their funding because of their lack of permit. He stated that the Housing Authority is waiting for the city to establish their requirements for the project so they may submit a permit.

The plan is that the house will be completed in December 2010 or January 2011 and the house will be completed at the same as the rest of the project and have the certificate of occupancy issued with the conditions that the City Council had on completion of the house.

Mr. Nighswonger concluded that in his opinion, the Housing Authority has as much of a commitment to the completion of this project as anyone. He reiterated that basically the only thing they can truly preserve is the four main walls of the building, and because there is no photo documentation and no one alive who can recall what the building originally looked like, the basic look and style of the home will stay the same. Because Mr. Nighswonger sees this structure as a marketing aspect for him, it is very important that it looks good.

Commissioner Lloyd stated the State Historic Preservation office has talked about how a designation of a property might allow the building code to utilize the international building code vs. the IBC? Has that been part of the discussion, and would that benefit the project financially?

Mr. Nighswonger replied that the primary concern for him is that the lender is requiring that they make the house more stable, they want to limit their liability, as does the Housing Authority. This is the reason that they need to go to the extent that they are. He noted that in conversations with Cheri Coffey, that he was informed that sometimes that the City will allow things to be done to the property if it's historic, and that they might not have to go to such expensive extents. In his case, this is not an issue because the lender and the Housing Authority have greater requirements that must be met to avoid liability.

Chairperson Lloyd opened the Public Hearing. 8:10:30

No one from the public chose to speak

Chairperson Lloyd closed the public hearing 8:10:40

Executive Session 8:10:42

Commissioner Bevins asked if this petition was a stipulation from the City Council for approval of the conditional use permit; that the applicant submit an application (for designation).

Chairperson Lloyd agreed and stated that it was the purpose of the petition.

Commissioner Bevins asked if there was any advantage or disadvantage to this petition.

Chairperson Lloyd stated that this is clearly a long term tenant with a vision of the property.

Vice Chair Oliver noted that she agrees with SHPO and Robin Zeigler that this property probably does not individually meet the requirements for the national register. She does believe that it is an important anchor as one of the largest homes in the neighborhood. She would like to commend the Planning Commission and City Council for recognizing that and the applicant to agree to the requirements.

Motion: 8:12:29

Commissioner Oliver: in the order of PLNHLC2009-01048 based on the findings listed in this report, which we concur with planning staff's opinion that the Stanley F Taylor home does not meet applicable standards as a landmark site and that the commission forwards a negative recommendation to the Planning Commission and the City Council.

Commissioner Harding seconds the motion 8:12:56

The vote was unanimous.

PLNHLC2009-01413 - Wells National Historic District – a request by Sheri Murray Ellis of SWCA Environmental Consultants soliciting comments from the Historic Landmark Commission regarding listing the proposed district on the National Register of Historic Places. The proposed district is roughly bounded by 700 East, State Street, 1300 South, and 2100 South, includes multiple zoning districts and is located in City Council District 5 represented by Council Member Jill Remington Love. (Staff contact: Janice Lew, 801.535.7625, janice.lew@slcgov.com)

Chairperson Lloyd recognized Janice Lew as staff representative.

Senior Planner Janice Lew stated that the Historic Landmark Commission is being asked to make a recommendation regarding the National Register nomination for the Wells Historic District. This recommendation is going to go to the State Historic Preservation Review Board who will review in on February 11. Once it's been review, the nomination will then move to the National Park Service, who is the federal agency that is responsible for the National Register. Shelly Ellis is here to present a description of the historic district that runs from 1300 S and 2100 S and then between State Street and 700 E.

Consultant Presentation

Shelley Ellis, an architectural historian, presented a Power Point presentation that illustrated the nature of the Wells Historic District.

Questions regarding the Power Point were discussed such as if accessory buildings would be included, as well as inquiries regarding the type of structures and businesses in the area.

Motion 8:51:47 p.m.

In the case of Petition PLNHLC2009-01413, Commissioner Carter made a motion, based upon the information gathered, to forward a favorable recommendation that the Wells District be added to the National Register and commended the work done on the research on the project and strongly recommend the addition of the out buildings.

Commissioner Oliver seconded the motion.

The motion passed unanimously to forward a positive recommendation.

Other Business 8:55 p.m.

Chairperson Lloyd recognized Planning Manager, Cheri Coffey.

Ms Coffey, gave a brief overview of what was being done, why and where the Planning Division was in the process. Ms Coffey noted that the Mayor has a priority of pushing sustainability policies in the City. Clarion and Associates Consulting had been hired to look at the zoning ordinances, subdivision ordinances, and site development ordinances. Ms. Coffey noted that staff was analyzing these recommended changes and dividing them into three bundles to be manageable. Ms. Coffey indicated the following items were being considered:

1. Alternative energy systems: including wind turbines, solar collection systems and solar oriented lots: orienting development to take full advantage of best solar gains.
2. Urban Agriculture: accessory structures i.e. green houses and hoop houses as well as use issues, such as community gardens.
3. Connectivity: we want to make sure that there are connections for people to get to work, schools, parks and shopping districts.
4. Accessory Dwelling units on existing structures or accessory structures, size requirements and compatibility issues.

Ms. Coffey noted that staff wanted the Commission to examine these issues and advise staff on how these regulations work with or impact historic preservation policies of the City.

Commissioner Richards noted that he had been a part of the original review committee for the issue and hoped that staff would rework the suggestions by Clarion to work with the existing ordinances.

Ms. Coffey noted this was the intent of staff.

Commissioner Richards noted the intention was great, but hoped it could be cleaned up to be more useful.

Chairperson Lloyd inquired if staff had been surprised regarding the response to accessory dwelling units.

Ms. Coffey noted that they had only received comments from the Yalecrest neighborhood and Cindy Cromer. She stated that there might be pilot areas to test the idea; however it was an issue that clearly required some thought. She stated that any way the Commission wished to participate was encouraged.

Chairperson Lloyd inquired if there was any further business to discuss.

Janice Lew noted that in regards to the Commercial Design Guidelines (CDGs) staff had received photos from the consultants of parking structures on corner lots.

Chairperson Lloyd noted that when the item had been discussed by the Business Advisory Board (BAB) in December, BAB had requested more time to review the CDGs.

Ms. Lew noted that it was staff's intent to allow the BAB and Commission to review the CDGs in depth.

Ms. Lew inquired if the Commission could provide feedback regarding the photos before them.

Commissioners Carter and Oliver noted that they hoped to see more new designs in the future which incorporated mixed uses.

Commissioner Hart inquired if the Commission would address their Policies and Procedures in the future as it had not been addressed during the work session.

Ms. Comarell stated that they could re-notice the item on the next agenda either as part of the work session or the public meeting.

Ms. Lew stated that the Commission could also discuss the item now.

Vice Chairperson Oliver inquired how the Commission wished to next address the issue of alternative materials such as TREX.

Commissioner Harding inquired if staff could create a presentation on these new materials and the Commission could then consider them.

Ms. Comarell noted that counsel had raised an issue, stating that making the policies and procedures too detailed or defined might conflict with existing ordinances. She noted staff would provide the Commission with copies of these documents to examine and discuss next meeting.

There was no further business.

Commissioner Hart made a motion to adjourn. There was no objection.

Meeting adjourned at 9:15:50 p.m.

Angela Hasenberg, Historic Landmark Commission Secretary