

**SALT LAKE CITY  
HISTORIC LANDMARK COMMISSION  
Minutes of the Meeting  
Room 315, 451 South State Street  
May 5, 2010**

*This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on May 5, 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 May 5, 2010, at [5:51:47 PM](#) in Room 315 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: Earle Bevins III, Thomas Carter, Bill Davis, Arla Funk, Polly Hart, Creed Haymond, Warren Lloyd, Chairperson; Anne Oliver, Vice Chairperson and Dave Richards. Commissioner Sheleigh Harding was excused from the meeting.

Planning staff present for the meeting were: Doug Dansie, Senior Planner, Carl Leith, Senior Planner, Janice Lew, Senior Planner, Katia Pace, Associate Planner, Joel Paterson, Planning Manager, Lex Traugher, Principal Planner and Cecily Zuck, Historic Landmark Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Commissioners Bevins, Carter, Funk, Hart, 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.

**DINNER AND WORK SESSION [5:19:30 PM](#)**

Chairperson Lloyd noted that the Commission would not be discussing their Policies and Procedures, but staff had minor administrative updates. He first recognized Janice Lew, Senior Planner.

Ms. Lew noted that a window previously reviewed by the Commission did not need to be reviewed again before them as it had been determined that no change to the size of the opening was necessary.

Ms. Lew revealed that the Liberty-Wells nomination process was complete and the area was now listed as a national historic district.

Mr. Paterson stated that the City Council had set a new date for the continuation of the hearing on the City-Wide Historic Preservation Plan, June 1<sup>st</sup>, 2010 and was also scheduled for a potential decision on June 8<sup>th</sup>, 2010.

Mr. Paterson also inquired if the Commission was amenable to a second meeting in the month of June, on Wednesday, June 16<sup>th</sup>, 2010.

The Commissioners noted that they had no issue with a second meeting in June.

Both Chairperson Lloyd and Mr. Paterson indicated that these additional meetings were the inevitable result of the three historic districts under review for local nomination: Yalecrest, Westmoreland Place and the University Extension.

Mr. Paterson noted that the Commission would be reviewing the Westmoreland Place nomination at a public hearing on May 19, 2010. He also noted that City Council was working with the Yalecrest neighborhood and trying to arrange more public meetings with smaller groups to provide more detailed information regarding what it meant to be designated as a local historic district.

Vice Chairperson Oliver discussed the fact that she had been to the public meeting in April for Yalecrest. She applauded Council Members JT Martin and Jill Remington-Love for taking on the issue and providing the public with detailed information in a more intimate setting. Commissioner Oliver noted that some of the Commissioners were also receiving a great deal of comment from the public on the issue and asked Mr. Paterson what position the Commission might take regarding these inquiries.

Mr. Paterson stated that this was a very delicate issue. He indicated that all communications received outside of the public hearing pertaining to the item should be disclosed at the time of the hearing for the sake of full transparency. In the interest of avoiding any conflict of interest, he noted that emails or letters received from citizens could also be forwarded to and answered by City Staff.

Vice Chairperson Oliver inquired if it would be appropriate to respond as a resident of the neighborhood with an obvious interest in preservation.

Commissioner Davis stated that as a chair of a community council, when speaking to certain issues in the past, he had made a point of identifying that he was not speaking as the chair but as a member of the community expressing a personal opinion.

Mr. Paterson noted that the concern was regarding the appearance of conflict of interest, that expressing personal opinion could create the appearance that the Commissioners were advocating the creation of the district to the community.

Commissioner Carter noted that he had voted in favor of the Yalecrest District during a street association meeting and had identified himself as a member of the Commission. He noted that he probably would recuse himself at the time of the hearing before HLC.

Chairperson Lloyd noted that it should come as no surprise to the community that the Commission would be in favor of the creation of the district as the Commission was comprised of preservation-minded advocates. He noted that part of the Commission's charge was to educate the public regarding preservation.

Commissioner Davis noted that he had been discussing the issue of advocacy with Planning Assistant Director Pat Comarell. He noted that they had concluded that when informing or educating community members, you were not necessarily advocating. He noted that he felt the Commissioners should be allowed to speak positively about the benefits of creating the historic district, but felt that one needed to tread very carefully in these types of situations. He stated that in this instance, however, there was a great deal of misinformation in the public and that he felt it was part of the Commission's duty to aggressively combat that misinformation.

Mr. Paterson concurred with Commissioner Davis, but indicated that the Commissioners should tread lightly and provide more general information pertaining to preservation rather than specifically addressing the Yalecrest nomination. He noted that the Commissioners would all be sitting in judgment when a recommendation was necessary and would need to consider the matter objectively basing the decision upon the ordinance standards for creating local historic districts.

Mr. Paterson noted that with a potential conflict of interest, as in the case of Commissioner Carter's public vote, the conflict could be declared at the time of the public hearing and then the Commission would vote to determine whether or not a conflict existed and if it was necessary to recuse oneself.

**APPROVAL OF THE MINUTES [5:53:21 PM](#)**

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

**REPORT OF THE CHAIR AND VICE CHAIR [5:53:51 PM](#)**

Chairperson Lloyd noted that he had nothing to report.

Vice Chairperson Oliver noted that she had nothing to report either.

**PUBLIC COMMENTS [5:54:04 PM](#)**

Cindy Cromer, 816 East 100 South , informed the Commission that the City Council had scheduled the second hearing for the Preservation Plan for June 1<sup>st</sup>, 2010 and hoped that more people would be in attendance.

Ms. Cromer noted that she was pleased with the comments she was receiving from staff regarding City Council's initiation of draft ordinance language from the City Attorneys Office granting the Commission the right to initiate legislation.

Ms. Cromer did state, however, that she had two concerns regarding the Preservation Plan. Firstly, she gave a handout (included with the record of the minutes, entitled *Incentives for Historic Preservation*) and noted that staff could further investigate and include these incentives within the plan. Secondly, Ms. Cromer noted that although the Preservation Plan referenced compatible infill there really were no concrete examples or illustrations regarding how compatible infill might be achieved. She stated that she felt it would be appropriate to insert examples from City documents as well as information from the Utah Heritage Foundation into the plan so that people might see, for example, that one could build an addition to their house while adhering to best practices.

**PUBLIC HEARING [5:56:59 PM](#)**

**NEW BUSINESS**

**PLNHLC2010-00057, Trudell/Thompson Certificate of Appropriateness for Window Replacement** – A request by the property owners, Ruth Ann Trudell and Joan Thompson to retroactively request approval for several replacement windows and to request approval for the installation of additional new windows on the home located at 249 South 1100 East in the University Historic District. The property is zoned R-2 (Single and Two-Family Residential District) and is located in City Council District 4, represented by Council Member Luke Garrott. (Staff: Lex Traughber, 801-535-6184, [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com)).

**Staff Presentation [5:57:19 PM](#)**

Mr. Traughber gave an overview of the application noting that it began as an enforcement issue, where several windows were replaced without appropriate approvals or permits. He noted that the home was a contributory structure built in 1895 and that the home had undergone significant alterations over the years. He illustrated that the homeowners were seeking approval of the windows already replaced as well as the replacement of additional windows. Mr. Traughber noted that staff

felt approval of the proposed windows and replacement of a proposed sliding glass-door was not appropriate. He noted that based upon the staff analysis and findings, staff recommended denial of the petition, with the exception of the replacement windows on the rear façade.

**Questions for Staff from the Commission [6:00:27 PM](#)**

Commissioner Carter inquired if staff felt the home had been heavily remodeled in the late 1960s.

Mr. Traugher noted that photographic evidence was sparse and therefore it was difficult to guess when the original windows were replaced.

Commissioner Bevins inquired if the internal grids on the replacement windows were removable.

Mr. Traugher believed that they were but noted that the contractor would know for sure.

**Applicant Presentation [6:02:35 PM](#)**

Ruth Ann Trudell, 249 South 1100 East, represented herself as the homeowner. Ms. Trudell provided a PowerPoint slide show for the Commission and discussed the history of the home. She noted that they had never intended to side-step the permitting process. She stated they were unaware the contractor had not obtained the necessary permits. Ms. Trudell noted that they had simply wished to improve the appearance, energy efficiency and security of the home as well as take advantage of available federal tax credits.

Ms. Trudell indicated her disagreement with staff that her home should be considered a contributing structure. She reviewed a chronology of the alterations which had occurred to her home over time, noting that she felt there were a significant number of changes to defining characteristics of the home, which by definition should have rendered the primary structure non-contributory. She also noted that in her analysis of the Ordinance, she did not feel the home was significant in terms of any contribution to the University Historic District as a whole. She indicated that in her opinion, the home had been significantly and irreversibly altered to the point that it was barely recognizable in comparison to the original home and inquired if the standards could objectively be applied in light of these numerous alterations. Ms. Trudell also noted her confusion that staff had recommended, as substitutes, three separate types of windows for the home from three distinct periods.

**Questions for the Applicant from the Commission [6:24:42 PM](#)**

The Commissioners all thanked Ms. Trudell for the thoroughness of her presentation.

Commissioner Funk inquired if Ms. Trudell had spoken with the contractor who had not obtained a permit.

Ms. Trudell indicated that the contractor was present and he came forward to speak.

Tony Flores, the production manager for Norton's Quality Exteriors, stated that he had assumed the property was not historical from a map. He had, however, miscalculated as one side of the street was historic and the other was not. He noted he took responsibility for this mistake and had not been trying to shirk his duties as a responsible contractor. Mr. Flores stated that his company would be willing to make any changes the Commission required and satisfy their client.

Commissioner Richards inquired if the contractor was proposing to mold the two jambs together on the double-hung windows with mullion width dividers.

Mr. Flores noted that there was a space between them.

Commissioner Richards inquired how large that space was.

Mr. Flores noted that the space was  $\frac{3}{4}$ " to 1".

Commissioner Carter requested clarification regarding the front façade ground floor replacement windows, inquiring if the grid would be six-over-six.

Mr. Flores noted that applicant had chosen a Prairie-style six-over-one grid pattern.

There were no further questions from the Commission.

**Public Hearing [6:30:03 PM](#)**

Mr. Flores noted that he felt Ms. Trudell had done her due diligence and that, again, he had not intended for this problem to occur.

Chairperson Lloyd noted that there was no one else present to speak to the issue and closed the public hearing.

**Executive Session [6:31:12 PM](#)**

Commissioner Hart inquired of Mr. Paterson if the Commission had the authority to consider the building non-contributory. She stated that she was not certain that the architect would recognize the home today, and that she did not feel the changes were reversible. She felt that if she were evaluating the home, she would personally consider it to be a non-contributory structure. She also queried of staff: if the Commission found the structure to be non-contributing what rules the Commission would follow to determine appropriate replacements for the windows and door.

Mr. Paterson noted that staff relied on City surveys when rating homes as contributory or non-contributory. He stated that the Commission could make findings based upon Ordinance Standards 21A.34.020 to refute contributory status. He noted that if the Commission determined that it was a non-contributing structure they would then review the application under Ordinance Standards 21A.34.020 (H).

Commissioner Hart inquired if Mr. Traughber had considered the structure as non-contributory at any point.

Mr. Traughber noted that he deferred to the survey in his analysis.

Commissioner Carter indicated his agreement with Commissioner Hart. He stated that windows were likely the most character defining features of a home and in this case, several of the windows had been significantly altered from the originals.

Vice Chairperson Oliver concurred with Commissioners Carter and Hart that the structure should be considered non-contributing and it should have been marked that way on the original survey. She did note that grids of any sort on the windows were probably inappropriate as the original home probably featured tall, narrow, one-over-one windows.

Commissioner Carter concurred with Vice Chairperson Oliver's assessment.

Commissioner Davis noted that he felt that the applicant had made a compelling case that the structure was non-contributing.

Commissioner Funk stated that the Commission was still faced with deciding what would be used as replacements. She inquired of Mr. Paterson if staff would need to reevaluate the application based upon the Commission finding the structure non-contributory.

Mr. Paterson stated that the Commission would need to make a motion stating whether they felt that the structure was contributory or not and that the review would be based upon 21A.34.020 (H), then staff would reevaluate the application and possibly bring it back to the Commission.

**Motion** [6:41:30 PM](#)

**Commissioner Funk made a motion for staff to consider the structure as non-contributory and requested that the application be sent back to staff for further review of the window replacement under that classification. Commissioners Hart seconded the motion.**

**Discussion of the Motion** [6:42:01 PM](#)

Vice Chairperson Oliver inquired if Commissioner Hart would accept an addition to the motion, that staff be allowed to review the application and approve a Certificate of Appropriateness without bringing it back to the Commission if possible, with the direction to staff that the windows be one over one rather than having any grid pattern.

Commissioner Funk noted she was unsure if that was under their purview.

Mr. Paterson noted that the Commission was united that the structure was non-contributory and therefore the Commission needed to make a specific finding based upon the standards in the Ordinance that the structure had lost its physical integrity. He stated that staff could look at the issue and make the determination if the Commission were comfortable with that option.

**Commissioner Funk withdrew her motion. Commissioner Hart seconded the withdrawal.**

**Second Motion** [6:44:09 PM](#)

**Commissioner Funk made a motion based upon the information revealed in the public hearing through review of the standards under 21A.34.020, the Landmarks Commission determines the structure to be non-contributory and should be treated as such when replacement windows are reviewed, requesting that the application be sent back to staff for classification as non-contributory and analysis, noting that if it may be approved by staff if appropriate windows are found, but may come back to the Commission if necessary. Commissioner Hart seconded the motion.**

**Discussion of the Second Motion**

Chairperson Lloyd inquired if this would be a sufficient motion.

Mr. Paterson noted that the Commission had made the finding that the structure should be considered non-contributory and staff would review it as such.

Chairperson Lloyd clarified that the motion was, in effect, remanding the application back to staff for review.

Mr. Paterson concurred.

Commissioner Bevins inquired if anyone had ever challenged the classification of a home.

Mr. Paterson noted that several home owners had challenged the status indicated by City Surveys.

Commissioner Bevins inquired if Structure Site Information Forms had been prepared for every contributory structure in an intensive level survey.

Mr. Paterson noted that intensive level surveys were only done on selected samples of properties.

Ms. Lew noted that it was the reconnaissance level survey under which the determination had been made.

Vice Chairperson Oliver noted that she was not certain if the survey had been completed entirely by a professional firm in the University Historic District.

Chairperson Lloyd called for a vote on the second motion.

**All voted "Aye". The motion carries unanimously.**

**PLNHLC2009-01420, Hughes Certificate of Appropriateness for Major Alterations** – A request by Lynn Morgan, applicant and architect, representing the property owners Michael & Jennifer Hughes, for major alterations to the single-family home located at 704 E 5th Avenue in the Avenues Historic District. The request is for an addition to the home, as well as a new two car garage. 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, [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com)).

**This item was postponed to May 19, 2010.**

**PLNHLC2010-00136 , 418 Elizabeth Street Certificate of Appropriateness for Major Alterations** – A request by Angela Dean, architect, for major alterations to a single family residence located at 418 South Elizabeth Street, Salt Lake City in the University Historic District. The request is for an addition to the rear of the property, extending the maximum roof height to the rear to create accommodation on two levels, including a new dormer window. The property is zoned SR-3 (Special Development Pattern Residential) and is located in City Council District 4, represented by Council Member Luke Garrott. (Staff contact: Carl Leith, 801-535-7758, [carl.leith@slcgov.com](mailto:carl.leith@slcgov.com))

**Staff Presentation [6:49:09 PM](#)**

Mr. Leith reviewed the proposal was for new construction of a two-story addition on the rear of the home, involving extending the existing roof ridge line to create a centrally placed, gabled addition. He noted that the proposal also called for the extension of the roof on the north façade of the property to accommodate more internal space, a covered outdoor deck and the addition of a new dormer window to the north façade for a second floor bedroom space. Mr. Leith noted that proposed materials included the use of matching brickwork on the north façade, fiber-cement shingles for the rear addition and the use of roof shingles matching the original.

Mr. Leith noted that the rear proposed dormer would have a maximum height equivalent to the maximum roof ridge height and would be approximately 11'x10'.

Mr. Leith noted that the proposal complied with all applicable standards save one. He stated that this exception was the requirement that maximum exterior wall height should be 20', placed at the building setback line established by the minimum required yard. He noted that an exception could be made for dormer walls, which were exempt if the dormer were 10' or less. Mr. Leith noted that the proposed dormer wall slightly exceeded that standard.

Mr. Leith reviewed the remaining standards, noting staff's concerns regarding the extension of the roof ridge line on the rear addition, creating the appearance of a continuous structure instead of separating the primary structure and the addition.

Mr. Leith stated that the project conformed to the majority of applicable standards but not to retention of building scale, roof form and character and the scale of dormers. Mr. Leith noted that staff recommended approval with modifications to address the aforementioned conflicts with current design guidelines. He also indicated that the addition of desired future solar panels would require a separate approval.

**Questions for Staff from the Commission [6:59:34 PM](#)**

Chairperson Lloyd inquired if staff analysis indicated that under standard 8.9, the form of the hipped peak of the roof was a significant feature. He noted that the extension of the roofline would be problematic.

Mr. Leith noted that this was so.

Chairperson Lloyd stated that the proposal was to extend the masonry of the wall-line by matching the original brick.

Mr. Leith concurred.

Commissioner Carter inquired if the Commission approved the request with modifications in size and design the staff would then determine appropriate levels and materials.

Mr. Leith noted that the Commission could determine this or send to staff to review.

There were no further questions for staff.

**Applicant Presentation [7:01:43 PM](#)**

Chairperson Lloyd invited the applicant forward to speak

Angela Dean, project architect, noted that the addition was to create space for a growing family with a minimal addition. She noted that they were attempting to respect the existing scale of the home. Ms. Dean stated that the applicant was fine with narrowing the north dormer as understood as a zoning issue and with modifying the expression of the rear hip of the roof. She noted that allowing the continuation of the ridge of the roof allowed for future installation of solar panels.



**Questions for the Applicant from the Commission [7:03:12 PM](#)**

Chairperson Lloyd inquired if the width of the dormer had been calculated from the width of the wall plane or if it did include the eaves.

Ms. Dean noted that the dormer could be narrowed to 10' wide, but the height would be difficult to diminish.

Ms. Dean noted that the windows shown on the west elevation were a head height of 6'8".

Vice Chairperson Oliver inquired if it would be difficult to decrease the height of the dormer slightly, even just six inches and decrease the pitch of the dormer roof.

Commissioner Richards noted his concern regarding the continuation of brick as a material on the new addition. He inquired of Ms. Dean if they might consider an inset on the addition to the home.

Ms. Dean inquired how large an inset would be required.

Commissioner Richards suggested a minimum inset of 12".

Chairperson Lloyd suggested the possibility of changing the material from brick to an approved siding and inquired if Commissioner Richards felt that would indicate a significant change between the two structures.

Commissioner Richards noted that a material change could also satisfactorily differentiate the old from the new.

Commissioner Carter stated that he appreciated the more contemporary aspects of the addition, and concurred with Commissioner Richards that a different material could help define this new transition.

Vice Chairperson Oliver noted that stepping down the ridgeline and north dormer just a token amount might also accomplish this differentiation yet still allow for solar panels in the future.

**Public Hearing [7:12:07 PM](#)**

Chairperson Lloyd opened the public hearing at 7:12 p.m.

Seeing no one present to comment on the item, Commissioner Lloyd closed the public hearing.

**Executive Session [7:12:46 PM](#)**

Chairperson Lloyd stated that he felt the staff report to be thorough and that it allowed the Commission to focus on the pertinent issues facing the application.

Commissioner Funk noted her concerns regarding the increase in size of the structure, noting that other structures in the surrounding neighborhood were significantly smaller.

Commissioner Richards noted that his general feeling was that scale drawings tended to make things look bigger than they actually were.

Vice Chairperson Oliver inquired if Chairperson Lloyd felt the west ridgeline to not be as important as it would be obscured by the dormer.

Chairperson Lloyd noted that he felt the extension of the ridgeline would at least be broken up by the dormer.

Vice Chairperson Oliver noted that she felt that the suggested changes would help to resolve some of the mass concerns which Commissioner Funk expressed earlier. She inquired if the Commission had discussed retaining wood shingles on the dormer walls instead of replacing them with fiber cement shingles.

**Motion [7:20:20 PM](#)**

**In the case of petition PLNHLC2010-00136, Vice Chairperson Oliver made a motion to concur with the staff analysis and findings in the staff report; that the additions and alterations as proposed would be in conflict in some ways with the objectives of the standards as listed but that the request is approved as recommended by staff with the following conditions:**

1. That the north dormer ridgeline be dropped below the roofline to an amount sufficient to suggest that it is a dormer rather than a continuation of the roof.
2. That the dormer be reduced in width to the required 10'
3. That the wood shingles be retained on the existing dormers and that wood shingles also be used on the north dormer.
4. On the first floor addition, the facing material used shall not be brick, but some other material such as shingle or stucco.
5. The change in materials on the addition shall be sufficient to mark the new addition from the primary structure, no setback is required.

**Commissioner Carter seconded the motion. Commissioners Carter, Davis, Funk, Hart, Haymond, Oliver and Richards voted "Aye". Commissioner Bevins voted "Nay". The motion carries 7-1.**

**PLNHLC2010-00123, Schackmann & Graves Residence Certificate of Appropriateness for Major Alterations** – A request by Hans Hoffman representative of the owners to construct a new garage at approximately 761 E 6th Avenue in the Avenues Historic District. The property is zoned SR1-A (Special Development Pattern Residential District) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Janice Lew, 801-535-7625, [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))

Commissioner Richards disclosed that Schackmann & Graves were former clients; however he had not had any professional contact with them for years and had no financial interest.

No one on the Commission felt that a conflict of interest existed.

**Staff Presentation [7:24:04 PM](#)**

Ms. Lew reviewed the proposal. She noted that the proposal was to construct a new two car detached, west-facing garage accessible from a side street. She indicated it would be 440 square feet with an attached secondary structure with a shed roof and that solar panels would be located on the south side and flush mounted to the roof. Ms. Lew noted that proposed materials included fiber cement siding and trim as well as architectural grade asphalt shingles, a steel, double-wide, paneled garage door, wood clad windows with simulated divided lights and a steel entry door. Ms. Lew noted

that staff was of the opinion that the application substantially complied with all standards and policies and was recommending approval with conditions as outlined in the staff report.

**Questions for Staff from the Commission [7:26:12 PM](#)**

Chairperson Lloyd noted that the solar panels would be located on the south elevation.

Ms. Lew noted that this was true and that the south elevation faced the rear of the building.

**Applicant Presentation [7:27:07 PM](#)**

Hans Hoffman, architect, noted that the intent of the applicants was to follow the standards set forth in the Ordinance. He stated that the proposed solar panels would be flush mounted. Mr. Hoffman also noted that the garage had been designed almost as an afterthought to a more extensive backyard garden project.

**Questions for the Applicant from the Commission [7:28:28 PM](#)**

Chairperson Lloyd inquired if there was any proposed change in the grade of the drive approach.

Mr. Hoffman noted that there was no proposed change and indicated that the distance from the face of the garage to the 'L' Street frontage was approximately 125'.

Commissioner Funk inquired if the applicant might consider using two single garage doors instead of a double-wide door.

Mr. Hoffman noted that the applicant desired one double-wide door to minimize the turnaround area for the approach.

Vice Chairperson Oliver noted that the garage door had a center-dividing element lending the appearance of two divided doors to the single-wide door.

Chairperson Lloyd stated that with a 16' wide double door it would be difficult to change the materials to two doors without widening the width of the structure itself.

Commissioner Richards noted that in researching carriage-style garage doors recently, he found a number of styles with strong vertical elements offering the appearance of two doors.

**Public Hearing [7:31:45 PM](#)**

Chairperson Lloyd opened the public hearing at 7:31 p.m.

Seeing no one present to speak to the item, Chairperson Lloyd closed the public hearing.

**Executive Session [7:31:57 PM](#)**

**In the case of Petition PLNHLC2010-00123, Vice Chairperson Oliver made a motion to concur with staff's recommendation that the project meets all standards and policies and the Commission recommends approval with the conditions as listed in the staff report:**

1. **Approval of the final details of the design shall be delegated to the Planning Staff based upon direction given during the hearing from the Historic Landmark Commission**
2. **The project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission, Administrative Hearing Officer, or Board of Adjustment.**
3. **The approval will expire if a permit has not been taken out or an extension granted within 12 months from the date of the approval.**

**Commissioner Carter seconded the motion. All voted “Aye”. The motion carries unanimously.**

**PLNHLC2009-01318, Lindeman Certificate of Appropriateness for a New Garage** – A request by Von R. Brockbank, involving new construction of an accessory structure on the property located at 265 E 5th Avenue in the Avenues Historic District. The applicant proposes to install an engineered siding to a new detached garage. 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 contact: Katia Pace, 801-535-6354, [katia.pace@slcgov.com](mailto:katia.pace@slcgov.com))

**Staff Presentation [7:33:42 PM](#)**

Ms. Pace noted that the applicants had gone before the Board of Adjustment (BOA) in January and had received Special Exception approval to build a 576 sq ft garage. She noted that the requested facing material for the sides and rear of the garage had not been reviewed by the Commission before, it was an engineered wood called Smart Siding. Ms. Pace presented a sample of the material to the Commission. She noted that all other elements of the garage complied with the applicable design guidelines. Ms. Pace noted that the main material on the primary structure was brick. She also noted that the front face of the garage would be visible from the street.

Ms. Pace pointed out that the front window indicated on the drawings in the staff report was not a part of the original request and that the staff report did not address it. She noted that the applicants would have to comply with applicable standards if the window was a desired structural element.

Ms. Pace stated that the main material on the primary structure was brick. She also noted that the front face of the garage would be visible from the street. Ms. Pace indicated that the applicant proposed using hardi-board shingles on the front face of the garage. She stated that during review of the proposed material for the sides and rear of the garage, staff had found literature indicating that the proposed material retained quite a bit of moisture and warped easily. Ms. Pace noted that staff had also raised concerns regarding the introduction of a new material into the historic district and it was staff’s opinion that the new material did not comply with design guideline standards.

**Questions for Staff from the Commission [7:39:17 PM](#)**

Commissioner Oliver inquired if the material would resemble embossed wood.

Ms. Pace noted this was so and would come in either 5’x8’ or 5’x9’ panels.

Commissioner Carter inquired if the staff recommendation was to deny approval of the garage based on material.

Ms. Pace noted that the Commission need only review the material, not other elements of the garage.

Chairperson Lloyd noted that the garage face visible from the street would be hardi-backer shingle board, including the pediment.

Ms. Pace stated that this was correct.

**Applicant Presentation [7:41:47 PM](#)**

Von Brockbank, the applicant's representative, stated it was his opinion that the new composite wood products were far superior to regular wood; hardier and ultimately more cost effective. Mr. Brockbank noted that the standards for materials pointed away from vinyl and aluminum siding, but did not address composite wood products such as the one they were proposing.

**Questions for the Applicant from the Commission [7:46:09 PM](#)**

Commissioner Richards inquired if the proposal was for lap or panel siding.

Mr. Brockbank noted it would be the panel siding.

Commissioner Richards inquired if the orientation of the siding would be vertical or horizontal.

Mr. Brockbank indicated they preferred installing it vertically.

Commissioner Richards inquired if the applicant would be opposed to a smooth trim.

Mr. Brockbank noted that they would not be opposed to that possibility.

Chairperson Lloyd inquired what the nailing pattern would be.

Mr. Brockbank noted the pattern would be every 5" on the inseam and every 7-8" in the field, and that they would paint the surface.

**Public Hearing [7:50:43 PM](#)**

Chairperson Lloyd opened the floor to the public hearing.

Seeing no one present to speak to the item, Chairperson Lloyd closed the public hearing.

**Executive Session [7:50:54 PM](#)**

Commissioners Richards inquired if the Commission had ever approved T-111 siding for an accessory structure before as the products were quite similar in nature.

Chairperson Lloyd stated he did not recall.

Mr. Paterson noted that he believed the Commission usually approved materials with more traditionally shaped materials than 4x8".

Commissioner Richards stated he would prefer the applicant to use the product with an actual lap to better simulate real boards.

Ms. Pace noted that the product did have a simulated wood texture and only came in a smooth finish on the trim or fascia.

Commissioner Carter noted that the issue at hand was really regarding policy; having no clear direction on alternate materials in this particular case.

Chairperson Lloyd concurred with Commissioner Carter and noted that the product did look like a wood-grain product and the trim would be painted, therefore, it would be more appropriate than vinyl siding, for example.

Ms. Lew read into the record from her staff report pg 5:

... particularly standard 13.9 noted that appropriate building materials included brick, stucco and wood, Building brick in sizes and colors similar to those used historically is preferred. Jumbo or oversized brick is inappropriate. Using stone or veneers applied with the bedding plane in a vertical position is inappropriate. Stucco should appear similar to that used historically and using panelized materials in a manner that reveals large panel modules is inappropriate. In general, specialized and synthetic materials are inappropriate (for primary structures).

Ms. Lew noted that such materials could be considered on secondary structures.

Commissioner Funk noted that the Commission might also require that the applicant place hardi shingles on the more visible west and south sides of the garage and the Smart Siding on the less visible north and east sides.

Commissioner Richards stated that he felt the smooth siding would be inappropriate and if the Commission approved the material it should be clearly stated that only the grooved product would be appropriate.

**Motion [8:07:01 PM](#)**

**In the case of Petition PLNHLC2009-01318, Commissioner Richards made a motion that with respect to the findings of staff, the Commission approves the design using LP Smart Panel Siding, as long as the siding has vertical grooves, 4” or 8” on-center grooves; in light of standard 13.9 for an accessory buildings, the Commission finds that the application does meet the standards for accessory buildings and new construction.**

**Commissioner Carter seconded the motion. All voted “Aye”. The motion carries unanimously.**

There was no further discussion of the motion.

Chairperson Lloyd called for a five minute recess at [8:09:40 PM](#).

The Commission reconvened at [8:17:35 PM](#)

**UNFINISHED BUSINESS**

**PLNHLC 2009-01346, Eastside Apartments Certificate of Appropriateness for New Construction** – A request by PEG Development for New Construction located at approximately 556 East 300 South in the Central City Historic District. The subject property is located in an RMF-35 (Moderate Density Multi-Family Residential), RO (Residential Office) and RMU (Residential Mixed-Use) zoning districts all proposed to be rezoned to RMU, and is located in Council District 4, represented by Council Member Luke Garrott. (Staff contact: Doug Dansie, 801-535-6182, [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com))

**Staff Presentation [8:18:20 PM](#)**

Mr. Dansie noted that the project was complicated and had quite a lengthy history. He indicated that the first phase of the original proposal was the now already built Emigration Court Apartments. Mr. Dansie noted that the second and third phases of the proposal had never been built and approvals had since expired. Mr. Dansie noted that the revised proposal involved two apartment buildings.

Mr. Dansie noted that the applicant was now looking for approval from the Landmarks Commission of the basic mass and scale of the revised proposal. He noted that the applicant would return on June 2, 2010, to review the materials, palette and other fine detailing. Mr. Dansie reviewed a Power Point slide show of different elevations and the proposed massing for the structures. He noted that the petitioners had attempted to remove some of the mass from the originally proposed 300 South frontage as well as along the 600 East façade.

**Questions for Staff from the Commission [8:24:21 PM](#)**

Chairperson Lloyd inquired if there was a slide of the 600 East Elevation to compare to the 300 South Elevation.

Mr. Dansie stated that he had not included all of the elevations in the staff report, but to compare, the 600 East elevation was on the first two pages of included drawings and the 300 South elevation on the next two pages.

Mr. Dansie noted that if the Commission was comfortable with the proposed massing of the project they might provide the petitioners with some direction regarding appropriate design materials.

Commissioner Hart noted that the parcel was currently zoned RMF-35, which meant that the maximum building height allowed would be 35 feet. She voiced her concern that this put the cart before the horse in asking for approval in massing before a change in zoning was approved.

Mr. Dansie stated that the Planning Commission had already approved the planned development and had also forwarded a positive recommendation to the City Council to rezone the parcel.

Commissioner Funk inquired what the average height of existing buildings was along the 300 South frontage.

Mr. Dansie stated that most existing structures on the 300 South frontage were one-and-a-half or two stories tall. He noted that the petition parcel used to have a three story apartment building on it.

Commissioner Hart indicated her concern that the proposal for the 300 South frontage overwhelmed the existing streetscape.

Mr. Dansie noted that the Planning Commission had taken under consideration that the proposal was within a local historic district and their thinking had been that the west half of the block was zoned Residential Mixed Use (RMU), which had a building height of 75 feet and that the northeast corner was zoned Residential Office (RO), which also allowed for a building height of 75'. Mr. Dansie stated that as part of the planned development approval, the Planning Commission noted that they would not take issue with the increased height on the 300 South Frontage if the setback were increased to help mitigate the perceived impact from the pedestrian viewpoint.

**Applicant Presentation [8:32:08 PM](#)**

Jory Walker, Principal Architect for the project, noted that he would answer any questions the Commission might have regarding the proposal. He stated that in their research of the area they had particularly studied a number of three story walk-up apartment buildings. He noted that they had tried to imitate these buildings in their redesign and had pulled the buildings back to 50' from the back of the curb on 300 South in their attempt to break the mass down to a more human scale.

**Questions for the Applicant from the Commission [8:34:22 PM](#)**

Commissioner Carter noted that during a recent trip to Chicago he had been intrigued by the materials used in larger new construction projects and inquired if the applicants had considered trying to emulate this with more use of metal or contemporary materials other than stucco.

Mr. Walker noted that they could consider it; however, with the scale of the project, alternative materials would greatly increase cost. He stated that they might provide more architectural variation on the first two floors of the development and then transition into more cost effective materials.

Several other Commissioners noted their concerns regarding materials. Highlights of the discussion:

- Commissioner Carter stated they might consider using a honed cinderblock with interesting metal windows on the lower levels.
- Commissioner Carter noted that they could use a rusticated finish on some materials.
- Chairperson Lloyd noted that he did not feel the 300 South Elevation was as successful material-wise as the 600 East frontage and a more traditional detailing approach might help that elevation, such as turning or wrapping around balconies towards that frontage, as well as the creation of a porch element of some sort.
- Vice Chairperson Oliver concurred that it was important to bring back a public face to the 300 South frontage.
- Vice Chairperson Oliver noted that small details such as window height and depth would make a great deal of difference, especially on 600 East.
- Vice Chairperson Oliver stated that the applicant might consider a more subtle approach than using high contrast colors in differentiating between units; that it might be better achieved by with a softer palette or differences in the inherent material of the structure.

Commissioner Funk noted her concern that part of the 300 South frontage should still be reduced in height.

Chairperson Lloyd noted that historically, before the Maverick station was installed across the street, there was a walkable, scalable building pattern on the street frontage that was actually higher density than the current configuration of buildings. He stated that on both the north and south ends of the block, multi-level housing units had been lost to single story retail buildings.

Commissioner Hart stated while it was unfortunate that these buildings had been lost, the existing buildings on the 300 South block face were primarily all one story. She noted that the proposal for that frontage then seemed quite out of place.

Mr. Dansie noted that the north side of the street generally had much larger buildings than on the south side of the street.

Vice Chairperson Oliver noted that originally the proposal was for a six story building on 300 South.



Mr. Walker noted that this was true and that it had been decided this was too large. He noted that if the Commission directed that the building needed to be lowered further, that is what the applicant would do. He noted that in the current configuration, only the stair towers were four stories on 300 South. Mr. Walker indicated that another option would be to redesign 300 South to bring some unit balconies forward, making the facade not seem so harsh.

Vice Chairperson Oliver noted her concern that the west end of the taller units on 600 East indicated that there would not be a great deal of difference between the east end of Emigration Court and the west end of the proposal, creating a virtual wall all along that block face. She stated that any softening or stepping back of the units on that corner might alleviate that concern.

Commissioner Hart noted that there was only one historic building left on the block, but no other contributing structure present.

Vice Chairperson Oliver stated that she felt it then became more of a matter of how the project engaged buildings across the street and in the surrounding area.

**Public Hearing [9:08:30 PM](#)**

Chairperson Lloyd opened the hearing to public comment.

Cindy Cromer, 816 East 100 South, stated that it was essential to have a successful project here, because so many great historic buildings in the area had been lost in the past. She noted that the overlay zoning did not match the listed zoning, which should be addressed with the City Council. Ms. Cromer indicated that she felt the 600 East frontage had greatly improved, however, the 300 South elevation had not.

Ms. Cromer stated her opinion that there had been a previous intent to place the highest density in the center of the block, however, for the sake of the views, the density of the project had been pushed out to the street fronts. She noted that she felt the north side of the project would be cold and dreary and felt it might behoove the applicant to have a shadow study done.

**Executive Session [9:14:00 PM](#)**

Chairperson Lloyd noted that the topic was discussed at length during the applicant presentation.

Mr. Paterson reminded the Commission that the applicant was seeking a motion regarding the massing of the project after which the applicant would return to the Commission with design details.

**Motion [9:14:52 PM](#)**

**In the case of petition PLNHLC2009-01346, Vice Chairperson Oliver made a motion based upon the analysis and findings in the staff report to approve the massing and layout of the proposed project with the condition that the west end on the South façade be diminished or lightened to avoid creating a continuous wall with Emigration Court and that the massing on the north face of the 300 South building be reconfigured to minimize the height along the street front.**

There was no further discussion of the motion.

**Commissioner Carter seconded the motion. All voted “Aye”. The motion carries unanimously.**

**PLNHLC2010-00015, 139 E South Temple Street (Elks Club Building) Certificate of Appropriateness for Major Alterations** – A request by Kent Gibson, representative for Property Reserve Inc., to consider alterations to the front entrance and basement-level, and construction of an addition to the east side of the building located at 139 East South Temple Street in the South Temple Historic District. The applicant is seeking guidance and no final action will be made by the Historic Landmark Commission at this meeting. The property is zoned R-MU (Residential/Mixed Use District) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Janice Lew, 801-535-7625, [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))

**Staff Presentation [9:16:34 PM](#)**

Ms. Lew reviewed the request for the Commission. She stated that the Commission had expressed diverse concerns regarding the proposed changes to the Elks Building on March 3, 2010 and therefore had referred the matter to the Architectural Subcommittee. Ms. Lew noted that the Architectural Committee had met twice to review the proposal and comments from those meetings had been included in the staff report memo. Ms. Lew indicated that at the end of the staff memo there were renderings of four options provided by the applicant following discussion at the last Committee meeting.

**Questions for Staff from the Commission [9:18:51 PM](#)**

The Commission had no questions for staff.

Ms. Lew asked that the Commission also open the item for a public hearing following the applicant's presentation.

**Applicant Presentation [9:19:00 PM](#)**

Kent Gibson, the applicant, noted that there was a desire from the Commissioners present at the last Committee meeting to create some kind of link between the historic stair element and the new entrance. He noted that the four options discussed included: a path created in the treatment of paving materials, repetition of historic lighting elements to connect the two structures, a repetition of the arch element from the stairs and the use of ground-lighting elements. He reviewed slides of these options for the Commission.

**Questions for the Applicant from the Commission [9:24:32 PM](#)**

Several Commissioners noted their concern that none of the proposed options to create a connection between the historic stair and the building truly worked. Highlights of this discussion included:

- Commissioner Davis stated that there seemed to be no real function to the public areas proposed and the applicant might consider adding benches or other functional items to enliven the space.
- Vice Chairperson Oliver stated that her preference would be to keep the current landscaping in place and put an ADA compliant entrance on the southeast corner of the building preserving the history. She noted she felt the proposals to be a good effort, but that they failed to create any sort of connection.
- Commissioner Carter noted that the Commission was responsible for preserving such defining features as the stair and that he did not wish to see the stair become an absurdity, standing alone as a relic.

- Commissioner Funk stated that she understood the lower floor was virtually un-leasable as it was and while she noted her uncertainty that the solution to the problem was before them, the option she liked most included repeating the existing lighting element.
- Commissioner Carter concurred with Commissioner Funk that the solution did not seem to be before them, but indicated that if there were some option to recreate the presence of the landscape berm, it might work.
- Chairperson Lloyd inquired if the applicant might consider keeping a way to enter the building from the top of the staircase, lowering the berm to allow light into the first floor and creating a second main entrance.
- Commissioner Carter suggested that the applicant might consider removing the landscaping berms and replace them with greenhouses.
- Vice Chairperson Oliver stated that they may be able to retain the landscaping and tunnel, but widen the tunnel after the first few feet.
- Commissioner Carter noted that they might retain part of the tunnel and then somehow open it up to the wider public space through excavating the back portion of the tunnel or otherwise.
- Commissioner Davis noted his concern that if another entrance were created, the significance of the historic entrance would also be lost that way.
- Vice Chairperson Oliver noted that National Historic Preservation Standards would focus upon maintaining the historic element of the entrance and finding ways to accommodate an accessible main entrance somehow on the new addition.
- Commissioner Funk noted that the tunnel could be widened if not raised and then could open to the broader public space towards the entrance.

Mr. Gibson noted that the reality of his situation was the current landscaping made the lower floor difficult to lease due to limited accessibility and lack of natural lighting. He stated that to save the building he needed all usable space to be leased. He also stated that it was creating an accessible entrance to the ground floor that they were most concerned about. Mr. Gibson indicated that they could create an ADA accessible entrance on the west side, however, it would require taking out planters, fire escape landing and pushing the building back somewhat.

The architect noted that the archway was very small; not wide enough for more than one person to comfortably fit through and not even 6' high. He noted that the tunnel under the stairs was 10 ½ feet long and surrounded by solid masonry, therefore, it would be very difficult to excavate and retain the stairs.

Commissioner Hart noted that she would like to recommend a new subcommittee with Commissioner Carter and Vice Chairperson Oliver. She stated that what the previous Committee came up with was unacceptable and felt that the applicant needed to be led down a path to a result the Commission could agree upon.

Commissioner Davis stated he disagreed with forming another subcommittee as it seemed that was just taking the problem back to square one.

**Public Hearing [10:01:30 PM](#)**

Chairperson Lloyd opened the item to public comment.

Elizabeth Giraud, 2561 Elm Avenue, noted that she was dismayed by the proposals. Ms. Giraud stated that she wrote her Master's thesis at Cornell on the architectural firm of Scott & Welsh. She noted that the firm evolved as a notable architectural designer first for several fraternal organizations such as the Shriners and the Elks and eventually expanded into Public Works Administration

projects such as schools and civic structures designed throughout the state. Ms. Giraud noted that this particular structure was on South Temple and while she appreciated the Commission's focus and concern, she felt that in removing the procession from the street to the platform and into the building would be most detrimental to the character of the building. She noted that South Temple was considered one of "America's Ten Great Streets" by the American Planning Association and that removing the procession would be very detrimental to that part of South Temple.

Cindy Cromer, 816 East 100 South, noted she believed the ADA entrance should be accommodated by the new addition to the building. Ms. Cromer noted the stair could then be connected to a building entrance by a narrow isthmus of land. Ms. Cromer stated that as a single woman, she did not like the idea of the open plaza behind the stair element as it created many security issues in her mind.

**Applicant Response [10:10:20 PM](#)**

Mr. Gibson noted that they were requesting direction to decide if they could make the building work or not.

Chairperson Lloyd inquired if the applicant would be willing to continue working with the Architectural Committee.

Mr. Gibson noted they wished to continue working towards a solution.

**Executive Session [10:11:34 PM](#)**

Vice Chairperson Oliver noted that she concurred with the earlier comments made by Ms. Giraud. She noted that she did not want to keep speculating on changes to the front.

Commissioner Haymond noted that he concurred with Vice Chairperson Oliver and that he felt the berms, retaining wall and entrance should remain.

Commissioner Carter noted that he could not be present for a subcommittee meeting for the next few weeks if asked.

Commissioner Funk inquired if the Commission felt that there was no equitable solution to the problem.

Commissioner Hart noted that some changes would need to take place, but the question was now what would change and how much.

**Motion [10:19:52 PM](#)**

**Commissioner Hart made a motion to remove herself and be replaced on the Architectural Committee by Vice Chairperson Oliver. Commissioner Funk seconded the motion. All voted "Aye".**

**Commissioner Funk made a motion to remove herself and be replaced on the Architectural Committee by Commissioner Richards. Commissioner Hart seconded the motion. All voted "Aye".**

**Both motions carry unanimously.**

**OTHER BUSINESS** [10:22:26 PM](#)

There was no further business.

The meeting adjourned at 10:22 p.m.

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Cecily Zuck, Historic Landmark Commission Secretary

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