

SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 326, 451 South State Street
November 3, 2010

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on November 3, 2010.

Historic Landmark Commission Meetings are also televised on SLCTV 17. Archived video of this meeting can be found at the following link listed under, "Historic Landmark Commission and RDA":
http://www.slctv.com/vid_demand.htm,

A regular meeting of the Historic Landmark Commission was held on November 3, 2010, at [6:20:38 PM](#) in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included Commissioners Bill Davis, Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Chairperson Warren Lloyd and Commissioner Dave Richards. Commissioners Earle Bevins, III and Vice Chairperson Anne Oliver were excused from the meeting.

Planning staff present for the meeting were: Cheri Coffey, Assistant Planning Director; Carl Leith, Senior Planner; Janice Lew, Senior Planner; Paul Nielson, City Attorney; Katia Pace, Principal Planner; Joel Paterson, Planning Manager and Cecily Zuck, Commission Secretary.

FIELD TRIP [4:15:41 PM](#)

There was no formal work session before the regular meeting of the Commission. Commissioners Davis, Funk, Hart, Haymond, Lloyd and Richards attended an extended field trip touring the Yalecrest neighborhood and the site of the Evans garage. The field trip was recorded.

Mr. Leith noted that Sunnyside Avenue had been identified by members of the public as not worthy of inclusion in a local historic district as it was part of a major thoroughfare, however, Mr. Leith noted that most of the buildings along the street were considered contributory.

Mr. Paterson noted Yalecrest Preservationists for Property Rights (YCPPR) had submitted their own surveys of some of the homes within the district.

The Commission toured the portion of the neighborhood which had been excluded by City Council from the previous temporary regulations.

Mr. Leith noted that moving west towards 1300 East, buildings were of an earlier age.

Commissioner Richards inquired about preferred policy when considering the inclusion of one side of a street and not the other.

Mr. Leith stated that more obvious geographic boundaries were favored over property lines and it depended upon whether there was a cohesive group of structures facing either or both sides of the street.

Mr. Leith noted that staff had prepared the Architectural Styles map to identify any concentrations of the different styles present within the neighborhood.

The Commission visited the Douglas Park Subdivision next; the neighborhood's largest subdivision and part of the earliest plat of the neighborhood. The Commission continued touring the western part of the Douglas Park Subdivision.

Commissioner Funk inquired if staff had information regarding where within the neighborhood most opposition was arising.

Mr. Leith noted staff did not have that information which had been gathered by City Council and not Planning.

Mr. Leith noted that the early subdivisions were all built with rear alleys and later subdivisions were not.

The Commission next visited the Upper Yale Park, Yale Park, Douglas Park Second Addition and Gilmer Park subdivisions.

Chairperson Lloyd noted that the oldest LDS Ward House in the neighborhood was in the Gilmer Park Subdivision. He noted that the only individually nominated home in the area was at the corner of Yale Avenue and 1300 East.

The Commission continued visiting neighborhood subdivisions in the following order: Normandie Heights, Uinta Heights, Yale Park Plat A, Yalecrest Park, Yalecrest Heights, Upper Yale 2nd Addition, Upper Yale Addition, Upper Yale 3rd Addition, Colonial Heights, Harvard Park, Upper Harvard, Upper Princeton, Princeton Park, Hillside Park, Mayfair Park, Upper Laird Park.

APPROVAL OF THE MINUTES from October 20, 2010 [6:21:22 PM](#)

Commissioner Hart moved to approve the minutes from October 20, 2010 as corrected. Commissioner Harding seconded the motion. Commissioners Davis, Hart, Harding and Richards voted, "Aye". Commissioners Haymond and Funk abstained from the vote. The minutes stand approved.

REPORT OF THE CHAIR AND VICE CHAIR [6:23:18 PM](#)

Chairperson Lloyd noted Vice Chairperson Oliver was not present, but staff had something to report.

Mr. Paterson noted that earlier in the year the Commission had reviewed a text amendment which would recognize the Commission as able to initiate petitions for text amendments and zoning map amendments related to historic preservation issues. Mr. Paterson noted that the Historic Landmark Commission had been excluded from the provision regarding limitations on amendments in Chapter 21A.50.060. He noted that staff would request that City Council make that correction during their consideration of the petition.

Chairperson Lloyd noted he had no further comments.

PUBLIC COMMENTS [6:25:06 PM](#)

Esther Hunter, Co-Chairperson for the East Central Community Council (ECCC), noted that ECCC had completed their cottage meetings to discuss expansion of the University Historic District. She noted she had submitted a letter to the Commission and had been in discussions with Frank Gray, Community Development Director, regarding fees and the timeline to submit a petition. Ms. Hunter noted that the area ECCC would recommend for an extension included the area between 100 and 500 South and 1000 and 1100 East Streets.

Commissioner Richards inquired what had happened regarding the possible inclusion of homes and businesses along 900 East.

Ms. Hunter stated that there had been some confusion and stress resulting from the Yalecrest issue and ECCC was not ready to move forward with a petition for 900 East yet; but might do so in a separate phase.

Katherine Gardner, Chairperson of the Capitol Hill Community Council, noted her concern regarding the vacant service station located at the corner of 200 West and 200 North. She stated that the neighborhood would like to find a solution where the building could be sold and used. Ms. Gardner noted that they wished to rezone the property so that it might be used by a small community business.

Commissioner Hart noted that it was a contributing building in the Capitol Hill Historic District and many residents wished to see it remain. She stated that the property was currently zoned as RMF-35 and instead should be changed back to Neighborhood Commercial to allow for a sale to a small café or other neighborhood business.

Mr. Paterson noted that staff had met with the owner and outlined the process to submit a petition to modify the zoning. He noted that no application had yet been submitted.

Ms. Gardner noted that the owner did not have the funds to pay the application fee.

Mr. Paterson noted that the Council, the Mayor or the Planning Commission could initiate a petition to consider the rezoning of the parcel and waive the fee.

Ms. Coffey noted that the property was on a list of small neighborhood businesses that the City was working with; however, if the owner wished to apply for the rezoning or could convince the Mayor, Council or Planning Commission to initiate a petition for rezoning that property, the process would proceed more quickly.

Ms. Gardner thanked the Commission for their assistance.

Commissioner Richards inquired if the Commission might forward some sort of recommendation to the Council or Mayor.

Chairperson Lloyd noted that he did not feel the Commission had enough information regarding any proposal, but the Commission might consider doing so once a petition had been filed.

Seeing no one else present to comment on any item not on the evening's agenda, Chairperson Lloyd moved to the public hearings portion of the meeting.

PUBLIC HEARINGS [6:38:31 PM](#)

Petition PLNHLC2010-00695 - Evans Garage – A request by Jody Evans and Inga Regenass, to allow additional height on an accessory structure on the property located at approximately 1221 4th Avenue in the Avenues Historic District. The proposed height of the accessory structure is 16 feet and 2 inches. The SR-1A Zoning District maximum height requirement for accessory structures is 14 feet. 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)

Staff Presentation [6:38:44 PM](#)

Ms. Pace reviewed the proposal for the Commission. She noted that the design of the garage had been approved administratively. Ms. Pace stated the applicants were requesting an increase in the height of the garage design from 14 feet to 16 feet 2 inches to incorporate an 8 foot tall garage door and match the pitch of the roof on the primary structure. Ms. Pace noted staff found the proposed garage to be subordinate to the primary structure. She stated staff found the proposed garage would also be compatible in design with the home and the surrounding streetscape. Ms. Pace noted that the additional height would be mitigated by several factors, including that it was set back at the rear of the property and that Fourth Avenue was at a considerably lower elevation than Fifth Avenue; therefore, the structure would not obstruct any views or overwhelm surrounding properties. Ms. Pace noted staff found the proposal substantially met the standards and design guidelines and recommended approval of the request.

Questions from the Commission [6:42:34 PM](#)

Commissioner Hart inquired if the applicant's design began as a 14 foot tall garage, indicating it appeared that way in the drawings included in the staff report.

Ms. Pace noted that was correct.

Mr. Paterson noted that staff had forwarded an email to the Commissioners from the Greater Avenues Community Council Chairperson Jim Jenkin which raised concerns about the request for additional height.

Applicant Presentation [6:44:21 PM](#)

Inga Regeness, the property owner, noted that once they had poured the footings and slab and had looked at a mock up of the structure they found they needed the extra height to provide headroom for her husband, who was fairly tall, provide space for needed storage and to match the 8:12 pitch of the roof on the primary structure. Ms. Regeness noted there were already two garages on the block face which were over height; garages which matched the roof pitch of their corresponding residences. Ms. Regeness stated that in response to Mr. Jenkin's comments, she would argue his findings were in conflict with the ordinances themselves, noting that the proposed garage would be in line with existing accessory structures on the block face, would be set back from the primary structure and would provide minimal impact to the light and air of surrounding properties. She stated that they were not attempting to build a garage as excessive as possible but wished to provide a practical structure to meet their needs.

Questions from the Commission [6:53:03 PM](#)

Commissioner Hart inquired why the applicants were requesting the increase.

Ms. Regeness noted they had applied for permits on several remodeling projects at the subject address simultaneously and found the original height to be an issue once the pad had been poured and a mock up of the garage had been laid out.

Commissioner Hart inquired how tall the primary structure was.

Mr. Evans noted he believed their home was 22 feet high.

Mr. Paterson noted that the SR-1A zoning provisions allowed the Commission to approve a request for additional height without a Special Exception review.

Public Comments [6:54:11 PM](#)

Seeing no one present from the public to speak to the item, Chairperson Lloyd moved to executive session.

Executive Session [6:54:51 PM](#)

Commissioner Richards noted he believed the proposal to be a good design decision and felt the Commission could approve the additional height.

Commissioner Hart concurred and noted that the end product would be very nice.

Motion [6:56:24 PM](#)

In the case of PLNHLC2010-00695, Commissioner Funk moved to approve the additional height of 16 feet 2 inches for the garage located at 1221 E 4th Avenue, based upon the findings in the staff report; that the Commission had the ability to increase the height and that it met the Ordinance Standards and Residential Design Guidelines. Commissioner Hart seconded the motion.

There was no discussion of the motion.

Commissioners Davis, Funk, Harding, Hart, Haymond and Richards voted, “Aye”. The motion carries unanimously.

Yalecrest Local Historic District Designation – (Unfinished Business) this item was continued on October 20, 2010. A request by the Yalecrest Yes Heritage Preservation Committee to have the Salt Lake City Historic Landmark Commission consider the designation of a local historic district within the Yalecrest neighborhood which is located generally between 800 South/Sunnyside Avenue and 1300 South, from 1300 East to 1900 East. At the public hearing on October 20, 2010, the Historic Landmark Commission indicated their intent to submit an application for a Zoning Map amendment to establish an H Historic Preservation Overlay district for all or part of the Yalecrest neighborhood. On November 3, 2010, the Historic Landmark Commission will further consider forwarding an application and will consider forwarding recommendations regarding potential boundaries for the local historic district to the Planning Commission and the City Council. The area is located in City Council District 5 represented by Jill Remington Love and District 6 represented by JT Martin. (Staff contact: Carl Leith, (801) 535-7758, carl.leith@slcgov.com.) [6:57:37 PM](#)

Chairperson Lloyd noted that the Commission had visited the area during a field trip before the meeting.

Staff Presentation [6:59:17 PM](#)

Mr. Leith noted the staff memo before the Commission included summary information of the meeting held on October 20, 2010 and attachments which addressed options for assessing potential boundaries for a local historic district in the Yalecrest neighborhood. Mr. Leith stated the memo also included public comments received since the previous hearing. Mr. Leith reviewed the memo and attachments in brief for the Commission.

Mr. Leith noted the Commission decided on October 20, 2010, sufficient information existed that the area met all criteria for a local historic district and the Commission therefore intended to make an application. He noted on October 20, 2010 the Commission also decided to further consider potential

boundaries for a local historic district in the area. Mr. Leith noted that in addition to outlined City Designation Criteria, National Register Bulletins 15, 16 and 21/12 outlined guidelines for selecting historic district boundaries; criteria outlined within the staff report contained in the record.

Mr. Leith noted that thus far, the area had been examined according to these criteria and areas of significance had been identified within the map series provided for the Commission. Mr. Leith noted that boundary options according to these criteria for a local district were also examined and summarized within the staff memo. Briefly, Mr. Leith noted the following:

If the Commission chose to nominate the entire National Register District (NRD):

- The NRD met all outlined criteria and was therefore created in 2007
- Consequently the area also generally met City standards
- Settlement pattern reflected the age of plats, street patterns and followed area topography
- Building age included a clear development sequence moving east
- The NRD contained a high and even concentration of contributing buildings
- NRD contained clear architectural styles
- NRD post 1940 development was concentrated towards the South and the East

If the Commission chose to nominate the National Register District Boundary excluding the area to South and East carved out by City Council (Yalecrest Yes Proposal):

- Areas to south and east are part of the historical sequence
- Areas to the south and east still include some of the earliest plats and street patterns for the neighborhood.
- Excluding these areas affects the historical balance represented by the NRD
- Excluded area still includes structures within building age of the 1930's to postwar period
- Includes some groups of period revival architectural styles.
- High concentration of contributing buildings still present
- Contribution may relate to adjacent development.

If the Commission chose to nominate smaller districts recommended in the 2005 Reconnaissance Level Survey (RLS):

- Smaller districts would require further detailed analysis and field surveys as they were not well defined.
- Smaller districts would (as a whole) exclude several major parts of the NRD to the North, East and South.
- Smaller districts would exclude parts of significant subdivisions, which lacks coherence
- Combined area of smaller districts represents an imbalanced proportion of the whole NRD
- Some recommendations of smaller districts are from earlier survey data and require further analysis

Mr. Leith noted staff recommended that the Commission review, question and give comments on proposed boundaries, then review additional information and analyses in an additional work session. He noted staff recommended the Commission consider giving a recommendation for district boundaries on December 1, 2010.

Questions from the Commission [7:21:16 PM](#)

Commissioner Richards thanked Mr. Leith for his in depth analysis.

Chairperson Lloyd noted that on the Architectural Significance Map, staff had categorized structures according to the 2005 survey. He stated that several times, residents had noted the 2005 survey to be incorrect. Chairperson Lloyd inquired how this observation might be corrected.

Mr. Leith noted that staff had done some analysis in instances where contention with the status of particular properties had been raised. He noted staff needed to do more detailed and documentary analysis to note variations from the 2005 RLS.

Chairperson Lloyd inquired if this would be considered an update of the survey or an amendment.

Mr. Leith noted that it would likely just be an update; if many errors were found, amendments to the district boundaries might be necessary.

Commissioner Davis noted there would always be errors at the microscopic level of any RLS, and once identified, those errors could be rectified; however it was apparent that the survey on the macroscopic level was accurate.

Mr. Leith concurred.

Commissioner Hart noted that the document Yalecrest Preservationists for Property Rights (YCPPR) submitted earlier to the Commission (included with the record) included homes they believed in their analysis to be non-contributing. Commissioner Hart noted she still saw many of them as contributing, noting that making additions or alterations did not necessarily affect a home's status. Commissioner Hart stated she concurred with Commissioner Davis and believed the RLS to be accurate.

Public Comments [7:27:57 PM](#)

Scott Brown, 1861 Michigan Avenue, inquired if the Commission had received the letter submitted by Durham, Jones and Pinegar (included with the record). He noted his counsel's opinion that the meeting was improperly noticed and that the hearing should cease. Mr. Brown noted the Commission should also evaluate each individual parcel before making any recommendation.

Mr. Nielson noted that the Attorney's Office had issued an opinion regarding noticing of the item and did not feel there was an issue which necessitated cessation of the hearing. He noted that there was no law requirement for the Commission to notice or even hold a public hearing on their decision to make an application for a local historic district.

Mr. Paterson noted that notice was mailed as required for the first meeting on the issue to all property owners and residents of the area as well as those 300' outside the Yalecrest NRD boundaries.

Ms. Coffey stated any noticing argument should be further discussed with the Attorney's Office.

Mr. Nielson noted that the hearing on October 20, 2010 was just on the request to create an application. Mr. Nielson stated that the requirement for the current hearing was the newspaper notice, which had been provided.

Chairperson Lloyd noted that the Commission would need time to respond to other concerns raised within the letter dated November 3, which was the same date of this hearing. Chairperson Lloyd noted the Commission could not respond to such substantive concerns without some analysis.

Margaret Tennant, 1877 Yalecrest Avenue, noted her opposition to a local historic district. Ms. Tennant did not comment on proposed boundaries. Ms. Tennant noted she believed the standards imposed by a local district to be too restrictive and subjective. She submitted her comments for the record along with another copy of the most recent YCPPR submittal.

Kelly Marinar, 1766 Harvard Avenue, noted she would like to see the 1700 block of Harvard included in the LHD as the RLS identified 85% of that block as eligible. She noted that Yalecrest was valuable as a well planned, diverse neighborhood and that she would like to see the City use the neighborhood as a historic research. She noted she would also like to see signage for the district.

Kim Childs, 1655 East 900 South, noted he did not want to see any more streets caved out of the area and felt the Commission should nominate the entire national register area for designation as it had been demonstrated it would work well as a district. Mr. Childs noted that the home which had been located at 1944 Yale had recently been demolished. He noted he was aware that this home was outside the affected area, but worried about what would happen if nothing were done to further protect the neighborhood.

Fientie Allis, 1410 Princeton Avenue, reviewed her email submission included with the record, noting the area in its entirety should be included.

Lynn Pershing, 1715 Laird Avenue, noted she wished to see the Commission use the boundaries of the National Historic District to create a cohesive and comprehensive local district. Ms. Pershing noted that her home was a period revival home within the area that had been removed from the area by City Council's previous assessment. She noted that her home was considered a significant resource and that capricious exclusion of a street or block within the Yalecrest neighborhood would be confusing to homeowners and the real estate market. Ms. Pershing thanked the Commission for their diligence.

Sylvia Luker, 1452 Gilmer Drive, noted her concern that the meeting was not properly noticed. Mrs. Luker stated that she did not feel they would be able to afford improvements to their home if the local historic district was created.

Monty Luker, 1452 Gilmer Drive, noted his opposition. He stated his belief that the Historic District would be a terrible imposition on citizens' free agency and property rights. He then cursed the Commission in the name of God.

Jodi Howick, 972 Military Drive, requested substantive analysis of each home before further consideration of the matter. She noted that many of the homes on Military Drive had been significantly remodeled. Ms. Howick noted that she would encourage the Commission to reject an application.

James Bennion, 1860 East 900 South, noted his concern regarding the procedures and that there had been enough changes that 91 percent of the homes would not qualify if closely analyzed. He stated that he did not feel they needed more involvement to protect the neighborhood. Mr. Bennion did not comment on district boundaries.

Janine Sheldon, 1784 Yalecrest, noted her concern that smaller homes in the neighborhood were at serious risk and all required protection.

Amy Davis, 1658 East 900 South, noted that 65% of the residents which spoke at the last hearing were against designation. She inquired if Chapter 21.A.34.020C was reasonable and in the best will of the people. She noted that she was concerned with the process by which a petition could be made. She noted her desire for a verifiable petition process as well as a review process which did not allow a minority to impose draconian regulations upon the majority. Ms. Davis did not comment on boundaries.

Jon Dewey, 1724 Princeton Avenue, noted he had gone through the Commission's review process and did not find it onerous. Mr. Dewey stated that there was recently a teardown just outside of the national district on Yale Avenue. He stated that this would continue within the bounds of their neighborhood if nothing was done. Mr. Dewey did not comment upon boundaries.

Kelly White, 1068 South 1700 East, stated that poking holes in Yalecrest would make it more vulnerable to demolitions and urged the Commission to keep current boundaries intact. Ms. White related a story of West University Place, Texas where over half of the housing stock had been torn down to build oversize homes and the historic character of the neighborhood had been lost forever as well as its affordability to lower and middle income families.

Libby Peterson, 1221 South 1300 East, noted she was in favor of a local district which followed the boundaries of the NRD. She noted she believed the Commission had been considerate in notifying the public by mail, by allowing them to speak and by email.

The following individuals submitted cards, but did not speak:

Jan Ellen Burton – I am in support. Keep the boundary as is! The bottom line is Yalecrest may be the most historic neighborhood in UT. That would seem to be worth saving. Chopping up the neighborhood is not conducive to preservation. I had initially thought streets on the edge of Yalecrest such as Sunnyside could be excluded – bout one of the more historic homes abuts Sunnyside (Illegible)... I would like the Yalecrest historic boundary to remain intact as it is.

Butch Adams – In opposition. Our neighborhood should not be the ginny (sic) pigs in this process. Disregarding all previous comments, polls and emails from neighborhood meetings conducted is betraying the City bias towards designating the Yalecrest neighborhood as a historic district. Notwithstanding the will of the majority of the people. Let LHD die here and now.

McKay Edwards, I would like 900 South below 1500 East to be removed from the boundaries of the nomination.

Executive Session [8:14:46 PM](#)

Chairperson Lloyd noted that the Commission should discuss boundaries.

Commissioner Hart noted that each home within the neighborhood had been analyzed within the 2005 RLS. She stated each home was photographed and examined, including the architectural style and type of home, the approximate date of construction, materials, roof type, any accessory structures and an evaluation of contributory/non-contributory status made. She noted that historic research had not been done on every individual home; however, an individual who had to meet specific state qualifications had been hired to perform a full evaluation of each house. Commissioner Hart noted that this survey was available to the public at the Division of State History Office in the Rio Grande Depot.

Chairperson Lloyd noted that the quality of research was in question by YCPPR and noted that City Council had inquired why the original process did not include more public involvement. He stated that he believed there needed to be more research done in Yalecrest to bring forth the most current information.

Commissioner Richards inquired if Chairperson Lloyd felt the survey needed updating or contained original inaccuracies.

Chairperson Lloyd noted he felt the original document to be solid, however, it was a six year old document and changes had been made since that date which should be updated in the survey.

Commissioner Lloyd noted several members of the neighborhood had raised concerns with the Residential Design Guidelines and noted he believed the Commission should reexamine these as well in the near future.

Commissioner Haymond inquired if the Commission had made the original request as some had implied or it had been made by citizens. He also inquired if the decision the Commission made would make the area a historic neighborhood or just suggest to the City Council that a local district should be created.

Mr. Paterson reviewed the history of the request, noting that the Commission was currently considering a request made by Yalecrest Yes to consider a LHD designation for the neighborhood.

Ms. Coffey noted that she did not believe there had ever been a case where the City initiated a historic district; all had arisen from resident requests. Ms. Coffey stated that the Preservation Plan, yet to be adopted by the City, might provide a tool in identifying some of these areas ahead of time. Ms. Coffey noted that all districts had been reactions to citizen requests thus far.

Mr. Paterson noted that the HLC was a recommending body in this case. He noted that the Landmark Commission would make an application and forward a recommendation on to the Planning Commission and City Council regarding proposed boundaries. He stated that once this recommendation was made, the Planning Commission would hold hearings and make a recommendation to the Council and as a Zoning Map Amendment, the City Council would be the final decision maker for the process.

Commissioner Haymond noted he hoped this would protect them from the curse invoked earlier.

Commissioner Funk noted that the Commission would put together a process and make a recommendation to the Planning Commission and City Council. She noted it was then ultimately up to the Council to decide whether or not to follow that recommendation. Commissioner Funk noted her belief that the Commission needed more information to make an assessment.

Mr. Leith noted that staff anticipated the best option might be to convene a work session where everyone could attend and study additional analyses.

Motion [8:27:28 PM](#)

Commissioner Funk made a motion to follow the staff recommendation and initiate the additional field work needed in order to better identify boundaries the Commission would like to see for a local historic district in order to forward a recommendation to the Planning Commission. Commissioner Harding seconded the motion.

Discussion of the Motion [8:27:56 PM](#)

Commissioner Hart inquired if the Commission were going to move forward with creating a petition and if so, adding language excluding any district at all would be disingenuous.

Chairperson Lloyd noted that the previous motion from October 20 had noted the intent to create an application but no motion to create an application had been passed yet.

Commissioner Harding noted that what she believed was truly being proposed was that staff gathers more information for the Commission to analyze.

Chairperson Lloyd concurred. He inquired what the venue of collecting information would be. He noted he would prefer to see more dialog with the public.

Commissioner Funk noted she would like to know what areas most objections were arising from. Commissioner Funk stated that if she were making the decision herself, she believed the entire area to be significant, but also had the conflict of believing that the people have some say in what should happen in the matter.

Commissioner Davis stated that he believed creating a subcommittee or other group to study the matter would not help as it was an issue where dissenting opinions would always occur. Commissioner Davis noted that the Commission's role was to act as a technical advisory committee to the City Council and the purview of the Commission was to determine if the criterion in the ordinance had been met. He noted that this did not include public support or opposition. He inquired what the point was then, of the Commission as a technical advisory committee to determine the weight of that opinion. He noted that it was, in reality, a political decision. Commissioner Davis noted that the opposition and support would be information that the politicians needed to consider, not the Commission.

Commissioner Davis noted he did not believe further study to be necessary. He stated that the RLS was still accurate on a macro level. He noted that certainly there had been changes in the last five years, but even if those changes had reduced the percentage of contributing structures from 91 to 85 percent, it was still a very significant number. He stated that modifying a house alone did not disqualify it from being contributing. He noted that the Commission approved or disapproved modifications at every meeting, in fact the Commission's goal was to approve modifications so they did not affect the contributing nature of a home. Commissioner Davis stated that certainly there had been modifications, but it did not mean those houses had been disqualified.

Commissioner Harding noted that she did not feel this was the only concern; it seemed staff was unsure they could recommend any proposal other than the NRD boundaries without further study.

Commissioner Funk noted that perhaps there was a middle ground for part of the area that the Commission should consider.

Commissioner Davis noted that it might be possible, but it was not the decision of the Commission to make, rather it was the decision of City Council.

Chairperson Lloyd noted he believed the Commission needed to do more analysis of the boundaries as well as analyze how the Design Guidelines would affect newer structures which were considered contributory and guidelines for postwar structures needed to be included.

Commissioner Harding noted she thought staff had indicated they would like to perform additional analysis.

Mr. Leith noted he did not feel further analysis would be necessary if the Commission were to forward an application based upon the National District Boundaries. He stated that if the Commission were to consider different boundary options, further study would be necessary.

Chairperson Lloyd noted Yalecrest Yes had excluded the portion eliminated earlier by City Council in their original proposal.

Commissioner Richards noted he was not convinced that portion should be removed from a possible nomination.

Mr. Paterson stated that the Council had removed that area from the temporary zoning regulations created earlier in the year, not from the National Register District itself. He noted that the notice that Planning had provided for consideration included all NRD boundaries.

Ms. Coffey stated that staff's opinion was that the NRD met the criteria for a LHD. She noted if the Commission wished to not consider the entire area and instead examine smaller ones, staff would need time to make findings as to why those areas would be appropriate LHDs.

Mr. Paterson noted that the smaller area districts proposed by the RLS did not include well defined boundaries and would therefore need to be more closely examined if recommended for nomination.

Commissioner Davis noted that he believed they should make a recommendation for the entire NRD.

Commissioner Harding noted the Commission could vote on the motion on the floor and if it was defeated, Commissioner Davis could propose an alternate motion.

Commissioner Funk noted she would not be comfortable with recommending a historic district for the entire area due to the amount of opposition. She stated she could recommend that the boundaries met the requirements for a LHD. She noted this was a different statement, as it was up to the City Council to make a determination. Commissioner Funk stated that her original motion was essentially meant to recommend further study of the issue; however, she felt inclined to withdraw that motion in light of the subsequent discussion.

Commissioner Funk withdrew her motion.

Commissioner Harding noted she would still like to see more information regarding boundaries according to the 2005 RLS.

Chairperson Lloyd inquired if design guidelines for Yalecrest should first be designed before creating an application.

Commissioner Richards noted he believed that would be akin to putting the cart before the horse as it would still need to be reviewed by the Planning Commission and City Council and the issue could stop dead at either of those hearings. He noted that realistically, guidelines should be in place if and when the district was adopted.

Ms. Coffey concurred, noting it was difficult to allocate staff resources to a theoretical issue. She noted that once they were certain a district would be in place and knew the boundaries and resources included,

staff would work as quickly as possible to provide those guidelines. Ms. Coffey noted that staff was also confident that the general design guidelines could assist with any issues that may arise in the interim.

Commissioner Haymond inquired if there would be neighborhood input into guidelines.

Mr. Paterson noted that after specific guidelines were drafted, they would be brought back before the Commission in a public hearing to allow for the Commission's consideration as well as public review and comment. He stated that any design guidelines would also follow the same adoption process as an LHD and would require ultimate approval by City Council.

Commissioner Hart noted that in regards to the design guidelines, the Commission had the authority to override them in cases which they found an adjustment or waiver to be appropriate. She stated that the larger issue seemed to be the amount of public misinformation which was present on the current guidelines.

Commissioner Richards concurred.

Commissioner Davis noted that a lot of issues fell into a grey area under the guidelines and it was the Commission's role to decide those issues. He stated that when the temporary regulations were in effect, easily 90 percent of the issues which came before the Commission from the Yalecrest neighborhood had been approved.

Ms. Coffey noted that the role of the Commission was to ensure that the criteria were substantially met.

Commissioner Harding noted the Commission should return to the matter at hand and propose an alternate motion.

Second Motion [9:13:42 PM](#)

In the matter of the Yalecrest Local Historic District Designation, Commissioner Davis moved to create an application based upon the National Register District Boundaries.

Commissioner Hart seconded the motion.

Discussion of the Motion [9:14:16 PM](#)

There was no further discussion of the motion.

Commissioners Davis, Funk, Hart, Haymond and Richards voted, "Aye". Commissioner Harding voted, "Nay". The motion carries 5-1.

Chairperson Lloyd noted that the Commission would therefore create an application.

Ms. Coffey noted that staff would create something in writing and have the Chairperson sign it, then put the issue forth to the Planning Commission to hear.

Chairperson Lloyd inquired if they had included a recommendation in the motion.

Commissioner Harding noted that the recommendation should carry with the application.

Mr. Nielson noted that this was not what the Commission seemed to be requesting at this time.

Mr. Paterson requested clarification from Commissioner Davis.

Commissioner Davis noted he intended his motion to mean the Commission would create an application following the NRD boundaries.

Commissioner Harding inquired if that included forwarding a recommendation to the Planning Commission.

Mr. Nielson noted that he had not heard from Commissioner Davis that the Commission was also forwarding a recommendation to the Planning Commission. Mr. Nielson noted HLC had not reviewed the petition as yet.

Ms. Coffey inquired if counsel felt the Commission needed to again vote on whether or not they supported the application.

Mr. Nielson noted this was correct.

Commissioner Funk stated the Commission had therefore submitted an application, but had not indicated whether they supported the application or not.

Commissioner Davis noted he believed it would be implied as the Commission was the application.

Commissioner Funk noted that counsel disagreed with that assertion.

Mr. Nielson noted that if the Commission felt there had been adequate discussion of the boundaries in order to forward a recommendation, the Commission could do so. He stated that he would recommend the Commission make a separate motion if it was also prepared to forward a recommendation. Mr. Nielson stated that the petition had to be created before a vote on whether to recommend it or not could be held.

Third Motion [9:24:48 PM](#)

In the case of the Yalecrest Local Historic District Designation, Commissioner Hart made a motion on the petition created by the Commission, to forward a positive recommendation to create a local historic district based upon the same boundaries as the National Register District, based upon the strong recommendations within the surveys; that most of the buildings with the District are contributory and merit being included in a district and are stylistically cohesive.

Ms. Coffey asked Commissioner Hart to note findings that the district meets outlined criteria.

Commissioner Hart amended her motion to state that the entire district meets the criteria for a local historic district.

Commissioner Haymond seconded the amended motion.

Commissioner Hart clarified the Commission was making a positive recommendation as the application met all of the required criteria.

Discussion of the Motion [9:27:14 PM](#)

Commissioner Davis inquired if they should include within the motion initiating the creation of guidelines for the Yalecrest neighborhood.

Ms. Coffey noted that the Commission could create a distinct motion for that issue, and not further confuse the current motion.

Chairperson Lloyd called for a vote on the current motion.

Commissioners Davis, Hart, Haymond and Richards voted “Aye”. Commissioners Funk and Harding voted, “Nay”. The motion carries 4-2.

During the December 1, 2010 Historic Landmark Commission Meeting, Commissioner Hart made a motion to recall her motion from November 3, 2010 on the Yalecrest Local Historic District Designation for the purpose of clarification:

Commissioner Hart noted that the motion was based upon the analysis and findings in the staff reports of October 20, 2010 and November 3, 2010, in particular the following considerations and findings:

- 1. This is the complete National Register Historic District which was well documented in the 2005 Survey and the 2007 NR Nomination, in accordance with national practice, methodology and criteria. The proportion of contributing buildings is recorded as being 91% of the district.**
- 2. Boundaries for the NR District have also been defined as meeting the national standards and consequently would meet the City standards for selection of a LHD and its boundaries.**
- 3. The distribution of contributing buildings within these boundaries is thought to be relatively evenly distributed within the boundaries. There are no obvious concentrations of non contributing buildings.**
- 4. Some of the houses were constructed in the later years of the historical sequence up to 1955 and are less readily perceived, in comments received, as historic or of architectural interest.**
- 5. Later architectural styles are characteristically simpler in architectural form, detail and materials, and are obviously more recent. At the same time they are part of the historical sequence of the development of the neighborhood.**
- 6. Post 1940 buildings appear to concentrate at the south east corner of the district, particularly within the Colonial Heights Subdivision, and Hillside Park Subdivision as it approaches 1300 South. Colonial Heights is at the same time one of the earliest plats in the neighborhood.**

Commissioner Haymond seconded the amendments to the recalled motion.

Commissioners Davis, Hart, Haymond and Richards all voted, “Aye”. Commissioner Harding voted, “Nay”. The recalled motion stands amended, 4-1.

Fourth Motion [9:28:39 PM](#)

In the case of the Yalecrest Local Historic District Designation, Commissioner Davis made a motion to direct staff to begin examining guidelines for the district, specifically outlining issues discussed earlier in the evening.

There was no second to the motion.

The motion failed.

Commissioner Richards noted he believed the issue to be premature and that it would therefore be a waste of staff resources and taxpayer money.

Commissioner Funk noted that boundaries could change at any time as well.

Commissioner Davis noted he had hoped to indicate to the neighborhood that the Commission was sensitive to some of their concerns regarding guidelines for the area.

OTHER BUSINESS [9:30:47 PM](#)

Commissioner Hart requested staff look at the University Extension issue and give the Commission an update in December.

Commissioner Richards thanked the public for their participation.

Commissioner Funk made a motion to adjourn. Commissioner Hart seconded the motion. There was no objection. The meeting stood adjourned at [9:31:46 PM](#)

Cecily Zuck, Historic Landmark Commission Secretary