

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 315, 451 South State Street
October 6, 2010**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on October 6, 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 October 6, 2010, at [5:56:54 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; Bill Davis, Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Chairperson Warren Lloyd, Vice Chairperson Anne Oliver and Commissioner Dave Richards.

Planning staff present for the meeting were: Cheri Coffey, Assistant Planning Director; Frank Gray, Community and Economic Development Director; Carl Leith, Senior Planner; Ray Milliner, Principal Planner; Paul Nielson, City Attorney; Katia Pace, Principal Planner; Joel Paterson, Planning Manager; Maryann Pickering, Principal Planner; Wilf Sommerkorn, Planning Director; Casey Stewart, Senior Planner; Lex Traughber, Senior Planner; Ana Valdemoros, Assistant Planner and Cecily Zuck, Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Commissioners Bevins, Funk, Harding, Hart, Chairperson Lloyd, Vice Chairperson Anne Oliver, Commissioner Richards and staff members Carl Leith, Ray Milliner, Katia Pace, Joel Paterson, Maryann Pickering and Ana Valdemoros. Field trip notes were taken and are included as part of the record of the meeting available in Room 406 of the City and County Building.

WORK SESSION [5:06:52 PM](#)

Chairperson Lloyd recognized Community and Economic Development Director Frank Gray for the first order of business.

Mr. Gray noted he wished to discuss Design Guideline issues with the Commission. Mr. Gray noted that the recent LUAB (Land Use Appeals Board) appeal case had brought new scrutiny upon the Design Guidelines and that staff had met with those who originally wrote those guidelines to determine the original intent of certain provisions.

Mr. Gray stated that the Guidelines were an excellent document which covered a lot of ground and gave fairly comprehensive, beneficial information to users. He noted that the Summary Table in the front of the Residential Guidelines was important, as the Table told users what sections of the Guidelines applied to particular applications. Mr. Gray noted that the Commission would be examining the appeal later that evening and noted that the Table stated in that particular case, that pgs 51-119 of the Design Guidelines did not apply. Mr. Gray noted that a lot of the sections in the book were made for multiple purposes and listed some examples. He noted that these cross references were somewhat confusing, however, the Design Guidelines included several statements to use the table literally. He noted that over the years the intent of the document had been expanded. He stated that over the years, the Planning Department had become very sensitized to neighborhood concern and had perhaps become more liberal than necessary in

terms of what within the guidelines applied and what did not. Mr. Gray noted that over the years, the ordinance becomes administered in a practical way, not necessarily in the way they were written. He noted that there were times where laws changed and staff followed those but in turn violated the City's own Ordinances. He noted that these issues were some of the impetus for several code amendments in the last few years and would continue in the future.

Commissioner Funk inquired if the staff report gave the Commission the support they needed to make a decision during the hearing.

Mr. Paterson noted that the staff memo discussed the decision by LUAB, and noted that their decision directed the Commission to use only new construction standards and not the section on rehabilitation.

Mr. Gray noted that the new construction guidelines often referred to the materials section in the Design Guidelines, but the Summary Table noted that for the purposes of new construction, that section should be excluded.

Ms. Coffey noted that with more staff working on preservation issues, staff was reexamining the Guidelines and working together to determine if they were interpreting them correctly and identifying items which need to change or be updated to reflect current best practices. Ms. Coffey noted that Carl Leith was working on updates to the Guidelines.

Mr. Gray noted that CED Staff and the City Attorney's Office would also examine the Guidelines and determine what should be reviewed or removed from their standpoint.

Commissioner Lloyd noted that staff members were also beginning to include the National Park Service Briefs in staff reports and the Commission could use those as an additional resource.

Mr. Gray stated that staff could, perhaps at the beginning of each year, create an annual review of changes which had occurred in national policy and best practices and look at implementing those code changes at that time, instead of wading through them constantly. Mr. Gray noted that this could provide a more comprehensive process for all involved and a more stable document.

Chairperson Lloyd noted that the other item on the work session agenda regarding the process for reviewing a request to create an application for a local historic district in the Yalecrest neighborhood. He recognized Joel Paterson.

Mr. Paterson noted that the "Yalecrest Yes" group had submitted a request to create a local historic district in the Yalecrest neighborhood. He noted that this request specifically asked that the 'L' shaped area the City Council had removed from the previous temporary regulations be excluded from that consideration. Mr. Paterson stated that under the Zoning Ordinance it was the Historic Landmark Commission which made the application. Mr. Paterson noted that this request would be reviewed by the Commission on October 20th in a public hearing. He stated that if the Commission decided to create an application, they would also need to make recommendations regarding boundaries for the district. Mr. Paterson noted that the Zoning Ordinance had standards for the Commission to consider and staff would have that information for them. He noted that there was a great deal of additional information and staff would work to get that information to the Commission as soon as possible for their consideration.

Commissioner Richards inquired how specific the criteria in the ordinance was and if it included items such as discussion from members of the neighborhood or if it was based strictly on technical merits.

Mr. Paterson noted that the criterion was based solely on technical merits and that there was nothing in the Zoning Ordinance which required a certain percentage of neighbors in favor. He noted that it was based upon factors such as looking at the area and its history, the same standards the Commission considered when they reviewed the State's proposal for the National Historic Register for the neighborhood.

Ms. Coffey noted that it was also up to the Historic Landmark Commission whether or not to create an application, there was no criteria for that decision.

Mr. Sommerkorn noted that it was a legislative decision for the Commission to make.

Mr. Paterson noted that the Commission had received an email that noted the Historic Landmark Commission was obligated to create a historic district as ninety-one percent of the homes were rated significant or contributing. He noted that there was nothing in the Zoning Ordinance which obligated the Commission to create the historic district.

Mr. Gray noted that the Guadalupe neighborhood in San Jose was an example where there was originally a protest of ninety percent against the creation of a historic district and City Council unanimously approved the creation of one. He noted that today it was one of the most desirable areas in San Jose. Mr. Gray noted the job of the Commission was to look out after the general welfare of the community and make a recommendation on that basis, which could conflict with individual neighborhood values.

Commissioner Haymond inquired if the Commission decided to have it considered, how it would move forward.

Mr. Gray noted that the numbers were not clear as both sides were claiming about seventy percent support.

Mr. Sommerkorn noted that the City was not doing anything formal to discern public opinion. He noted that the Commission needed to make a decision as to whether or not to create an application.

Mr. Gray noted that if the Commission did decide to forward an application, they would be the applicant.

Commissioner Richards inquired how the ordinance identified who could request an application be made.

Mr. Sommerkorn noted that Ordinance stated that any individual or group could request that an application be made.

Mr. Gray noted that it was entirely up to the Commission to decide whether or not to create an application.

Mr. Sommerkorn concurred and noted the Commission's only obligation was to consider the request.

Mr. Paterson noted that the Ordinance also didn't require that the Historic Landmark Commission hold a public hearing on the matter, but it had been scheduled as such to include public comment.

Mr. Sommerkorn noted that the public hearing was not required, but it had been decided in discussion with the Chair and Vice Chair that it would be best to hold a public hearing to receive feedback and then make a consideration.

Chairperson Lloyd inquired if new guidelines would be considered for any new district.

Mr. Gray noted that there were special guidelines for individual districts. He stated that in an area such as Yalecrest, if a historic district were created, special guidelines would probably need to be created for the Tudor style homes in the area.

Ms. Coffey noted that the Design Guidelines already needed to be updated to include a section of guidelines for the newest local district, Westmoreland.

Chairperson Lloyd noted that the Commission should move to Room 315 to continue the meeting agenda.

APPROVAL OF THE MINUTES from September 1, 2010 [5:57:56 PM](#)

Commissioner Oliver made a motion to approve the minutes as corrected. Commissioner Bevins seconded the motion. Commissioners Hart and Harding abstained from the vote. Commissioners Davis, Funk, Haymond, Oliver and Richards voted, “Aye”. The minutes stand approved.

REPORT OF THE CHAIR AND VICE CHAIR [6:00:32 PM](#)

Chairperson Lloyd noted he had nothing to report.

Vice Chairperson Oliver concurred.

PUBLIC COMMENTS [6:00:40 PM](#)

Seeing no one present from the public to speak to any item not on the evening’s agenda, Chairperson Lloyd moved to the Public Hearings portion of the agenda.

PUBLIC HEARINGS [6:01:19 PM](#)

PLNHLC2009-01420, Hughes Certificate of Appropriateness for Major Alterations — (Unfinished Business) 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 approximately 704 E 5th Avenue in the Avenues Historic District. The request is for building additions 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 contact: Lex Traughber, 801- 535-6184, lex.traughber@slcgov.com.)

Chairperson Lloyd recognized Lex Traughber as staff representative.

Staff Presentation [6:01:32 PM](#)

Mr. Traughber reviewed the case, noting that the Commission had seen the project before on May 19th, 2010 and had formed an Architectural Review Committee (ARC) to address their concerns with the applicant. Mr. Traughber noted that the ARC met on May 22nd, which had focused upon the additions on the south side of the residence and included recommendations to further distinguish the addition from the original structure with the use of a link feature. He noted that the applicant had since worked to incorporate this feature into their plans. Mr. Traughber noted that the height and mass of the addition had also been a concern and the applicant had significantly altered the additions to address those concerns. Mr. Traughber noted that with the proposed alterations and based upon analysis and the findings of fact within the staff report, staff recommended approval of the request.

Questions from the Commission [6:04:21 PM](#)

Commissioner Hart inquired if the west elevation drawings depicted the new proposal above the line and the original below.

Mr. Traughber noted that this was correct. He stated that the original proposal was to construct an attached addition with a walk-out basement structure. He noted that they had eliminated the walkout feature.

Commissioner Hart inquired if they still proposed to change the window openings for two single one-over-one pane windows.

Mr. Traughber noted that the addition would bump out and windows on the addition would move closer together but they would still be single, one-over one windows.

Applicant Presentation [6:08:09 PM](#)

Lynn Morgan, the project architect was present to speak. He presented a three dimensional model for the Commission's review. Mr. Morgan stated that they returned to the application after the ARC's comments and reduced the south addition's overall height by four feet by incorporating the link feature. He noted they also pulled the addition away from the west corner of the property. He noted that they felt the changes to be a significant improvement. He noted that they had submitted engineered drawings and were currently being reviewed through Building Services plan review. Mr. Morgan noted that they had requested a Routine and Uncontested Variance to make the garage 22 feet wide instead of the 18 foot 6 inch original as plan review had identified the garage, as planned, would not qualify as a two-car garage.

Questions from the Commission [6:12:50 PM](#)

Commissioner Hart noted the existing windows had pediments and inquired why the new windows were flat.

Mr. Morgan noted the choice was meant to differentiate the original from the new construction. He noted that they wanted to keep the windows they could and they would be restoring windows on the east elevation as well.

Vice Chairperson Oliver thanked Mr. Morgan for what they had accomplished with the application.

Commissioner Hart thanked Mr. Morgan for presenting the model for the Commission.

Chairperson Lloyd opened the item to public comment.

Public Comments [6:15:40 PM](#)

Seeing no one present from the public to speak to the matter, Chairperson Lloyd moved the item to Executive Session.

Executive Session [6:15:52 PM](#)

Chairperson Lloyd noted that the project was an excellent example of using a connector feature to differentiate between the original structure and the new addition.

Vice Chairperson Oliver concurred and noted that it was a great example of a difficult situation of a small corner lot and small original home.

There were no further comments from the Commission.

Motion [6:16:55 PM](#)

Commissioner Richards made a motion in the case of Petition PLNHLC2009-01420, to approve the petition based upon the findings in the staff report. Commissioner Haymond seconded the motion.

Discussion of the Motion [6:17:13 PM](#)

Chairperson Lloyd inquired if the Commission should identify the separate elements of the petition; the proposed alterations and the new garage.

Commissioner Richards noted he saw both as inclusive in the petition.

Commissioner Funk inquired if the petition number had been correct and wanted to ensure it was complete for the record.

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

PLNHLC2010-00057, Trudell/Thompson Certificate of Appropriateness for Minor Alterations — (Unfinished Business) The Historic Landmark Commission will reconsider their decision to not allow internal window grids (simulated divided light windows) in the replacement windows at the subject property per the Land Use Appeals Board (LUAB). The LUAB heard the applicant’s appeal of the HLC’s decision at a meeting on August 2, 2010, and remanded the request back to the HLC for further consideration. The home is located at approximately 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 Luke Garrott (Staff contact: Lex Traughber, 801-535-6184, lex.traughber@slcgov.com.)

Staff Presentation [6:18:36 PM](#)

Mr. Traughber reviewed the case for the Commission. Mr. Traughber noted that in June of 2010, the HLC had decided that the proposed internal muntins were not appropriate, and the case had then been appealed to LUAB in August. Mr. Traughber noted that LUAB found the Commission had inappropriately applied the standards, particularly as the report referred to Chapter 3 of the Design Guidelines and it had been determined that as the property was to be considered a non-contributing structure, those standards should not apply. Mr. Traughber noted LUAB remanded the case back to the Commission, noting the Commission should reconsider the application according only to the standards for new construction.

Questions from the Commission [6:19:58 PM](#)

Commissioner Harding inquired if staff analysis produced different findings under standards 11.21, 11.22 and 11.23.

Mr. Traughber noted that the earlier analysis referenced Chapter 3 and LUAB had determined the analysis should be based solely on the standards under Chapter 11.

Commissioner Harding noted that the analysis that evening would be based primarily on standard 11.22 and inquired if staff had recommendations regarding the analysis of 11.22.

Mr. Traugher noted that the analysis of the standards from Chapter 11 stood from the previous staff report.

There were no further questions from the Commission; therefore Chairperson Lloyd invited the applicant forward to speak.

Applicant Presentation [6:21:46 PM](#)

Ruth Ann Trudell, the property owner was present to speak. She gave a PowerPoint presentation for the Commission and made the following points therein:

- 21A.34.020(H) called for a project to be visually compatible with surrounding structures and streetscapes and to be in compliance with several of the standards outlined in the ordinance, particularly visual compatibility.
- Standard 11.14, keep the proportion of windows and door openings similar to those of the surrounding historic buildings in the area. She noted the proposal did not seek to change any openings or proportions.
- Standard 11.21, windows with vertical emphasis are encouraged. She stated the proposed windows were taller than they were wide and therefore they complied to that standard.
- Standard 11.19, contemporary interpretations of traditional details are encouraged. New designs for window moldings convey the fact that the building is new. She stated that her home was a non-contributing structure to be treated as new. She noted her concern that the Commission had identified the proposed muntins as a “cheap imitation” and cost was not a criteria to be used. She noted that there was no definition in the Commission’s documents to define “contemporary interpretation” and that semantics did matter. She defined the terms contemporary and interpretation for the Commission according to the Merriam Webster Dictionary.
- Standard 11.22, frame windows and doors in materials that appear similar in scale and proportion and character to those used traditionally in the neighborhood. Further, double hung windows with traditional depth and trim are preferred in most districts. She noted that this section referenced the Commission’s original review back to the rehabilitation section of the Ordinance, particularly Standard 3.5, which was inappropriate. She stated that when dealing with new construction, there was no original for reference and Standard 3.5 of the rehabilitation standards; match the replacement to the original, could not be applied. Ms. Trudell noted that “similar” and “matching” were not synonymous terms.
- Ms. Trudell noted that in terms of visual compatibility, the ordinance was guided by the new construction standards which did not require protection or restoration, only visual compatibility. Ms. Trudell noted that she believed her application was visually compatible with the surrounding streetscape and comparing structures from the entire neighborhood to her application was erroneous. She cited several examples and gave definitions from Merriam Webster regarding “streetscape” and “surrounding”.
- She noted that she felt internal muntins to be compatible and appropriate for her home and questioned the Commission’s former shadow line argument, as it created a blanket criterion in disregard to the surrounding streetscape. She stated that storm windows with internal muntins, which imparted flat light were often allowed by the Commission and questioned the rationale behind such decisions. She inquired if staff was thereby imposing stricter standards on her application. She referenced the Garbett home on which windows with internal muntins had been allowed.

- Ms. Trudell reviewed several photos of windows in the area surrounding her home and inquired which the Commission felt were compatible.
- Ms. Trudell noted there were three structures on her block which had windows with internal muntins; two homes and an apartment building.
- Ms. Trudell stated that there was a document on the City Council Website for the Yalecrest Neighborhood which identified that replacing different windows to match the original windows lost to the building would not be a requirement, and equally in this context, there will be no requirement to replace with something more appropriate to the house and district, only the recognition to do so may enhance and restore the architectural character of both the house and district. She inquired why this document had not been referenced in staff analysis.

In conclusion, Ms. Trudell noted she believed the existing streetscape supported the application of internal muntins on her home. She requested that the Commission clarify if any kind of internal muntin would be applicable and identify specifically the reasons for denial. She also requested that the Commission allow her to install the windows at this time and remove the upper sashes if denied so she could take advantage of the available \$1500 tax credit. She noted she believed there had not been a thorough evaluation of her application under the non-contributing standards and requested the Commission do so.

Questions from the Commission [6:44:04 PM](#)

Commissioner Hart noted that Ms. Trudell had provided evidence of homes on her block which had windows with internal muntins and inquired how many homes had internal muntins.

Ms. Trudell noted there were three including her own.

Commissioner Hart noted this presented evidence that they existed on the street already.

Vice Chairperson Oliver noted that another consideration would be that those windows may have been installed before the district was created or illegally.

Commissioner Hart concurred.

Commissioner Funk noted one of the examples given was across the street and outside of the historic district. She inquired why Ms. Trudell also presented information not allowed during the LUAB hearing.

Mr. Nielson stated that in the LUAB hearing, any new information being presented during that hearing was not to be allowed, as it was an appeal and only dealt with what information already on the record.

Commissioner Funk noted that the energy efficiency tax credit could also be obtained with storm windows.

Ms. Trudell noted she was not aware if this was true.

Ms. Coffey noted that they were. She stated that weatherization of windows was also eligible, including storm windows and caulking.

Chairperson Lloyd noted that many efforts to improve the thermal performance of a building's envelope were included with the federal energy efficiency tax credit.

Vice Chairperson Oliver noted she wished to clarify with the applicant the aforementioned issue regarding storm windows. She noted that the issue was not the quality of light that they reflected, but rather that it was a compromise intended to temporarily provide energy efficiency for homeowners while preserving historic windows.

Chairperson Lloyd inquired clarification from staff regarding the document on the City Council website attributed to planning.

Mr. Paterson noted that he was not sure which document Ms. Trudell referred to. He stated that there were several documents prepared as a result of questions raised during recent meetings regarding the proposed Yalecrest Historic District.

Chairperson Lloyd noted that the staff memo indicated only the standards within Chapter 11 would be applicable and inquired if this document or any others might be considered.

Mr. Traughber noted that other documents would not be relevant.

Mr. Nielson noted that the City Council document may have been suggestions or advice from Planning Staff, but if it was not actual Ordinance, it was not the law.

Vice Chairperson Oliver inquired if staff typically allowed windows with internal muntins on new construction in historic districts.

Mr. Traughber noted that he never had.

Mr. Paterson noted that he was not aware of the Commission approving internal muntins on new construction either.

Commissioner Hart inquired if it would then be likely that the apartment building next to Ms. Trudell's home installed the current windows illegally.

Mr. Traughber noted that staff would have to look at the permit record to determine that.

Mr. Nielson noted that the Commission's analysis needed to be based on what was required and what was allowed.

Public Hearing [6:52:49 PM](#)

Joan Thompson, property owner, spoke in favor. She noted that there were lots of internal muntins within the University Historic District and were part of the streetscape. She noted they did not feel the muntins to be a cheap imitation and had made the choice originally for the ease of cleaning involved. She stated she felt it to be a marked improvement over the original windows.

Chairperson Lloyd inquired where the reference to "cheap interpretation" came from.

Ms. Thompson noted that she was not certain of the exact location, but it was in reference to discussion about the muntins being a market driven change meant to save money.

Seeing no one else present to speak to the item and as Ms. Trudell had no response, Chairperson Lloyd moved to executive session.

Executive Session [6:55:30 PM](#)

Commissioner Harding noted that the LUAB had been very focused on the streetscape and surrounding structures and felt the Commission should focus on that as well in their analysis. She noted that in terms of the streetscape, there was an argument to allow for internal muntins.

Vice Chairperson Oliver noted that this analysis could lead to a “creep mode”, wherein future residents feel they also have the right to install internal muntins as they already exist on the streetscape.

Commissioner Harding agreed with the argument, however, noted that the Commission was required to analyze the particular streetscape and surrounding structures and felt that LUAB had been rightfully concerned with that issue.

Commissioner Haymond noted that Ms. Trudell’s analysis included a house that was on Douglas and 200 South, not 200 South and 1100 East. He stated that those windows with internal muntins had been allowed by permit at the counter before proper review could occur by preservation staff. He noted that he believed it would be a shame for the Commission to decide that because of other mistakes in the past they would also allow these muntins.

Commissioner Richards noted that a key phrase in Standard 11.22 which noted that materials should be used, “similar to those used traditionally”, and noted that the Commission should define what traditionally would mean. He stated that from an architectural standpoint and looking at definitions, muntins were typically referred to as historic construction and window representatives usually referred to internal muntins as grids, seeing them as two different ways of constructing a window.

Commissioner Funk noted that in her interpretation of 11.22, internal muntins would not be allowed on the streetscape, regardless of what else was in the University District.

Chairperson Lloyd noted that in the June 2, 2010 hearing, Mr. Lloyd had inquired if Ms. Trudell felt the internal muntins could be considered a contemporary interpretation and that the Commission had heard again a compelling argument that they were. He noted however, that the Commission had not traditionally viewed internal muntins as such. He noted that he hoped he did not use the word, “cheap” as he felt it passed an inappropriate value judgment.

Vice Chairperson Oliver noted that there were four criteria the Commission should consider: 11.19, 11.21, 11.22 and 11.23. She stated that 11.19 was a debatable point. She noted that the windows would meet criteria 11.21 as well. She noted that 11.22 was the crux of the matter and that “character” and “traditional” as outlined in the standard were crucial terms. Vice Chairperson Oliver noted that the guidelines identified that the Commission should address the home within the context of the University neighborhood. She stated that assuming the home was new construction, it was meant to be imitative of a home built in 1895 or of that era. Vice Chairperson Oliver noted that a home built in that era would have no divided lights, no Craftsman style windows of the type the applicant was proposing to install. She noted that staff could go through the existing survey and examine homes built in that era to bolster that argument. She noted that the character of the windows in a house of that era would have been one over one with no divided lights. Vice Chairperson Oliver noted that the proposed windows would also comply with 11.23, with or without the muntins. She stated that the character of that type of house, whether new construction or not, would have single light, one over one windows.

Commissioner Harding noted that they were looking not only at the Design Guidelines, but also 21A.34.020(H). She stated that LUAB felt the Commission did not give enough attention to the streetscape, nor were they satisfied by the original discussion of the Design Guidelines.

Commissioner Bevins noted that he felt it difficult to bend the standards in an area where the surrounding streetscape was deteriorating, which was one of the arguments made.

Commissioner Hart noted that they needed to consider the surrounding structures with internal muntins, as they did exist, but also believed as a result, the Commission had brought up good arguments as to why they shouldn't be approved. She noted that if they were not going to approve the internal muntins, the Commission did need to be very specific as to why.

Commissioner Richards noted this was difficult to do without knowing the history of the surrounding buildings.

Commissioner Harding noted that the Commission was not called to look at the history, just the streetscape.

Commissioner Hart noted that the nearby apartment building was from an entirely different era of construction, a different animal.

Commissioner Harding noted Standard 11.22 also noted that windows and doors should be framed in materials that "appear" similar, not that are similar. She stated that there was a difference and this was an area that could create conflict. Commissioner Harding stated that LUAB brought up the point that if they were standing on the street, they couldn't tell the difference between internal muntins and other types.

Commissioner Davis noted he did not believe approving the application would be precedent setting.

Motion [7:09:33 PM](#)

In the case of Petition PLNHLC2010-00057, Commissioner Funk made a motion to deny the request, based upon Section 21A.34.020(H); the streetscape does not support the use of internal muntins; in Standards 11.21, 11.22 and 11.23; 11.21 and 11.23 have been complied with; Standard 11.22, the frame windows and materials, although similar in scale and proportion do not to the trained eye appear similar and they are not within the character of those used traditionally in the neighborhood. Commissioner Haymond seconded the motion.

There was a question from Commissioners Funk and Bevins whether the case would return to LUAB if appealed.

Mr. Paterson noted it would.

Commissioner Hart inquired if the Commission should be more specific as to why the streetscape did not justify the application.

Commissioner Funk restated that the muntins were not an integral part of the streetscape and that while they believed the application complied with standards 11.21 and 11.23, the Commission concurred that in standard 11.22, a window with internal muntins did not meet the standard of appearing similar in scale as the difference could be discerned by someone with a trained eye standing on the street.

Commissioner Harding noted that the evidence in front of the Commission suggested the use of internal muntins would be supported and felt the Commission should point to evidence to the contrary to bolster their argument.

Commissioner Oliver noted she felt the argument allowing muntins on a building because muntins exist on a streetscape to be fallacious. She noted that muntins were tied to the style of a building and the era which it was intended to reflect. She stated that there was insufficient evidence on the streetscape to evaluate the Trudell home and the Commission therefore needed to expand their definition into the wider neighborhood to find buildings which reflected a similar architectural style to understand if muntins were appropriate. She noted that if the Commission did so, the answer was that they were not.

Commissioner Funk stated there were only two buildings on the block face which had internal muntins.

There was no further discussion of the motion.

Commissioners Bevins, Funk, Hart, Haymond, Vice Chairperson Oliver and Commissioner Richards all voted, “Aye”. Commissioners Davis and Harding voted, “Nay”. The motion carried, 6-2.

Mr. Nielson noted that any appeal to LUAB needed to be submitted within ten days.

PLNPCM2009-01338, Sustainability Development Code Changes for Accessory Buildings — **(Unfinished Business)** a request by Mayor Ralph Becker to amend the Zoning Ordinance in regards to accessory structures associated with urban agriculture (such as greenhouses) and renewable energy systems (such as small solar and wind energy collection systems) in an effort to facilitate and regulate those activities throughout the City. Discussion will focus on location priorities for new solar collection systems in the Historic Preservation Overlay District. This is a Citywide policy issue which will affect all Council Districts. (Staff contact: Casey Stewart at 801-535-6260, casey.stewart@slcgov.com.)

Mr. Stewart noted he was back before the Commission with revisions to the draft amendments to address the concerns raised by the Commission in their subcommittee. Mr. Stewart noted the subcommittee raised the following issues;

1. Allowed building coverage area for greenhouses, hoop houses, and cold frames was too large.

Mr. Stewart noted that staff had reduced the amount of coverage allowed in the maximum coverage section beginning on page 3 of the staff memo, from twenty to fifteen percent of the total area behind the building.

2. Color of wind turbine towers should be limited to earth tones.

Mr. Stewart noted that the original language had been changed to limit color to browns, grays, greens and other earth tones.

3. Wind turbine tower drawings should be stamped by a Utah certified engineer.
4. Clarify that renewable energy systems must comply with both city and state electrical codes.
5. When wind systems are abandoned, notice to the property owner shall be made by the city.

Mr. Stewart noted that besides these changes, language was also inserted to address concerns regarding pegs or foot holds on turbine towers.

6. Remove the reasonable restrictions' limits relating to solar collection systems where mitigation could result in additional expenses exceeding \$2,000 or a reduction in efficiency exceeding 20%.
7. Allow for administrative Certificate of Appropriateness and more installation flexibility when solar panels are proposed in locations not visible from the public way (location priorities 1-4).

Mr. Stewart noted that this prioritization arose from the Commission's previous discussion.

8. Require full HLC review for solar panels proposed for locations that are readily visible (location priorities 5 and 6).

Mr. Stewart noted that the language had been altered to denote that these items would be reviewed by the Commission.

9. Incorporate existing policy statements for solar panel installation into the amendments.

Mr. Stewart stated staff had inserted the prioritization hierarchy into the Policy Document where the installation of solar panels was concerned as a guideline to tie policy to the code more closely.

Mr. Stewart noted staff sought a positive recommendation to the Planning Commission regarding the proposed amendments for urban agriculture and solar collection systems.

Questions from the Commission [7:23:11 PM](#)

Commissioner Funk noted that in the code amendments, 21A.40.050, General Yard, Bulk and Height Limitations, seemed to indicate that an accessory structure could be placed in a non-required front yard.

Mr. Stewart noted that this was correct.

Commissioner Funk stated that she did not agree with this revision and felt accessory structures should be placed behind the front façade of the building.

Ms. Coffey noted that there was language in the ordinance which accomplished that and a similar requirement could be added to these proposed amendments.

Commissioner Hart noted that on page 11 of the draft document, noted that item 6 in the location priority would allow solar panels on the front façade which she found troubling.

Mr. Stewart noted that new technology was allowing for shingles to be used for solar applications. Mr. Stewart noted the Commission's thought in the last meeting had been such that with improving technologies, the Commission could review applications for placement of these systems on the front façade and determine if they were allowable on a case by case basis.

Commissioner Richards noted that part of the previous discussion was that technology was advancing quickly; however, not all products would work on the front façade, which is why the Commission had decided during previous discussion that numbers 5 and 6 in the priorities list should go through a full review before the Commission.

Ms. Coffey noted that people were interested in a brief approval process and therefore, hopefully, most people would place these systems in a less visible location.

Commissioner Richards stated he believed the edits to be an improvement.

Mr. Stewart reviewed a sample accessory building calculation for the Commission.

Chairperson Lloyd noted there would be several ways to calculate allowable coverage, including an overall lot coverage limit as well as a percentage of the rear yard and a percentage of the principal structure and the most restrictive limit would be used.

Public Comment [7:36:24 PM](#)

Cindy Cromer, 816 East 100 South, noted that the Commission should note that sustainability should not trump all other ordinances. She stated that due to changing technology, the policy document should note that technology was evolving and the Commission would consider new developments as they arose. She noted that the Commission should request an update after the Planning Commission reviewed the documents.

Sandra Hatch, 1141 Michigan Avenue, was present to speak. She noted that her son was soon to be an Environmental Design graduate and felt that these ordinances were very important to bring sustainable technologies to the forefront in neighborhoods like the Avenues. Ms. Hatch inquired if the Commission would regulate hoop structures and row covers.

Mr. Stewart noted that for row covers no permit would be required and yard coverage would not be affected.

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

Executive Session [7:41:36 PM](#)

Ms. Coffey noted that staff had received a comment about row covers, however staff felt regulating row covers was overregulation, as row covers were very temporary.

Commissioner Richards noted that the Commission had been concerned that if coverage limits were not placed on hoop houses, people might use them for storage rather than their intended use. He noted that language regarding the Sustainability Ordinances trumping all other ordinances had also been revised to give the Zoning Administrator authority to decide which ordinances should prevail.

Commissioner Funk noted she was concerned the length of time given before the City acted upon turbine abandonment to be too liberal, as it appeared property owners would be given 18 months to resolve any issue.

Mr. Stewart clarified that the language required resolution within 12 months.

Commissioner Funk noted this was better.

Commissioner Funk noted that under small solar collection systems, numbers 1 and 3 might be clarified by combining the two together. Commissioner Funk noted she believed that landscaping bonds did not work, and the language should be removed from the document. She also identified some grammatical errors in the Policy Document.

Ms. Coffey noted that some sections of the Policy Document had not been reviewed since 1984 and while the bonds section had not been part of the current revision, review of the overall document was forthcoming.

There was further discussion of bonds by the Commission.

Chairperson Lloyd inquired if the Commission found it appropriate to forward a recommendation at this time.

Commissioner Davis noted that he would like to see it after the Planning Commission.

Mr. Nielson noted that this request did not work with state code, as the Planning Commission was required to make a recommendation one way or the other to the City Council.

Commissioner Funk inquired if the Planning Commission would set up a subcommittee to examine the suggested changes.

Mr. Stewart that the Planning Commission had seen the code amendment and had made some suggestions, however, he did not believe they would form a subcommittee on the issue.

Commissioner Richards noted he believed the document would be tweaked at some point in the future, as it involved changing technologies, and it seemed evolved enough at this time to forward a positive recommendation.

Vice Chairperson Oliver inquired if staff could brief the Commission on any further developments with the code amendments.

Ms. Coffey noted that staff could do this in November if the Landmark Commission forwarded a recommendation.

In the case of Petition PLNPCM2009-00138, Vice Chairperson Oliver made a motion to forward a favorable recommendation to the Planning Commission to recommend that City Council adopt the proposed sustainability ordinance text amendments relating to Accessory Structures. Commissioner Harding seconded the motion.

There was no discussion of the motion.

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

PLNHLC2010-00530, Gaddis Certificate of Appropriateness for Minor Alterations — a request by Benjamin and Erica Gaddis, for minor alterations to a single-family residence located at approximately 777 East Fifth Avenue in the Avenues Historic District. The request is to: 1) obtain approval to legalize a partially finished wooden shed, and 2) add solar panels to the roof of the wooden shed. The portion of the request for the solar panels could not be approved administratively since the action does not meet the adopted policies of the Historic Landmark Commission regarding installation of solar panels. The property is zoned SR1-A (Special Development Pattern Residential) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Maryann Pickering at 801-535-7660, maryann.pickering@slc.gov.)

Vice Chairperson Oliver recused herself from the case, citing a conflict of interest in the case as the next door neighbor of the applicant.

Staff Presentation [7:58:34 PM](#)

Ms. Pickering noted that the parcel was located near the northwest corner of 5th Avenue and M Street. She stated that the accessory structure met all guidelines; however the proposed solar panels did not meet the prioritization in the existing HLC Policy Document as they would project above the accessory structure roofline and would be more perpendicular to the structure than flush. Ms. Pickering stated that the solar panels would be ineffective if placed in a more appropriate location. She noted that the main structure would not be modified. Ms. Pickering stated the array, while partially visible from the public way, would not be readily visible. Ms. Pickering noted that a letter of support had been received from the neighbor most affected by the proposal and it was staff's opinion that the request met the intent of the ordinance and recommended approval subject to the conditions listed in the staff report.

Questions from the Commission [8:01:01 PM](#)

There were no questions from the Commission.

Applicant Presentation [8:01:19 PM](#)

Erica Gaddis, the homeowner, noted that she and her husband appreciated the character and history of the neighborhood. She stated that they wished to install the solar panels on the shed and the project would be minimally visible from the street. Mrs. Gaddis noted that the immediate neighbors most impacted were in favor of the proposal. She stated that it was important to them to construct the project within the calendar year, or they would lose the rebate from Rocky Mountain Power they were lucky enough to obtain. She stated that if they would lay the panels flat, they would lose 22 percent of possible solar gain.

Commissioner Richards inquired if there was a significant cost difference in cost difference between placing the solar panels on an accessory structure as opposed to the primary structure.

Mrs. Gaddis noted it added about \$500 to the total cost to dig a trench to meet the electric service on the side of the house.

Chairperson Lloyd inquired if there was any solar shading in the area.

Mrs. Gaddis noted that there was not and the panels could operate at approximately 80 to 85 percent of capacity at that location.

Mark Richards, the project contractor, noted that the structure was encompassed by trees on the rear side.

Chairperson Lloyd inquired where the inverter would be located.

Mr. Richards noted it would be a micro-inverter located at the module or panel.

There were no further questions from the Commission.

Public Comments [8:07:40 PM](#)

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

Executive Session [8:07:47 PM](#)

Commissioner Richards noted he believed the application to be one of the better examples of proposed locations for solar panels and it seemed to be a very low impact execution.

Motion [8:08:35 PM](#)

In the case of Petition PLNHLC2010-00530, Commissioner Harding made a motion to approve the location based upon the findings and analysis of the staff report and base approval on the conditions of approval 1-3 listed:

- 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 Hart seconded the motion.

There was no discussion of the motion.

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

Vice Chairperson Oliver returned to the meeting proceedings at this time.

PLNHLC2010-00628, Shumway Certificate of Appropriateness for Major Alterations — a request by John Shumway to construct a rear in-line addition to a single-family residence located at approximately 1032 E 1st Avenue in the Avenues Historic District. The property is zoned SR-1A (Special Development Pattern Residential) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Ana Valdemoros at 801-535-7236, ana.valdemoros@slcgov.com.)

Staff Presentation [8:09:50 PM](#)

Ms. Valdemoros reviewed the application noting the proposed addition complied with the forty percent building coverage requirement and would extend the roofline in the rear by 23 feet. Ms. Valdemoros noted that the original home was built in 1898 and records showed no major modifications had been made since then. Ms. Valdemoros reviewed elevation drawings for the Commission. She noted that the applicants were also requesting a modification to the maximum roof and wall heights allowed in the zone and all neighbors had signed the Routine and Uncontested Matter request. Ms. Valdemoros noted she had not received any comments from the public. She stated that in accordance with analysis of 21A.34.020(G), Standards 2, 5 and the Residential Design Guidelines, staff recommended denial of the request.

Questions from the Commission [8:13:30 PM](#)

Commissioner Hart noted that the appearance of the rear roof form would alter from hipped to gabled on the addition.

Ms. Valdemoros noted this was correct.

Commissioner Hart stated it seemed the rear one story addition was original to the house and would be demolished to make way for the new addition. She noted this concerned her.

There were no further questions from the Commission.

Applicant Presentation [8:15:47 PM](#)

Brad Burnside, the general contractor, noted they had attempted to create a sensitive addition within the local historic district while meeting the needs of the Shumway family. Mr. Burnside noted that the west side of the addition would be brought in slightly to differentiate between the old and the new. Mr. Burnside stated that the addition would be under the height average for homes on the block face. He noted the architect had tried to echo the design of the original structure without making it exactly the same. He stated the materials would change at the line of the addition as well. Mr. Burnside stated that the existing lean to structure at the rear of the home appeared to be a later addition as it had a concrete foundation rather than a rubble foundation as was present on the rest of the home.

Questions from the Commission [8:21:04 PM](#)

Commissioner Richards inquired what type of windows would be used.

Mr. Burnside noted they would be aluminum clad wood windows.

Commissioner Davis inquired how much square footage would be added.

Mr. Burnside stated it was an approximately 633 square foot increase.

Chairperson Lloyd inquired if there was any proposed work to the primary façade.

Mr. Burnside noted that it had been recommended by staff that one of the windows to be removed be reused if at all possible.

Commissioner Funk inquired why the original roofline could not be left unaltered.

Mr. Burnside noted that it was a necessary part of achieving the roof over the new addition and allowed them to reduce the rear wall height as well.

Public Comments [8:28:20 PM](#)

Charles Stormont, 1029 First Avenue, stated his approval. He noted that there were currently two vacant homes on the block and it was refreshing to see someone willing to place so much effort into their home.

He stated he believed the project to be appropriate and did not believe that the addition would have any impact to the historic character of the block due to its location.

Diane Shumway, the property owner, was also present to speak. She noted that her family wished to provide a suitable space to accommodate for the medical care of her special needs daughter. Mrs. Shumway stated that they wished to respect and remain in the Avenues neighborhood, which was an ideal neighborhood for their family and its needs.

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

Executive Session [8:35:01 PM](#)

Commissioner Hart noted she believed the addition could be accomplished, but she had some concerns. She stated that she would like to see the west elevation roofline remain intact. Commissioner Hart noted that the east elevation did not clearly indicate the difference between the old and new portions of the home.

Chairperson Lloyd noted that the addition called for a change in materials which would be clearer in the actual construction, but from the drawings it was evident that the in-line addition on the east elevation was necessary to complete the plane of that wall.

Commissioner Hart noted that the east elevation brick second story on the rear of the original structure would be swallowed by the addition.

Commissioner Richards noted that the second story brick façade looked to be part of a well-done addition. He noted that the south face of that second story was shingle and the west returned to brick.

Chairperson Lloyd noted he did not feel the extension of the rear hip roof to be an issue and believed the proposal allowed the roof to resolve more naturally.

Motion [8:44:32 PM](#)

In the case of Petition PLNHLC2010-00628 Commissioner Richards made a motion to approve the application based upon the findings in the staff report and that the application is consistent with the Standards.

Vice Chairperson Oliver noted that the staff report recommended denial.

Commissioner Harding noted that the motion should also discuss Standards 2 and 5 and how the application complied.

Commissioner Richards withdrew his original motion.

In the case of Petition PLNHLC2010-00628, Vice Chairperson Oliver made a motion to not concur with staff recommendation; and that the project does substantially meet Standard 2, the historic character of the property shall be retained and preserved; Standard 5, distinctive features, finishes and construction techniques will be substantially preserved given the proposed new addition; and

based upon discussion during the hearing, the Commission feels the proposal substantially complies with Guidelines 3.2, 7.1, 7.5, 8.1, 8.2, 8.4, 8.5, 8.6 and 8.12 as described in the staff report.

Commissioner Richards seconded the motion.

There was no discussion of the motion.

Commissioners Davis, Funk, Harding, Hart, Haymond and Commissioner Richards all voted, "Aye". Commissioner Bevins voted, "Nay". The motion carried 7-1.

PLNHLC2010-00546, Lalouel Certificate of Appropriateness for Major Alterations — a request by Jean-Marc Lalouel to continue the application of synthetic stucco on the exterior of the single-family residence located at approximately 163 West Clinton Avenue in the Avenues Historic District. The subject property is zoned SR-1A (Special Development Pattern Residential) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Katia Pace at 801-535-6354, katia.pace@slcgov.com.)

Staff Presentation [8:48:27 PM](#)

Mr. Leith was present as representative for Ms. Pace. Mr. Leith reviewed the request for the Commission. He reviewed historic and current photographs. Mr. Leith noted that no building permits or certificate had been sought to install the synthetic stucco system and the on-site work had been stopped by Zoning Enforcement. Mr. Leith stated that the applicant sought approval to complete the synthetic stucco system and other repairs including fascia and gutters, windowsills and foundation walls, grading to improve the site drainage and changing the door to the garage. He noted staff concluded the proposal conflicted with several of the objectives within Ordinance Standards 21A.34.020.G 2.3, 4, 5, 6, 9, 10 and 12 and Residential Design Guidelines 2.1, 2.2, 2.5, 2.8, 2.9, 13.20 and therefore recommended denial of the synthetic stucco system.

Questions from the Commission [8:53:57 PM](#)

Commissioner Hart inquired if removal of the EIFS (Exterior Insulated Finishing System) would damage the original stucco.

Mr. Leith noted that the potential damage to the original stucco was unknown.

Commissioner Richards inquired if the additional improvement had been approved administratively.

Mr. Leith noted that he was not certain and the applicant could clarify.

There were no further questions from the Commission.

Applicant Presentation [8:56:23 PM](#)

Jean-Marc Lalouel, the applicant, was present to speak to the item. He noted that he wished to install the synthetic stucco system to replace the old stucco which was failing. Mr. Lalouel noted that there had been no disclosure regarding the home being part of the local historic district. He stated that it was not recorded in the title and he therefore had no way of knowing. He noted that there was certainly a lapse on the part of the contractor, but as homeowners, he and his daughter had not been aware of that necessity. Mr. Lalouel reviewed photos of the damaged original stucco for the Commission. He noted that the home had no rain gutters and illustrated that the façade of the home had been exposed to the elements, resulting in extensive water damage and failure of the stucco.

Mr. Lalouel noted the title writer identified the County had not recorded the information about the property's inclusion in the Capitol Hill Historic District and that they would work to rectify the issue which affected approximately 500 parcels in the district. Mr. Lalouel stated that he was seeking help to rectify the situation.

Questions for the Applicant [9:12:13 PM](#)

Commissioner Harding inquired if the foam were removed the exterior surface could not be repaired.

Mr. Lalouel noted there were a number of existing flaws in the original stucco which had to be removed in order to install the EIFS system and therefore, stucco no longer existed in those areas. He stated the panels were also installed with an adhesive and if removed would also remove substantial amounts of plaster and paint.

Commissioner Bevins inquired what the final texture of the stucco coating would be like.

Mr. Lalouel stated that it would be a finish that would allow water to flow through and the acrylic facing material to breathe. He noted that it was considered a far superior product to regular acrylic exterior or elastic polymer paints.

Public Comments [9:16:24 PM](#)

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

Executive Session [9:16:39 PM](#)

Commissioner Davis inquired about the varying dates of construction given and whether the structure should be considered contributing or non-contributing.

Commissioner Hart concurred.

Mr. Paterson noted that the survey indicated that the structure was contributing and the Zoning Ordinance contained a process which allowed the Commission to reconsider that designation.

Chairperson Lloyd noted that the site structure form from the State Historical Society listed the construction date as 1937 and the effective year built as 1942. He stated that either of those dates would meet the age requirement for a contributing structure.

Commissioner Hart stated the year built according to the tax record was not always exact.

Commissioner Richards noted that the original survey was conducted in 1980 and noted that major alterations had already occurred. He stated that the original survey submitted that the structure may have been built in the 1880s but extensively altered in the 1930s. Commissioner Richards noted that in response to Commissioner Bevins' earlier question regarding the synthetic stucco finish, the EIFS finish would be a hand-trowel acrylic polymer finish and a number of textures and colors could be achieved.

Chairperson Lloyd clarified for the applicant that if the home were to be considered non-contributing, the standards for exterior finishes would be different.

Commissioner Davis inquired if an EIFS finish would be considered acceptable for a non-contributing structure in the local historic district.

Chairperson Lloyd noted that he believed the Commission had approved new construction in the district which had proposed synthetic stucco systems.

Commissioner Hart noted that non-contributing structures should be considered as new construction.

Chairperson Lloyd invited the applicant back to comment.

Mr. Lalouel noted that in their own survey of the neighborhood, he and his daughter had found a new home nearby which had installed an exterior synthetic stucco system.

Chairperson Lloyd stated that the case was a compliance issue that arose from enforcement of a complaint. He noted that staff relied on the contractor, not the applicant, for having the information as to whether or not a property was in a historic district. He inquired if the Commission would want to request a determination on the status of the home.

Commissioner Hart noted she would.

Mr. Paterson noted that Ms. Coffey just found the site form in the staff report was not from the most recent survey of the Capitol Hill Historic District in 2006. Mr. Paterson stated that the newest survey indicated the home in question was non-contributing.

Chairperson Lloyd noted that they were therefore addressing a non-contributing structure.

Motion [9:27:24 PM](#)

In the case of petition PLNHLC2010-00546, Commissioner Davis made a motion based upon new information that the structure is considered non-contributing, the Commission approve the modifications to the exterior of the home subject to obtaining a proper building permit. Commissioner Hart seconded the motion.

Amendment to the Motion

Commissioner Richards noted that the other proposed repair items should be included in the motion and suggested an amendment to the motion to approve those items.

Therefore the amended motion states:

In the case of petition PLNHLC2010-00546, Commissioner Davis made a motion based upon new information that the structure is considered non-contributing; the Commission approve the modifications to the exterior of the home subject to obtaining a proper building permit and to include the following repairs in addition to the exterior synthetic stucco system; additional repairs that the applicant had requested; repairs to the fascia and addition of new rain gutters and collector drains; sanding, curing and caulking all areas including windowsills; sanding and painting all finishing materials and foundation walls above ground; grading ground areas where drainage does not occur properly and changing the south small door to the garage. Commissioner Hart seconded the amended motion.

There was no discussion of the amended motion.

Commissioners Bevins, Davis, Funk, Harding, Hart, Haymond, Vice Chairperson Oliver and Commissioner Richards all voted, "Aye". The motion carried unanimously.

Chairperson Lloyd called for a recess at this time. The meeting reconvened at [9:40:08 PM](#)

PLNHLC2010-00541, Carter Apartments Certificate of Appropriateness for Window Replacement

— a request by Troy Davis to replace the existing steel windows with vinyl windows in the 4 unit apartment building located at approximately 235 West 700 North in the Capitol Hill Historic District. The property is zoned SR-1A (Special Pattern Residential District) and is located in City Council District 3, represented by Council Member Stan Penfold. (Staff contact: Ray Milliner, 801- 535-7645, ray.milliner@slcgov.com.)

Staff Presentation [9:40:25 PM](#)

Mr. Milliner presented the case. He noted the windows in question were steel windows original to the contributory structure. Mr. Milliner stated that the applicant was proposing to replace the original windows with vinyl casement units with internal muntins. He noted that staff recommended denial based primarily upon the finding that the windows were considered repairable. Mr. Milliner noted that staff requested clarification if the board would prefer to see the windows remain in the building or if there was an alternative material the Commission might find acceptable. He stated the applicant also wished to know if it would be possible to keep the windows on the front façade and/or the sides and replace the windows in the rear of the structure with an alternative.

Questions from the Commission [9:43:00 PM](#)

Commissioner Hart noted that the structure was not of the significant period for the district but was still considered contributory.

Mr. Milliner concurred.

Commissioner Haymond inquired if staff might make recommendations on suitable replacement windows.

Mr. Milliner stated that traditionally, the first recommendation would be to install a type of wood window, but these windows were unique as they were steel. He noted staff could research options as far as alternatives were concerned.

Commissioner Bevins noted that Mr. Carter had spoken with Chris Hansen with the State and inquired if Mr. Hansen had given the applicant any ideas.

Ms. Coffey noted that the 2006 Capitol Hill Survey listed the structure as contributing.

Applicant Presentation [9:45:33 PM](#)

Troy Davis, the applicant and original Community Action Program (CAP) Energy Auditor, was present to speak. He noted that the structure was low income housing. Mr. Davis stated that the windows could not be repaired at low cost to the property owner and the windows themselves were energy inefficient by design. Mr. Davis presented a photo of a nearby building with replacement windows which were nearly identical to the subject property's proposal.

Joe Carter, the property owner, noted that he had received the names of two companies from Mr. Hansen who made aluminum frame windows as replacement for steel windows. Mr. Carter noted that he had contacted these companies and one had estimated that the aluminum windows would probably cost five times as much as the proposed vinyl units. Mr. Carter stated this was not within his budget. He noted that

he had begun exploring other options but did not know if they would be affordable. Mr. Carter stated that he hoped to balance the needs of historic preservation with the needs of the residents. He noted that the proposed replacement windows would lower the energy costs of the individual residents, on average, 400-500 dollars per year.

Chairperson Lloyd requested information regarding the current windows' thermal performance.

Mr. Davis noted that he did have a report in his office with this information.

Chairperson Lloyd inquired how this information had been calculated.

Mr. Davis noted that the information had been obtained using the Oakridge Laboratories Department of Energy standards. Mr. Davis noted that they went into the building and determined the envelope materials; made a blueprint of the structure; measured insulation levels; perimeter of the crawlspace, basement or foundation; heating and cooling system information and entered this information into a program which measured how each component functioned and identified where performance could be improved.

Chairperson Lloyd inquired if Mr. Davis knew the existing U value (air to air transmission loss or gain) of the steel windows.

Mr. Davis stated he did not have an exact number, but off the top of his head, the U value was horrible at approximately 60. He noted it was a relatively moderate leakage resulting directly from the windows.

Chairperson Lloyd inquired if any weather stripping was present.

Mr. Davis noted there was not and that the frames were bent and many did not close completely, even when latched.

Questions from the Commission [9:53:09 PM](#)

Commissioner Hart inquired if CAP offered a grant for window replacement.

Mr. Davis noted that the program was funded through Questar Gas and Rocky Mountain Power as well as through funding from the federal government stimulus. Mr. Davis noted that CAP usually dealt with homeowners, but in situations which dealt with landlords, tenants had to qualify and it was then a cost share situation.

Commissioner Hart inquired if the guidelines included storm windows.

Mr. Davis noted that they used to but rules changed in the 2010 fiscal year.

Chairperson Lloyd noted that the applicant would likely be able to apply for state and federal tax credits for rehabilitation and that staff could provide information for further study.

Mr. Carter noted that Mr. Hansen would consider vinyl replacement units for the sides and rear of the building, but not the front of the building. Mr. Carter stated he would like to see if there was a solution which would work for himself, the district and the Commission.

Executive Session [9:59:52 PM](#)

Chairperson Lloyd noted they could table the item or they could allow staff to work with the applicant if the Commission was comfortable with that option.

Commissioner Funk noted that she had worked with steel windows before and if there was a “bad” window made, steel windows were it and were difficult to work with.

Commissioners Davis and Haymond concurred.

Commissioner Funk noted that she would consider allowing staff to work with the applicant to find an acceptable alternative replacement window. Commissioner Funk stated it would also be very difficult, if not impossible, to use storm windows on the original steel windows due to their construction. She noted that she did not find vinyl to be a suitable replacement.

Commissioner Richards concurred and noted they might consider allowing new steel or aluminum replacement windows.

Chairperson Lloyd noted that steel replacement windows did exist in a glazed sash but were very expensive and would likely not be practical in a smaller application. He stated there were aluminum windows which might provide a closer profile and not be as cost prohibitive.

Commissioner Haymond inquired if the Commission might wish to have an Architectural Review Committee on the matter.

Vice Chairperson Oliver noted it was not a design issue, but a resource issue and if staff were aware of those resources, they could consult with the applicant and find a suitable alternative.

Commissioner Funk inquired of Mr. Carter what the egress requirements were and how the apartments were configured.

Mr. Carter noted that the apartments ran the length of the structure and the bedrooms were in the rear.

Commissioner Richards noted that he grappled with the hybrid approach of allowing different windows on the sides and rear of the building but could understand it for practical reasons. He stated if the state office was comfortable with the approach, the Commission could be as well.

Motion [10:09:07 PM](#)

In the case of petition PLNHLC2010-00541, Commissioner Harding made a motion to table the application and give staff the authority to approve the application if they feel it is appropriate; if staff has questions or cannot approve the item, staff can return the item to the full Commission on November 3, 2010. Commissioner Haymond seconded the motion.

Discussion of the Motion

Ms. Coffey noted that she did not believe the Commission could table the item if allowing for staff approval.

Mr. Nielson noted that the motion was procedurally problematic.

Ms. Coffey noted that they might approve the application and delegate approval of a suitable replacement window to staff. She stated that then, if staff was uncomfortable in approving the application, they could return it to the full Commission.

Commissioner Harding noted that this was the intent of her motion.

Vice Chairperson Oliver inquired if they would begin the timeline for completion of the application if they approved it at this time.

Mr. Nielson noted that the timeline would not officially begin until staff issued the final approval and if the Commission tabled the item it indicated that the item had to return to the full Commission.

Ms. Coffey noted that an administrative approval could always be brought back before the Commission if staff felt it necessary. She stated that staff findings were negative so the Commission would need to make findings to recommend approval. Ms. Coffey noted that these findings were needed to indicate why it was acceptable to replace these windows as staff felt they could be repaired.

Commissioner Harding stated she did not feel she could make findings.

Commissioner Harding withdrew her motion.

Ms. Coffey stated that the Commission could make the determination that it was not worthwhile to repair the windows or the condition was such that necessitated replacement.

Motion [10:15:07 PM](#)

In the case of Petition PLNHLC2010-00541, Vice Chairperson Oliver moved that the proposed project conditionally met the standards of the Ordinance; that the windows are of such a condition as to make replacement more viable than repair; on the main façade of the building the Commission, in concurrence with preservation standards, encourages or requires the repair of the front windows or their replacement in kind with a similar type of window with an appearance similar to that of the existing window; on the rear of the building the Commission would approve an entirely different type of window which provided for egress; that windows on the side of the building be left to the discretion of staff; encouraging staff and applicant to work together through a combination of investigating the potential of historic tax credits and metal windows made specifically for replacement that are more energy efficient through some combination of research and cost effective decision making process. Commissioner Richards seconded the motion.

There was no further discussion of the motion.

Commissioners Bevens, Davis, Funk, Harding, Hart, Haymond, Vice Chairperson Oliver and Commissioner Richards all voted, “Aye”. The motion carried unanimously.

PLNHLC2010-00625, 527 4th Avenue Certificate of Appropriateness for New Construction — a request by Dave Brach, Brach Design, on behalf of owners Brandon and Darcy Wolsey, to construct a new single family residence on a vacant lot located at approximately 527 4th Avenue. The property is located in the Avenues Historic District and the SR-1A (Special Development Pattern Residential) zoning district, and is within City Council District 3, represented by Stan Penfold. (Staff contact: Carl Leith, 801-535-7758, carl.leith@slcgov.com.)

Staff Presentation [10:18:44 PM](#)

Mr. Leith reviewed the proposal noting it was for the construction of a new single family residence on a vacant lot; a two story home of contemporary design. Mr. Leith noted that the home would step back gradually from the street frontage to a proposed maximum height of 19 feet and 5 inches. He stated the proposal met the objectives of the standards and the design guidelines, and the proposed materials; wood, brick and stucco, worked well with the area palette and context. He noted staff found the project met the standards and guidelines and if the Commission was in concurrence with staff analysis, staff recommended approval of the request.

Questions from the Commission [10:21:48 PM](#)

Chairperson Lloyd inquired what the finish on the wood would be.

Mr. Leith noted he would let the applicant address that question.

Chairperson Lloyd requested clarification regarding the SR-1A building height maximum.

Mr. Leith noted that the maximum was 16 feet and the proposal was for approximately 19.5 feet.

Mr. Paterson noted that for a flat roof as proposed it was to the coping of the roof and to the ridge for a pitched roof.

Commissioner Richards inquired what the intention of that standard was.

Mr. Paterson noted the standard was part of a request of the Avenues Community Council.

Commissioner Hart inquired what kind of windows were being proposed.

Mr. Leith noted he would let the applicant respond, however recalled they were aluminum clad wood frame windows, triple glazed, with robust mullions.

Applicant Presentation [10:25:45 PM](#)

Mr. Brach reviewed the proposal noting that the application tried to address the historic criteria. He stated that the home was of very modest size and while taller than allowed would still be four feet under the average height for homes on the block face. He noted that they would terrace the structure from front to back and west to east in order to address both the smaller bungalow directly to the west and the larger Victorian home to the east. He noted that the larger of the side yard setbacks would be on the east elevation to mitigate the increase in height. Mr. Brach stated they were attempting to address both the horizontal and vertical elements of surrounding structures within the proposal. Mr. Brach provided an additional detail section for the Commission. He noted that they were not certain they would be able to use the proposed windows due to cost.

Questions from the Commission [10:34:32 PM](#)

Chairperson Lloyd inquired if the wood siding would be a natural wood material

Mr. Brach answered; however, it was away from the microphone and not legible on the record. Mr. Brach noted that the proposed brick would be a veneer system. Mr. Brach noted every attempt would be made to incorporate a pronounced windowsill in the design.

Public Comment [10:39:36 PM](#)

Seeing no one present to speak, Chairperson Lloyd closed the public hearing and moved to executive session.

Executive Session [10:39:49 PM](#)

Commissioner Richards noted that he approved of the design, which seemed to fit well with the surrounding structures and was well executed.

Commissioner Funk concurred.

Commissioner Richards requested clarification from staff regarding the standard for building height and how it was measured.

Mr. Paterson noted the standard for flat roofs was to measure to the coping of the roof.

In the case of petition PLNHLC2010-00625, Commissioner Funk moved based upon the analysis and findings of the staff report to approve the new construction at 527 4th Avenue.

Discussion of the Motion

Vice Chairperson Oliver inquired if the additional height had been mentioned.

Commissioner Funk amended her motion to approve the additional height of the roof and larger window openings. Commissioner Richards seconded the amended motion.

There was no discussion of the motion.

Commissioners Bevens, Davis, Funk, Harding, Hart, Haymond, Vice Chairperson Oliver and Commissioner Richards all voted, "Aye". The motion carried unanimously.

OTHER BUSINESS [10:42:20 PM](#)

Chairperson Lloyd noted that Ms. Coffey requested clarification on the earlier Sustainability Code Amendments motion. She noted the Commission should clarify if it included changes to the Policy Document, regarding Solar Panel Installations.

Ms. Coffey noted that this did not need to be a recommendation as it was an internal Commission document and just needed to be clarified.

The earlier motion stated:

In the case of Petition PLNPCM2009-00138, Vice Chairperson Oliver made a motion to forward a favorable recommendation to the Planning Commission to recommend that City Council adopt the proposed sustainability ordinance text amendments relating to Accessory Structures. Commissioner Harding seconded the motion.

Vice Chairperson Oliver amended her earlier motion in the case of petition PLNPCM2009-00138 to include the proposed changes to the Policy Document and request that staff edit the Policy Document.

Commissioner Harding noted that she concurred with Commissioner Funk's earlier assessment that someone should edit the document for existing grammatical errors.

There was no further business.

Commissioner Funk moved to adjourn. Commissioner Haymond seconded. No one raised an objection. The meeting stood adjourned at [10:43:48 PM](#).

Cecily Zuck, Historic Landmark Commission Secretary