

**SALT LAKE CITY  
HISTORIC LANDMARK COMMISSION  
Minutes of the Meeting  
Room 315, 451 South State Street  
April 6, 2011**

*This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on April 6, 2011.*

*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](http://www.slctv.com/vid_demand.htm),

A regular meeting of the Historic Landmark Commission was held on Wednesday, April 6, 2011, at [6:03:28 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, Sheleigh Harding, Creed Haymond, Stephen James, Acting Chairperson Anne Oliver and Commissioner Dave Richards. Commissioners Arla Funk, Polly Hart and Chairperson Warren Lloyd were excused from the meeting.

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

**FIELD TRIP 4:30 PM**

Commissioners present for the field trip were Earle Bevins, Bill Davis, Creed Haymond, Stephen James, Dave Richards and Acting Chairperson Anne Oliver. Staff members present were Planning Manger Joel Paterson and Senior Planner Janice Lew.

**1121 E First Avenue, PLNHLC2011-00112:** Staff reviewed the proposal for window replacement, identifying the windows which were projected for replacement and the single window which staff recommended should be replaced. The Commission inquired about the type of repair or maintenance which could be done to repair the existing windows. The Commission also asked about the overall scope of work being done on the building. Staff noted the application before the Commission that evening only pertained to the window replacement and that any other work under progress on the building had been approved through staff's review of an earlier request.

**WORK SESSION [5:47:32 PM](#)**

Paul Nielson gave a PowerPoint presentation to the Commission reviewing the Open Public Meetings Act (OPMA). Mr. Nielson noted the definition of a "public meeting" as well as stating that a meeting was considered open unless it was properly disclosed as closed according to the requirements of the OPMA.

Mr. Nielson reviewed the requirements of the OPMA regarding noticing and meeting minutes.

Mr. Nielson noted that the minutes should include the date, time and place of the meeting; members present and absent; substance of all matters proposed, discussed or decided by the body which may include a summary of comments made by members of that body; a record by individual member of each vote taken by the public body; name of each person not a member of the public body who offered public comments and the substance of those comments as well as any other information that a Commissioner

requested be included in the record. Mr. Nielson noted that a recording was also required with the exception of outings or field trips where no decision was made by the public body.

Mr. Nielson reviewed the reasons for which the Commission could consider going into a closed meeting, including; discussion of the character, professional competence, physical or mental health of an individual involved with the public body; strategy sessions to discuss pending or reasonably imminent litigation; strategy sessions regarding the purchase of real property; criminal investigations as well as other reasons not relevant to the Commission. He noted that for such a reason, a quorum must be present; proper notice must have been given and the closing must be approved by a 2/3 vote of all present, as well as the reasons for holding the closed meeting, the location and a full account of the vote be announced into the minutes. Mr. Nielson noted there was an extensive list of requirements for record keeping of a closed meeting session as well.

The requirements for electronic meetings were reviewed by Mr. Nielson. He stated HLC could hold an electronic meeting if the public body had a resolution or ordinance allowing them to do so, and the City had such a provision.

He noted that the 2011 Legislative General Session had refined the OPMA to include the following:

- Definition of “Electronic Message”
- Clarification that “Transmit” meant to send, convey or communicate an electronic message by electronic means.
- Noted: “Nothing in the chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in a public meeting.”

Ms. Coffey clarified an earlier comment, noting that the Commission was allowed to hold meetings to discuss matters such as design guidelines under the 24 hour noticing requirements, but could not hold public hearings under that provision. She clarified that any meeting requiring a public hearing would require 12 days public notice.

Mr. Nielson concurred. He stated that a subcommittee was such an event that only required 24 hours notice as it did not involve a formal decision on the part of the Commission.

Commissioner Richards noted he had received a call from an applicant some time ago requesting advice regarding an amendment to a case the Commission had heard previously. Commissioner Richards noted he had referred the individual to staff.

Mr. Nielson noted that was the correct action to take. He reminded the Commission that ex parte communication was not governed by the OPMA, but rather by their own Policies and Procedures document.

Mr. Nielson stated that any willing violation of the OPMA constituted a Class B Misdemeanor. He noted there were no known incidences of prosecution but surmised that if such a violation was found, it was likely the decision in question would be nullified and the Commission would need to rehear the matter.

**APPROVAL OF THE MINUTES from March 2, 2011 [6:03:58 PM](#)**

Commissioner Harding moved to approve the minutes as written. Commissioner Richards seconded the motion. Commissioners Bevins, Davis, Harding, Haymond, James and Richards all voted, "Aye". The minutes of March 2, 2011 stand approved.

**REPORT OF THE CHAIR AND VICE CHAIR [6:04:38 PM](#)**

Acting Chairperson Oliver noted Chairperson Lloyd was not present and that she had nothing to report.

**PUBLIC COMMENTS [6:04:55 PM](#)**

Cindy Cromer, 816 East 100 South, stated that as a property owner in both the Avenues and Central City Historic Districts she would appreciate if the Commission changed the date of their meeting to the first Thursday of the month as was proposed on the agenda. She noted the Commission's current meeting date not only conflicted with the Avenues and Central City Community Council meetings, but also another unrelated meeting she was interested in attending.

Esther Hunter, 606 Trolley Place, filled out a card but was not present to speak and did not leave a comment.

**PUBLIC HEARING [6:06:46 PM](#)**

**PLNHLC2011-00112, 1121 E. First Avenue, Certificate of Appropriateness for Replacement Windows.** A request by Warren Lloyd of Lloyd Architects, representing property owner Alex Hertz, to replace existing windows on the front and sides of the property, which is a multi-family building. The property is located in the Avenues Historic District and the SR-1A (Special Development Pattern Residential) zoning district, and within City Council District 3, represented by Stan Penfold. (Staff contact: Janice Lew, 801-535-7625, [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com).)

Ms. Lew reviewed the request noting the applicant proposed to restore the windows on the front façade and replace a number of non-historic and original windows on the side elevations. She noted that staff referred the application to the Commission for consideration as the original windows seemed repairable and therefore did not merit replacement according to staff's analysis. Ms. Lew noted the significance of the property as a building on the National Register Multiple Property Nomination for urban apartments.

Ms. Lew used a PowerPoint presentation to review the windows in detail by level and façade for the Commission. Ms. Lew stated that much of the character of a historic window derived from the materials; early muntins and sash designs changed over time with evolving architectural styles demonstrating deliberate design choices and skilled craftsmanship. She noted that window glass manufacturing during the early 20<sup>th</sup> century created a unique wavy pattern with distinct defects absent in modern glass. Ms. Lew stated that the guidelines called for respecting the significance of original features; repairing and retaining them where possible, and when necessary, replacing them in kind.

Ms. Lew noted that based upon the analysis and findings within the staff report, staff found that the application in whole, failed to substantially comply with Standards 2, 5, 8 and 9 of the Ordinance and was inconsistent with Section 3, Windows, of the Residential Design Guidelines. Ms. Lew stated that staff therefore recommended denial of the replacement of sound original windows, but recommended approval of the request to replace existing metal windows and approval of the request to replace window 01-Level

One in kind as it appeared to have deteriorated beyond repair. Ms. Lew stated that staff requested the windows be a sash replacement rather than a full frame unit replacement.

**Questions from the Commission [6:16:12 PM](#)**

Commissioner James inquired how staff reached the conclusion that the windows were considered contributing features of the structure. He stated that in reviewing the Secretary of Interior's Standards for Windows, he had found the Standard noted it was essential that the window's contribution to the overall historic character of the building be assessed. He inquired what the criteria for assessments were outside of the age of a window and how the Commission should determine their contribution.

Ms. Lew noted that staff had looked at the visibility of the windows; they were simple in design, but indicated a design choice by the individuals who constructed the building as well as a level of skill and craftsmanship that was not available in new window designs. She noted that retaining this original fabric of the building aided in not compromising its integrity.

Commissioner James stated it seemed that if every window would always meet that standard, there wouldn't be a need for assessment; every window would always be saved and not replaced.

Ms. Lew stated that windows located on secondary or rear elevations could be considered as less significant, but it fell to the Commission to determine what they believed to be significant in this case.

Commissioner Harding noted staff had only found one window which was deteriorated beyond repair, but it seemed from the window image appendix in the staff report that a number were in a state of great disrepair.

Ms. Lew stated staff had gone to the site and examined the windows from the interior and exterior using a number of methods and had determined that they could be repaired.

Commissioner James inquired how staff determined this qualification.

Ms. Lew noted that staff used the design guidelines in looking at each individual window and in the case of the window which was not repairable, several essential elements were beyond repair; the meeting rail was detached, the glass has completely separated from the sash and the wood was quite deteriorated.

Commissioner Richards asked if it might be possible for staff and the Commission to meet with a window restorer or specialist to grasp at what point it is better to replace a window than repair it.

Seeing no further comments from the Commission, Acting Chairperson Oliver invited the applicant forward to comment.

**Applicant Presentation [6:24:21 PM](#)**

Justin Lyons, the architect, was present to speak and noted that while they believed the front façade windows could be repaired and were in fair condition, the windows on the building as a whole were in very poor condition. Mr. Lyons stated that the structure itself was in good shape and had a great deal of architectural detailing they were preserving beyond the windows. He cited the economics of the project, noting that in the opinion of the contractor and a respected professional in window restoration, repairing all the windows would nearly double the cost.

Gary Broderick, the contractor, noted they had asked American Heritage Windows, a business specializing in window restoration, to come and assess the windows on the front façade. He noted that the professional from American Heritage believed the windows on the front façade were deteriorated enough to require a complete rebuild. Mr. Broderick stated that for the front windows alone, this would cost \$13,000 above their original estimate to replace the windows. He noted that he personally could not identify a difference between the original windows and those where the sashes had been replaced. Mr. Broderick stated they would be willing to install such sash kits. He noted that they wished to make the building appropriate for the area and pointed the Commission to the apartment building they had recently renovated nearby, the Jane. Mr. Broderick stated that all requirements for state tax credits would be met under the current proposal.

**Questions from the Commission [6:33:28 PM](#)**

Commissioner Richards requested clarification regarding the window schedule for the front façade.

Mr. Broderick noted the front facade windows would be removed, reassembled and replaced in kind and the price would therefore double on those windows.

Commissioner Richards inquired if any of the original window frames would be retained on the front façade.

Mr. Broderick noted that the company, Sierra Pacific, stated they could come in and leave the structure of the interior and exterior trim intact and replace the window sashes. Mr. Broderick noted that he had originally felt many of the windows would be repairable, but Mr. Kearns from American Heritage Windows had not agreed after his assessment.

Commissioner James inquired if the glass would be retained.

Mr. Broderick noted it would be saved wherever possible, but it was quite brittle.

Commissioner Haymond inquired what the name of the American Heritage specialist was.

Mr. Broderick was unsure of his first name; Commissioner Richards noted his name was Phil Kearns.

Commissioner Bevins inquired if Mr. Kearns had looked at the remaining windows.

Mr. Broderick noted he had only been asked to look at the front façade at that time.

Commissioner Richards inquired if anyone at SHPO (the State Historic Preservation Office) had looked at this proposal.

Mr. Lyons noted he believed it would be approved even if the windows were replaced.

Seeing no further questions for the applicant, Acting Chairperson Oliver opened the hearing to public comments.

**Public Comments [6:42:20 PM](#)**

Cindy Cromer, 816 East 100 South, noted that the hand rolled glass made these windows special. She noted that while the Jane was a beautiful restoration project, the structure was of more recent construction

and therefore different than the subject property. Ms. Cromer stated that the east side of this property was more prominent than the west. She noted the ground level windows on all elevations had been heavily affected by the weather and the Commission should take this into their consideration. She stated she believed the glass should be retained wherever possible and that the Commission had many options when considering the application.

Acting Chairperson Oliver recognized there was no one else present to speak on the matter and allowed the applicant time to respond.

**Applicant Response [6:45:11 PM](#)**

Mr. Broderick noted that they were attempting to save the glass on the front façade.

**Executive Session [6:45:44 PM](#)**

Commissioner Haymond noted that he had refurbished wood windows before and it had not been an easy task. He also stated that these windows seemed to be in a greater state of disrepair than any window he had ever refurbished. He noted he believed these windows came dangerously close to being beyond repair. Commissioner Haymond indicated he would like to see that staff and the Commission receive more training from a reputable contractor on what could feasibly be repaired and what should be replaced.

Commissioner James inquired if staff always requested that wood windows be repaired.

Acting Chairperson Oliver noted it varied by case.

Commissioner James concurred with Commissioner Haymond's earlier point. He stated that receiving instruction from someone in the business of window restoration would be beneficial for the Commission.

Acting Chairperson Oliver concurred and noted this was not a new issue. She stated the Commission needed to achieve greater knowledge and consistency on this front.

Commissioner Richards stated he agreed with Ms. Cromer's earlier comments, but that a piecemeal approach did not seem suitable either. He noted this would allow little overall consistency in maintaining the integrity of the building. Commissioner Richards agreed with earlier comments that it was difficult for the Commission to assess at what point a window was not repairable and required replacement without further training.

Commissioner James noted he questioned the importance of preserving these windows as they did not seem particularly unique.

Commissioner Richards stated it was more a matter of preserving the appearance of the building; the solid to void ratios, the fenestration pattern.

Acting Chairperson Oliver noted that the sides of the building and the windows on those elevations were extremely plain, but this was part of the overall character of the building and just because they weren't high style didn't mean they weren't worthy of preservation. She stated she concurred with Commissioner Richard's idea of breaking the proposal down into pieces and identifying which portions of the proposal were of the greatest importance to the Commission. She noted she believed the front windows should be preserved to the greatest extent possible.

Commissioner Davis stated that while the windows on the east side were more visible than those on the west, neither were particularly visible from the street. He noted he did not take issue with changing the side elevation windows as long as they were all the same kind.

Commissioner Richards agreed and noted the applicant should attempt to salvage any glass from those windows to assist in the restoration of the windows on the front façade.

Commissioner James inquired how using a full window would affect the existing brick molding around certain units.

Commissioner Richards noted that the applicant could address that but most window manufacturers could mill the top piece of a frame to accommodate the existing brick molding.

Commissioner James noted he might ask the Commission identify the wide mullion between two units on the east side as necessary for preservation.

Commissioner Richards noted that central member could be recreated with cladding rather than completely eliminating the profile. He stated that he would like to know more about how the window head would be recreated. He inquired if the Commission might consider recalling the applicant to answer some of the questions the Commission had posed.

Acting Chairperson Oliver invited the applicant back to respond.

#### **Applicant Response [7:02:30 PM](#)**

Mr. Broderick noted they hoped to achieve the same appearance and would repair any brick molding and masonry sills as best as was possible. He stated that these windows would essentially be treated the same as the windows in the Jane.

Mr. Broderick noted they proposed a full window replacement, but would try to preserve members of the windows such as the mullion on the front east elevation unit Commissioners James and Richards had mentioned. Mr. Broderick noted that the goal was to try and match the sashes and frames as closely as possible in detail and color to the original windows.

Mr. Lyons noted that if posts were intact they would attempt to salvage them with cladding or another method, but they intended to recreate as much of the detail present in the framing as was possible.

Commissioner James noted that there was a desire among the Commission to retain the quality and overall composition of the windows on the side elevations.

Mr. Broderick noted that part of the selling power behind the project was the architectural details on the structure and the applicant therefore wanted to preserve as much of the appearance of the building as possible.

Mr. Lyons noted they would be willing to replace the sashes, salvaging what was possible from the framing and rebuilding where necessary without having to incur the cost of completely rebuilding all the windows.

Acting Chairperson Oliver noted it seemed the Commission was at least in agreement over repair of the front façade windows.

Commissioner Richards stated he felt sash kits would be appropriate for the sides.

Acting Chairperson Oliver concurred and noted sash kits would be more cost effective than full restoration.

Commissioner James noted he believed sash kits on the sides and repair on the front would be appropriate.

**MOTION [7:16:29 PM](#)**

**In the case of Petition PLNHLC2011-00112; Drayton Condominiums Window Replacement, Commissioner James moved the following;**

**Point One**

**In referencing Section 3.1 of the Residential Design Guidelines; the Commission is interested in preserving and repairing existing windows in the front façade and approves the request of the applicant to remove wood which is damaged beyond repair, maintaining the cut glass detail wherever possible and replacing it when not; the Commission finds this request is in compliance with the guidelines.**

**Point Two**

**Due to the conversation the Commission has had surrounding what is serviceable and what is not, the Commission finds that there is still an opportunity to preserve much of the existing windows and allows replacement of inoperable sashes with sash kits.**

**Point Three**

**All old aluminum metal windows may be replaced as proposed.**

**Commissioner Harding seconded the motion.**

**Discussion of the Motion [7:20:34 PM](#)**

Commissioner Davis noted his concern regarding the fact that the sash kits still seemed a piecemeal solution. He stated that invariably, the ground floor side elevation windows would need to be completely replaced.

Acting Chairperson Oliver noted the Commission could make an amendment requiring that all casings be repaired or replaced in kind and the sashes be replaced with aluminum clad wood sash kits.

**Amendment to the Motion**

**Commissioner James amended the motion to include that any frame work on the side elevation windows deteriorated beyond repair must be replaced in kind, including the shape and profile of the original.**

**Commissioner Harding seconded the amendment.**



Commissioner Richards reviewed the motion for clarification, noting it meant the front façade windows would be repaired, the sides would be replaced with sash kits and the frames would be reused unless beyond repair, at which point they would be replaced in kind, including the material, shape and profile and the existing aluminum windows could be replaced as requested.

Commissioner Harding inquired who decided when a frame was beyond repair.

Acting Chairperson Oliver noted it would be the applicant's decision at their own cost.

Commissioner Richards stated the requirement to replace materials in kind would also provide a greater sense of consistency.

Seeing no further comments, Acting Chairperson Oliver called for a vote on the motion on the floor.

**Commissioners Bevins, Davis, Harding, Haymond, James and Richards all voted, "Aye". The motion carries unanimously.**

**OTHER BUSINESS [7:25:31 PM](#)**

**The Commission will consider a proposed change to their regular meeting date from the first Wednesday of the month to the first Thursday of the month in order to better accommodate interested parties.**

Planning Manager Joel Paterson stated that the Commission had previously discussed the possibility of changing their regular meeting date to the first Thursday of the month. Mr. Paterson noted that bylaws required the Commission to notice the issue and make a motion to amend their bylaws in order to change the meeting date. He stated the noticing requirement had been met through the mailing of the evening's agenda.

Commissioner Davis noted that while he was involved on the board of the Ballpark Community Council, the only meeting that conflicted with the proposed date, he was not concerned about the conflict as his role with that body was winding down.

Commissioner Richards noted he was not aware of how many Community Councils met on the first Wednesday of the month.

**Motion**

**Commissioner Harding moved to change the regular meeting date of the Commission from the first Wednesday of the month to the first Thursday of the month, effective the first Thursday of May, 2011. Commissioner Richards seconded the motion.**

There was no discussion of the motion.

**Commissioners Bevins, Davis, Harding, Haymond, James and Richards all voted, “Aye”. The motion carries unanimously.**

Mr. Paterson noted they would distribute this information to the public in as many ways as was possible.

Ms. Coffey noted she had an update for the Commission in regards to the Preservation Plan. She stated that the City Council was not comfortable adopting the plan until a few updates had been provided for Council and a guiding principal or purpose statement for preservation in Salt Lake City had been drafted by staff and the Commission. Ms. Coffey stated that the workload for the Commission had seemed light lately, but staff was working to create these regulation tools necessary to forward preservation in Salt Lake City.

Commissioner Davis asked what additional tools the City was considering implementing.

Ms. Coffey noted staff was considering the implementation of a conservation district and was reworking the wording and criteria listed within the commercial and residential design guidelines. She noted that primarily, this work was meant to create unencumbered language and make the Commission’s documents more user-friendly. Ms. Coffey noted City staff was also currently discussing the possibility of financial incentives for residents of the City’s local districts and those working on improvement projects at historic sites.

Commissioner Davis noted the moratorium imposed under Utah Senate Bill 243 and inquired if staff had further discussed moving forward with the University Extension.

Mr. Paterson noted Community and Economic Development Director Frank Gray and Community Development Assistant Director Mary De La Mare-Schafer had recently requested staff to hold off on any applications for new historic districts for the time being. He stated that while staff had been compiling a report for the University Extension they were not pursuing it further at this time according to the advice of the administration.

Commissioner Davis inquired if the bill recently passed applied to the University Extension, noting that the residents of that area wished to move forward.

Mr. Paterson stated it was not clear as the bill did not mention Yalecrest specifically, but was worded to the effect of: any area that is in a first class city, in a first class county that is already a national historic district and has an active petition to create a new local historic district is on hold for a year. He noted that the University Historic District was already a national district and there was debate as to whether or not there was an application existing. Mr. Paterson stated that under the ordinance, any petition was created by the Commission and while the Commission had prioritized the University

Extension previously as an area of study to pursue, no formal motion had been made to create a petition. Mr. Paterson reiterated that CED Administration had requested such matters be put on hold.

The Commission had no further business to discuss.

**Commissioner Richards moved to adjourn. Commissioner Davis seconded the motion. There was no objection. The meeting stood adjourned at 7:40:01 PM.**

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Cecily Zuck, Historic Landmark Commission Secretary