

Salt Lake City Historic Landmark Commission
Retreat Notes
Wednesday, February 2, 2011
In Room 335 of the City and County Building at 7:00 p.m.

On Wednesday, February 2, 2011 the Historic Landmark Commission held a retreat in Room 335 of the City and County Building. Commissioners Earle Bevins, III, Bill Davis, Arla Funk, Polly Hart, Vice Chairperson Anne Oliver and Commissioner Dave Richards were in attendance. Commissioners Sheleigh Harding, Creed Haymond and Chairperson Warren Lloyd were unable to attend. An audio recording of the retreat is available upon request in the Planning Division Office, Room 406 of the City and County Building.

Staff members in attendance included Wilf Sommerkorn, Planning Director, Janice Lew, Senior Preservation Planner; Paul Nielson, Senior City Attorney; Joel Paterson, Planning Manger; Michelle Poland, Senior Secretary and Seth Wright, Planning Intern.

Dinner was served to the Commission and Staff at this time.

Discussion 7:45 PM

Mr. Paterson noted that Chairperson Lloyd and Vice Chairperson Oliver had met with Preservation Staff in the recent past to discuss upcoming issues for 2011. Mr. Paterson noted that the Commission rarely had the time to share thoughts regarding protocol and their concerns and hoped the retreat would help to partially remedy that problem.

Standards, Guidelines and the Commission's Interpretation

Mr. Paterson reviewed relevant standards which the Commission often used in their reviews. He noted the Commission's decisions should be based upon the Ordinance Standards present in Chapter 21A.34 as well as the Residential Design Guidelines and future Commercial Design Guidelines.

Vice Chairperson Oliver noted these standards were the framework the Commission was meant to uphold and wished to convey the Commission should concentrate on the basic points this framework illustrated. Vice Chairperson Oliver noted she believed the Commission had a philosophy that had never really been vocalized; that they should try and find a solution for the applicant while still abiding by the relevant guidelines. She inquired if anyone had a different concept or philosophy.

Commissioner Bevins stated the Standards were available to everyone for review and could be abided by, but often were completely ignored by those who should know better, such as seasoned architects and contractors.

Mr. Paterson concurred with this assessment and noted that hopefully, such problems could be addressed through education and community outreach.

Commissioner Richards inquired if basic information on different types of projects was available either as a flyer or through the website at the time of the applicant's first visit.

Ms. Lew stated that staff was currently working on ways to provide this information to the public.

Mr. Paterson stated he understood it was very frustrating to the Commission when they had to consider legalization cases where work had already been completed and the Commission was tasked with having to review the work.

Commissioner Funk stated the Commission needed to decide if they would consider legalization cases as different from regular petitions. Commissioner Funk noted the Commission had recently stated in a particular case they would not approve the application if it were coming before them prior to construction, but then approved the legalization with very minor alterations.

Commissioner Hart stated she would rather see the rules applied evenly and found that they were often too lenient in the case of legalizations, which ultimately was unfair to those who followed the proper procedure.

Commissioner Davis noted it was difficult; as every case was different, not every case could be handled in the same way. He stated this grey area was difficult to navigate; the Commission couldn't be completely rigid in every case, but the Commission also should not roll over and play dead.

Mr. Paterson noted that in December 2010 the Commission found that a Community Council in the Avenues indicated to citizens it was better to ask for forgiveness after the fact in dealing with the Commission. Mr. Paterson noted this was unfortunate; circumstances did not alter the standards which the Commission should base their decision upon.

Commissioner Davis noted that based upon past conversations with area contractors; he believed it was common practice in the City that many smaller projects were completed without permits.

Vice Chairperson Oliver noted that a goal of the Commission should be to provide predictability and consistency to the public. She noted that legalization cases should not be looked at any differently than brand new applications.

Commissioner Davis concurred and noted applicants often brought up extenuating circumstances such as room for a dog, or security that were irrelevant to the Commission's consideration of the standards.

Mr. Paterson noted that it might help to not call such cases "legalizations", but rather call them "enforcement cases", as they were coming to the Commission through existing enforcement issues. The term "legalization" might imply that the Commission treats such cases differently than a project that is reviewed in the proper sequence and receives approvals prior to construction. Mr. Paterson suggested that staff reports on enforcement cases will no longer be titled as a legalization. Staff will include language in the body of the staff report to indicate that the project is under enforcement. Mr. Paterson also suggested that when the Chair is introducing the public hearing it will be noted that the case is under enforcement and that it will be reviewed as if the project had not yet been constructed.

Commissioner Richards noted he was often shocked as an architect by the lack of basic research even his colleagues failed to perform on existing zoning requirements.

Mr. Paterson discussed the City's fine structures noting that fines were usually postponed or staid when citizens actively worked to rectify an issue.

Ms. Lew noted that if something was built that didn't meet code, it wasn't clear if code issues were ever resolved.

Commissioner Richards inquired how the Commission could address the individuals who never came into the City to obtain their permits.

Mr. Paterson noted that this issue had been brought up several times before but never resolved. Mr. Paterson also noted continued efforts with public outreach and education may help.

Commissioner Funk noted that the Commission oftentimes tried to solve the problem for the applicant and wondered if this was too enabling.

Mr. Paterson stated that the Commission should not design projects for the applicant but could provide direction in regards to the Standards and existing issues the Commission believed attention should be paid to. He noted that staff attempted to resolve these issues with applicants

before bringing the application to the Commission, but sometimes applicants are unwilling to concede certain points and request that the Commission make the final decision.

Commissioner Hart stated that if there was a negative recommendation from staff, it was likely that the applicant knew the staff opinion long before the hearing.

2011 Preservation Program Goals

Ms. Lew presented a list of projects that the Preservation staff is working on. The list includes a description of each project and its status and priority. Ms. Lew noted that the list included Preservation Ordinance fine-tuning and potential amendments to the demolition and economic hardship provisions. She recommended that these projects be worked on in phases and that the fine-tuning project be completed prior to the Commission's consideration of the demolition and economic hardship provisions.

Mr. Paterson asked the Commission if they would like to discuss any particular project or the priorities assigned to the projects.

The Commission indicated that the document was very comprehensive and that they agreed with the priorities.

Tour of the Buzz Center

Staff indicated that members of the Commission had expressed interest in taking a tour of the Buzz Center to meet the planners who represent the "first contact" with the public on many HLC related applications. This tour would allow Commissioners to meet the Buzz Center Planners and gain a better understanding of the application process.

Staff will schedule this tour as part of a future HLC Fieldtrip.

Potential Change of HLC Meeting Date

Mr. Paterson indicated that the regular meeting date of the Historic Landmarks Commission (1st Wednesday of each month) conflicts with the regularly scheduled meetings of several community councils that have local historic districts within their boundaries. He asked if the Commission would consider meeting on another day.

Each Wednesday of the month conflicts with either the Planning Commission meetings or community council meetings for the Avenues, Central City and Capitol Hill. The other days of the week with relatively few conflicts are Mondays and Thursdays. The third Monday of the month conflicts with the Board of Adjustment. The second Thursday of the month conflicts with the East Central Community Council.

After some discussion, the Commission decided to move their regularly scheduled meeting to the first Thursday of the month.

Staff will put together a notification for community councils and the public. The change in date will not begin until April or May.

Education, Public Interface and Communication

The Commission decided to continue to a future date discussion on the Education, Public Interface and Communication; the items on the retreat agenda that have not yet been discussed.

Meeting adjourned 9:00 p.m.