

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 315, 451 South State Street
March 2, 2011**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on March 2, 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

A regular meeting of the Historic Landmark Commission was held on Wednesday, March 2, 2011, at [5:41:04 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, Polly Hart, Sheleigh Harding, Creed Haymond, Stephen James, Dave Richards and Chairperson Warren Lloyd. Vice Chairperson Anne Oliver was excused.

Planning staff present for the meeting were: Cheri Coffey, Assistant Planning Director; Carl Leith, Senior Planner; Janice Lew, Senior Planner; Michael Maloy, Principal Planner; Joel Paterson; Planning Manager; Wilford Sommerkorn, Planning Director and Cecily Zuck, Senior Secretary.

FIELD TRIP 4:00 PM

The Commission toured the City's Buzz Center in Room 215 of the City and County Building. Buzz Center Planners Anna Anglin, John Anderson, Thomas Irvin, Michaela Oktay and Nannette Larson were introduced as well as Larry Butcher and Lisa Shaffer from Building Services. Buzz Center Planners described the purpose of the Buzz Center and how staff interacts with the public, specifically regarding preservation projects. Ms. Shaffer discussed the Accela and Project Dox software programs and the public's ability to now track the progress of projects on the internet. Ms. Shaffer noted that the public could also now submit digital plans.

The Commission next visited 121 North 'B' Street. Staff reviewed the request to replace windows on the north, south and west elevations. The Commission inquired about the type of replacement windows proposed, the condition of the existing windows and the reason for the request.

WORK SESSION [5:41:06 PM](#)

Chairperson Lloyd welcomed new member Stephen James to the Commission.

Mr. Paterson requested that the Commission allow Planning Director Wilford Sommerkorn to speak next regarding Utah Senate Bill 243.

Update on Utah Senate Bill 243 [5:42:05 PM](#)

Chairperson Lloyd recognized Mr. Sommerkorn.

Mr. Sommerkorn noted the House Committee had passed the bill that morning by a 9-2 vote. He noted this bill was a substitute; the original bill would have prevented the creation of local historic districts as well as affected actions on landmark sites, historic sites and preservation areas statewide for one calendar

year. Mr. Sommerkorn noted the current bill had been pared down to address Yalecrest without specifically mentioning it. (A draft copy of Utah Senate Bill 243, dated February 28, 2011, is included with the record of these minutes.)

Mr. Sommerkorn stated the City's position was to not approve the bill at all; however, it had become apparent that the Legislature would move forward. Mr. Sommerkorn noted the current bill, if passed, would stay any action within Yalecrest, including the current application to designate a new local historic district, the submitted zoning amendment application and any proposed moratoriums for the calendar year ending on May 8, 2012.

Mr. Sommerkorn noted the included demolition definition, over which there had been a great deal of discussion, came from the City's Zoning Ordinance.

Commissioner Hart inquired what the definition of a "first class city" was as identified in the bill.

Mr. Sommerkorn noted a "first class city" was any city within the state with a population of 100, 000 or more.

Commissioner Hart noted the City of Taylorsville was in process of creating a local historic district.

Mr. Sommerkorn noted that Taylorsville would not be affected as it was not populous enough to be considered a first class city. Mr. Sommerkorn stated there were currently only four first class cities within Utah; Salt Lake City, West Valley City, West Jordan and Provo.

Chairperson Lloyd noted one provision of the bill would not allow for demolition of more than 75 percent of the above grade area of any structure. He requested clarification regarding intent.

Mr. Sommerkorn stated the provision would allow for demolition and modification of up to 75 percent of the above grade area of any structure, contributing or non-contributing.

Commissioner Richards noted this was a liberal provision.

Mr. Sommerkorn concurred, 75 percent was a substantial allowance.

Chairperson Lloyd inquired how the bill might affect issues such as the University District Extension.

Mr. Sommerkorn quoted lines 40-41 of Utah Senate Bill 243:

"...within an area designated on the National Register of Historic Places that has on or before March 1, 2011, a land use application pending to designate the area as a local historic district or area."

He stated Yalecrest had an application in process under those constraints, but the University Expansion did not. Mr. Sommerkorn noted it was therefore unclear how or if the restriction would apply; it was an issue staff would need to discuss with the City Attorney.

Commissioner Funk stated she thought an application for the University Expansion had already been created.

Mr. Paterson noted the East Central Community Council had approached the Commission with the idea and staff was examining available data, but staff had not made a recommendation to the Historic Landmark Commission nor had an application been made.

Mr. Sommerkorn reminded the Commission that no application existed until their body called for it; under the City Ordinance the Commission was considered the applicant for any legislative petition requesting the creation of a new local historic district.

Seeing no further comments from the Commission, Chairperson Lloyd moved on to the next item on the agenda.

Mr. Sommerkorn left the meeting at this time.

PLNPCM2010-00612, Accessory Dwelling Units – A request by Mayor Ralph Becker for a zoning text amendment to allow accessory dwelling units within single-family and multi-family residential districts. This request is part of the Sustainable City Code Initiative and would affect areas City-wide. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com.)

Staff Presentation [5:54:16 PM](#)

Chairperson Lloyd recognized Michael Maloy as staff representative.

Mr. Maloy summarized the primary objectives of the proposed Accessory Dwelling Unit Ordinance for the Commission. Mr. Maloy noted that an accessory dwelling unit (ADU) was a secondary dwelling unit on the same lot as a principal dwelling. He stated it could be created within an existing dwelling, such as in an attic or basement space, or it could be built as a detached structure. He noted the following regulation purposes of the proposed ADU Ordinance:

- Help build diverse housing stock
- Allow changing families an option (outside of relocation)
- Use existing lots, structures and infrastructure
- Provide homes, jobs, transit and activity areas which reduce vehicle use
- Save energy and resources

Mr. Maloy noted the following regulations would apply under the proposed ordinance:

- Property must be owner occupied (principal or accessory dwelling)
- One ADU per lot (not applicable to condominiums)
- Maximum size is 50% of main home, or 650 square feet, whichever is less
- Development standards of underlying zoning district (i.e. setbacks, height, lot coverage, etc.) and building codes apply
- Historic Preservation Regulations apply
- One additional parking space required, which may include tandem parking unless on street parking is adequate
- New entrances must face side or rear of lot
- ADUs must be licensed by Salt Lake City

Mr. Maloy noted enforcement of these units was a substantial concern; therefore the licensing requirement had been included to provide further regulation. He noted the business license would be non-

transferrable and a deed restriction would be placed on properties with ADUs to appear on the title report when a transfer or sale occurred.

Mr. Maloy reviewed Attachment C within his memorandum; an article from the online edition of *USA Today* on Seattle's cottage ordinance and its subsequent success. He stated Seattle had initially planned to issue 50 permits for ADUs within the ordinance's first year; however, Seattle did not meet the limit and ultimately decided to lift that restriction. Mr. Maloy noted that ADUs had been around for some time and an increasing number of communities were considering regulations allowing them. He noted there were several reasons Salt Lake City should follow suit, such as its aging population and the recent trend to downsize residences.

Mr. Maloy stated a great deal of public comment had been received regarding the proposal and had been mixed.

Mr. Maloy noted the first public hearing on the proposed ordinance would be before the Planning Commission on March 23, 2011. He noted the Planning Commission could decide to forward a positive recommendation to the City Council, table the item for further study or recommend denial. Mr. Maloy noted he would appreciate any comments from the Commission regarding their concerns about preservation aspects of the ADU ordinance.

Comments from the Commission [6:11:47 PM](#)

Commissioner Davis inquired if individuals seeking unit legalizations would qualify for ADU permits.

Mr. Maloy noted unit legalizations would continue to be addressed separately from ADUs by the Board of Adjustment as Special Exceptions. He stated ADUs would be governed by the IBC (International Building Code) and legalizations instead governed by the housing code, which was primarily concerned with health and life safety standards and was not as stringent as the IBC. Mr. Maloy stated that owners of an accessory apartment could apply to have a unit recognized as an ADU but would be held to the IBC new construction standards which would be stricter, more expensive to adhere to and likely less appealing.

Mr. Maloy noted the City was currently discussing the future of the unit legalization process.

Commissioner Davis inquired why the City would initially limit the number of permits.

Mr. Maloy noted that restriction was included as a cautionary measure.

Commissioner James inquired if there were a way the City could be more proactive regarding ADUs, possibly by instating a lottery or design competition. He noted there were critical concerns regarding ADUs such as privacy and view sheds and he wished to see a positive end result.

Mr. Maloy noted ADUs were not a new concept and that a design competition was not something the City had considered. He stated that outside of historic districts, ADUs would be a permitted use subject to the development standards of that zone, but within historic districts, ADUs would come under the review of the Commission and would therefore be subject to the Residential Design Guidelines. He noted that besides increased occupancy, there would not be a great deal of difference between a rear addition or accessory structure and an ADU.

Commissioner James noted he believed ADUs to be fundamentally different exactly because an ADU would increase density, thereby affecting neighborhood dynamics. He stated there were several related issues which needed to be addressed outside of historic preservation. Commissioner James noted he would be interested to see input from other communities in Utah where ADUs were allowed to try and learn from their experiences and achieve a positive outcome.

Commissioner Funk stated she was concerned that young families did not stay in Salt Lake City and ADUs might further encourage an older population.

Commissioner Hart noted the City had been opposed in the past to tandem parking and was concerned that allowing this for ADUs would create an opening for tandem parking in other uses.

Mr. Maloy noted that as far as he knew, the City was not considering tandem parking anywhere else, although it was always something the City could consider. He noted he believed the reason it was being included in the ADU Ordinance was to attempt to minimize the amount and impact of hardscaping.

Commissioner Hart stated she believed allowing tandem parking for ADUs would create a worse situation than would allowing it in single family homes, particularly as the ADU and primary dwelling would be autonomous of one another with separate occupants unaware of each other's schedules. She noted this could cause serious access issues for owner and tenant alike.

Commissioner Funk concurred with Commissioner Hart and noted that allowing tandem parking under ADUs could also easily create a domino effect in the zoning ordinance.

Commissioner Hart noted enforcement in general would be very difficult on ADUs.

Chairperson Lloyd stated the Residential Design Guidelines requested entrances be oriented towards the street whereas the ADU Ordinance required entrances face the side or rear of a lot. He inquired what the reasoning behind this had been.

Mr. Maloy noted the City's consultants had reviewed ADU ordinances in a number of communities and that requirement had been in several. He noted it had not arisen as a concern in comments, but was included to preserve the appearance and character of existing single family neighborhoods.

Commissioner James inquired how an ADU would differ from a duplex in terms of lot description and density.

Mr. Maloy noted that for purposes of zoning, an ADU would not be considered as a separate unit or different density. He noted the size would be limited and owner occupancy would be required.

Commissioner Hart inquired about the three year special exception to the owner occupancy provision.

Mr. Maloy stated the provision was added upon looking at a legal challenge to Provo's occupancy provision for ADUs which was upheld by the Utah State Supreme Court. He noted it was therefore borrowed from that provision to enhance legal defensibility.

Commissioner Hart stated she understood, but it reduced the assurance that a neighbor would remain responsible.

Commissioner Funk concurred. She noted she would like to see more information on how other municipalities handled ADUs before the Planning Commission sent the issue forward.

Commissioner Davis disagreed with Commissioners Hart and Funk, noting he did not think a non-owner occupied unit would cause problems if the owner was a conscientious landlord and chose responsible tenants to begin with.

Chairperson Lloyd redirected discussion to historic preservation issues. He noted there was nothing in the Residential Design Guidelines which addressed ADUs and inquired how the Commission saw this use impacting their review process.

Commissioner Davis noted he wondered how the Commission would balance a historic structure with a new unit and address the design guidelines.

Commissioner Bevins noted his concern that some units would be out of character in terms of height and scale.

Mr. Maloy reminded the Commission that these structures would be regulated by current building regulations and if a structure was proposed in a historic district it would be subject to their review.

Commissioner Hart gave the comparison that her home was two stories above ground, probably 30 feet in height at the ridgeline, but the interior was approximately 600 square feet and an ADU of that size would be allowed under the ordinance in certain zones.

Commissioner Davis noted this again highlighted privacy issues.

Chairperson Lloyd noted this seemed to be an issue of the property designation. He noted that normally, when the Commission looked at an addition which they felt was over-scale, they worked with the applicant to make an appropriate compromise. He indicated a detached structure would not be much different.

Commissioner Harding stated she was not aware of a historic basis for a home behind a main structure.

Chairperson Lloyd noted history presented outbuildings such as in-law suites and carriage houses that traditionally housed a resident's family or staff members.

Mr. Paterson noted under 21A.34.020, the Landmark Commission could regulate bulk and height beyond the zoning requirements based upon the character of the surrounding neighborhood; if there was a proposal before the Commission for a detached ADU that did not match the character of the district, the Commission could limit the height and size.

Commissioner Funk noted she would like to see a work session or a committee formed to examine types of ADUs which might come before them and discuss how they would fit into the City's local historic districts.

Chairperson Lloyd inquired if the Commission had any direction to give to staff.

Commissioner James stated the standards might produce a duplex type, particularly on viable corner lots. He stated he would like to see that scenario tested.

Commissioner Davis noted the concept had already been tested in other markets.

Chairperson Lloyd noted it had not been tested under Salt Lake City's Zoning Ordinance.

Commissioner Funk stated she would like to see exactly how many lots in a historic district this would apply to, such as the Avenues, where houses were typically built closer together.

Commissioner Davis stated there were not enough resources for such a comprehensive review; the Commission needed to be reactive on a case by case basis.

Commissioner Hart noted this use would likely be more prevalent in bungalow subdivisions with long, narrow lots. She stated that could affect established view corridors.

Chairperson Lloyd inquired if these comments were helpful to staff.

Mr. Maloy stated several of these comments had been heard before. He noted he respected the desire of the Commission to create design standards for ADUs.

Chairperson Lloyd noted he understood any such project proposed in a local district would come before the Commission for design review.

Commissioner Hart noted she would like to see specific language within the proposal addressing the fact that the Commission would review applications within local historic districts.

Ms. Coffey noted staff could add language to that effect to the draft and if the ordinance passed, staff could review the Residential Design Guidelines with the Commission to propose standards for ADUs.

Commissioner Richards noted that in just looking at typical setback requirements, there would not be much room to build ADUs on the smaller lots typically found in local historic districts unless the unit was attached to the principal dwelling.

Mr. Paterson noted that the Compatible Infill Ordinance of 2005 granted the Commission the authority to modify the maximum height for accessory structures and noted several applications for accessory structures with height in excess of the base zoning requirements had been reviewed and approved by the Commission in the past.

Commissioner Hart inquired if an ADU could be built on the top level of a garage.

Mr. Maloy noted that would be possible if it were built within the building envelope and setback requirements, however, it would be difficult according to the requirements of several residential zoning districts.

Mr. Maloy inquired if the Commission believed ADUs could be an incentive for investment in historic properties in local districts. He noted that this idea had been a comment voiced by the public, the idea being that the additional income would allow more capital for improvements to the property.

Commissioner Davis noted it could be beneficial in that respect.

Chairperson Lloyd concurred.

Mr. Maloy noted he could address any future comments the Commissioners may have on the issue by email or phone. He asked if the Commission wished to draft a position statement for the Planning Commission or discuss the issue again in a future meeting.

Chairperson Lloyd inquired if the Commission wished to form a subcommittee or draft a position statement with staff.

Commissioner James noted he would like to see the relationship between the planning and setback criteria and the unit type and how that relationship might translate to typical residential zones.

Chairperson Lloyd inquired if anyone else would like to form a subcommittee to analyze the issue.

Commissioners James, Bevins and Hart volunteered to form a subcommittee. Chairperson Lloyd noted he would also be willing to participate.

Commissioner Davis inquired how the regulation would address small commercial uses such as those in historic districts where the ground floor was being used as a business. He asked if the owner would be able to convert the second story or other usable space to an ADU.

Mr. Maloy noted the proposal would not apply to such structures; the proposal only addressed single family homes within the zones listed in the staff report.

APPROVAL OF THE MINUTES from February 2, 2011 [7:03:12 PM](#)

Commissioner Hart moved to approve the minutes as presented. Commissioner Bevins seconded the motion. All present voted, “Aye”. The minutes stand approved.

Commissioner Davis noted a correction for the February 2, 2011 Retreat Notes.

REPORT OF THE CHAIR AND VICE CHAIR [7:05:17 PM](#)

Chairperson Lloyd noted he had nothing to report.

Vice Chairperson Oliver was not present to comment.

PUBLIC COMMENTS [7:05:30 PM](#)

Cindy Cromer commended City Planning Staff for pursuing Redevelopment Agency (RDA) funding to study standards for historic landscapes. She noted several RDA areas included significant historic landscapes and hoped that funding would be approved. She related guidelines for landscapes were sorely needed.

Seeing no one else to speak to an item not on the agenda, Chairperson Lloyd moved to the public hearings.

PUBLIC HEARINGS [7:08:14 PM](#)

PLNHLC2011-00059, 121 B Street, Certificate of Appropriateness for Replacement Windows – A request by Ed Teeple of Teeple Custom Homes, representing property owner David Porter, to replace a series of existing windows to the sides and rear of the property, which is a single family residence located

at 121 B Street. 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 [7:08:29 PM](#)

Mr. Leith reviewed the proposal noting the applicant wished to install 13 new windows on the side and rear elevations. He noted all existing front façade windows would be retained. Mr. Leith reviewed photographs of the windows to be replaced for the Commission. He reviewed the history of the building noting the structure was considered contributing and significant. Mr. Leith stated the home was the former residence of Ellen B. Ferguson, physician, early suffragette and a figure of local and national significance. Mr. Leith noted staff found the loss of the windows would be detrimental to the character of the structure. He stated staff findings indicated the proposal to be in opposition to Ordinance Standards 2,4,5,6 and 9 of 21A.34.020.G and with Residential Design Guidelines 3.1 and 3.6; therefore staff recommended denial of the request.

Questions from the Commission [7:14:29 PM](#)

Commissioner Hart noted many of the windows she observed during their field trip retained some of the original wavy glass and inquired if staff had observed the same condition on other windows.

Mr. Leith concurred; many of the windows retained their original glass.

Chairperson Lloyd inquired if an individual window assessment would assist in determining which windows might be appropriate for replacement.

Mr. Leith noted that there was currently no objective City standard for assessing each window individually; however, he did not believe the windows were in such disrepair to require full replacement. He stated staff believed the windows could be preserved with fairly minor maintenance.

Commissioner James inquired if there were standards within the guidelines which addressed the workability of the window.

Mr. Leith noted that there was limited language addressing workability, but noted that often, the workability of a historic window could be greatly improved with minor repairs.

Commissioner James noted the guidelines did not speak to soundproofing or human comfort without insulated glass.

Mr. Leith noted this had come up before. He stated a lot of research in recent years addressed such points in detail; a body of research existed which indicated upgrading windows through the use of a storm window or secondary glazing system tended to be more efficient in terms of energy performance and soundproofing and more cost effective than the installation of a new double pane window.

Seeing no further comments from the Commission, Chairperson Lloyd invited the applicant forward to speak.

Janice Lew left the meeting at this time.

Applicant Presentation [7:20:34 PM](#)

Mr. Teeples, the contractor, noted he had met with the applicant and staff regarding the issue. He stated the owner still wished to replace the windows as requested. Mr. Teeples noted he would argue the affected windows on the sides and rear of the home were not key character defining features of the structure to the extent of the windows on the front façade. He stated their application attempted to minimize the impact on the primary façade along the streetscape. Mr. Teeples noted they believed the new windows were designed to be maintained with less hassle than the existing historic windows.

Questions from the Commission [7:27:12 PM](#)

Commissioner James inquired if Mr. Teeples could provide details as to how the replacement windows would work within the existing casings.

Mr. Teeples noted he did not have that information available; however, he was willing to work with staff to come to an appropriate solution for the existing window casings.

Commissioner Hart noted that the windows on the secondary elevation to be removed would affect the existing trim.

Mr. Teeples stated the trim could be retained if the Commission requested. Mr. Teeples noted that in his opinion, the windows should be recessed much as they were currently. He stated they would try to install the new units while maintaining the current integrity of the home.

Chairperson Lloyd invited the applicant forward to address the Commission.

David Porter, the property owner, noted they had attempted to find an appropriate and sufficient replacement for the existing windows. Mr. Porter noted he believed the existing windows were in poor condition and would prefer the quality and soundproofing of the proposed windows for his home.

Commissioner James inquired how much the applicant had explored the possibility of rehabilitating the existing windows.

Mr. Porter noted he had not investigated that option thoroughly, but felt it would not be at all cost effective and did not feel exterior storm windows were appropriate.

Chairperson Lloyd inquired if the applicant had considered interior storm windows.

Mr. Porter stated he did not consider that to be an option, as he felt it would be detrimental to the interior of the home. He noted they were considering a significant expense with wood replacement windows and felt the proposal to be a worthy compromise between the future livability and the historic integrity of the home.

Public Comments [7:39:56 PM](#)

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

Executive Session [7:40:07 PM](#)

Commissioner Richards noted the two issues at hand seemed to be whether or not the windows were deteriorated to the point of requiring replacement; and if replacement was justified, that the proposed windows not appear quite different from the windows to be retained.

Commissioner Funk stated she believed there to be a misconception as to what storm windows looked like today versus those from the applicant's childhood.

Commissioner Richards noted he believed the fenestration to be one of the key character defining elements of the home and as storms would obscure this pattern, he did not feel they would be an appropriate substitute.

Commissioner James noted he agreed with the staff report in light of the standards, however, he was concern that the standards might be counterproductive to preservation goals of sustaining the structure's future. He noted the applicant was an individual who was willing to invest a substantial amount of money to improve the viability of his home.

Commissioner Richards noted he would like to have a work session with a window restorer and see how much work was involved and information on the costs involved.

Commissioner Harding stated an argument could be made that the windows were on secondary elevations and therefore allowed for more flexibility than those on the front façade.

Commissioner Bevins concurred.

Commissioner Hart noted the RDGs indicated the Commission should consider repair before replacement and weigh the materials. She noted she did not believe window repair could be as cost prohibitive as replacing them. Commissioner Hart stated the wood windows in her home had been rebuilt rather than replaced with new windows and worked wonderfully.

Chairperson Lloyd noted he believed the rebuilding of an existing window would likely cost twice what a traditional replacement window would cost.

Commissioner Funk left the meeting at this time.

Commissioner Hart noted she did not feel the windows required replacement.

Chairperson Lloyd inquired if this structure was considered more significant than other contributing structures.

Mr. Leith noted that the structure was categorized as "A" meaning it was considered to be a significant, intact structure. He stated that while it was clear the structure was not entirely intact it was very important as the former home constructed by a figure of national significance and the probable early alterations were recorded as part of the history of the home.

Commissioner Hart noted that the home appeared to have undergone a number of alterations and would not categorize it as pristine.

Commissioner Richards noted that there were three different types of windows already existing on the home and changing some of them might not be much of a difference.

Chairperson Lloyd inquired how the Commission believed they should address the windows on the secondary elevations.

Commissioner James noted the Commission should assess whether or not the materials themselves were considered significant.

Chairperson Lloyd noted the Commission had, in the past, discussed materials. He stated that unlike roofing which you would expect to replace several times over, historic windows were considered a more durable material and key to the appearance of a home. He stated that in this structure a good deal of the character was revealed in the windows.

Commissioner James inquired how long a wood window could continue to be serviced and repaired and rebuilt.

Mr. Leith stated as a point of comparison there was a photograph of a Saxon window frame featured on page three in a recent addition of *Context*, the quarterly publication of the Institute of Historic Building Conservation (IHBC) in Britain. Mr. Leith noted he believed the Saxon window was dated from approximately 800 A.D. He stated wood windows; particularly those built prior to World War II using wood from old growth forests and built with craftsmanship, could last indefinitely if maintained. He stated that ropes, widgets, pulleys and other elements used to maintain or improve workability could readily be replaced.

Commissioner James stated it was then more a matter of having the craftsmen available to maintain these resources.

Mr. Leith noted that this was true and while more of these craftsmen were needed, the State Historic Preservation Office did have a listing of contractors who worked on window rehabilitation.

Commissioner James noted he would be more comfortable approving the replacement windows if there were more detail available from the applicant as to how the proposed windows would impact the existing openings and the overall appearance of the home.

Chairperson Lloyd stated that the Commission might table the item and request more detail from the applicant regarding the impact of the windows on the structure.

Commissioner Bevins noted that Mr. Teeple, the contractor, had indicated he would at least recess the windows to a sufficient depth to maintain the existing profiles.

Commissioner Richards concurred with Commissioner James in that there were no details as to the positioning of the proposed windows, but that this could be reviewed by staff if the Commission requested the applicant to do so in their motion.

Commissioner James inquired if the Commission could deviate from the Standards.

Mr. Paterson noted that the Standards under the *Salt Lake City Zoning Ordinance*, 21A.34.020 were the basis for the Commission's decision. He noted that the Residential Design Guidelines were there to help the Commission interpret the Standards.

Commissioner James inquired if according to the Standards, if the Commission were to act in favor of the petition they would be finding that the windows were beyond repair.

Chairperson Lloyd stated the context of the Standards indicated the Commission was allowed more flexibility in their determination on non-principal façades.

Commissioner Harding noted she would like to try a motion on the matter.

Motion [8:10:12 PM](#)

In the case of petition PLNHLC2011-00059, Commissioner Harding moved to approve the petition, allowing staff to work with the applicant and contractor to ensure that the new windows are appropriately done. Commissioner Harding noted the basis for the motion as being Standard 6; *deteriorated architectural features shall be repaired rather than replaced wherever feasible*, but that Residential Design Guideline 3 also noted *character defining features of historic windows and their distinct arrangement should be preserved*, which required the Commission to consider whether the windows were truly character defining. Further to the Guidelines, in determining the windows architectural significance, the Commission needs to look at where they are located; because these windows are on the sides and the rear, the Commission would take advantage of the greater flexibility allowed them and conclude that these windows are not as character defining as the windows on the front façade and according to Standard 6 they are not so much important architectural features that should be repaired; therefore, replacement is appropriate and should be based upon accurate duplication of features substantiated by historic, physical or pictorial evidence and staff should consider these issues.

Commissioner Harding noted she believed this would satisfy Standard 6 of the Ordinance and Chapter 3 of the Residential Design Guidelines.

Commissioner Davis seconded the motion.

Discussion of the Motion [8:12:10 PM](#)

Commissioner Hart noted she believed the windows on the south and north elevations were visible from the street and as such were of a more principal nature.

Commissioner James noted some of the windows on the second level were a different configuration as well.

Seeing no further comments, Chairperson Lloyd called for a vote on the motion.

Commissioners Bevins, Davis, Harding, Haymond and Richards all voted, "Aye". Commissioner Hart voted, "Nay". Commissioner James abstained from the vote. The motion carried, 5-1 with one additional vote in abstention.

Commissioner James inquired what the process was for staff review in such cases.

Mr. Paterson noted staff tried to take direction given by the Commission in terms of which issues the Commission believed were important before issuing a Certificate of Appropriateness. Mr. Paterson stated that during the hearing staff had noted the Commission was concerned regarding how the windows might fit into the existing frames, if the wood framing would remain in place and how the new windows would be recessed. He noted staff would consider obtaining drawings to further illustrate solutions for these issues.

Commissioner Davis noted the Commission relied on the expertise of staff in such cases.

Chairperson Lloyd concurred.

PLNPCM2009-00638, Commercial Design Guidelines – The Salt Lake City Planning Division hired consultant Thomason & Associates to create a new section for the design guidelines used by the Historic Landmark Commission to make design review decisions for properties with local historic designations. Currently the design guidelines are for residential properties only. This supplemental information will provide guidance for commercial properties. The draft document will be available at the City's Web site at <http://www.slcgov.com/boards/HLC/hlc-agen.htm>. The petition requires the Historic Landmark Commission to forward a recommendation to the City Council. This document would affect areas City-wide. (Staff contact: Janice Lew, 801-535-7625, janice.lew@slcgov.com)

Staff Presentation [8:16:47 PM](#)

Chairperson Lloyd recognized Carl Leith as staff representative in Ms. Lew's absence.

Mr. Leith noted the Commercial Design Guidelines had been reviewed by the Commission before and the document had been refined to try and address issues the Commission had identified. Mr. Leith noted that the contract with the consultant had concluded and the document was now in the hands of staff for final revisions. He noted the sign guidelines would be removed from this document and treated as a separate set of guidelines. Mr. Leith noted that the glossary would also be removed and recreated as a separate document common to all of the design guidelines. He noted staff was looking for any comments the Commission might have on the current draft.

Questions from the Commission [8:21:06 PM](#)

Commissioner Harding commended the addition of more photographs to the document.

Chairperson Lloyd and Commissioner Richards inquired how the sign guidelines would be presented.

Mr. Leith noted that the sign guidelines would stand alone in the future as a related but separate reference document. He noted that the sign guidelines needed to be addressed in more detail than the current draft as well, including more information and illustrations to make the guidelines as accessible and informative as possible.

Commissioner James stated he believed the new construction section to be a bit schizophrenic, particularly Standards 12.29 and 12.30 on page 106:

12.29 Contemporary interpretations of traditional details are encouraged.

12.30 The imitation of historic styles is discouraged.

He noted that in looking at the photo examples for these standards, it was difficult to ascertain a difference. He stated it seemed the photos were not necessarily the best available examples either.

Mr. Leith noted this was an astute observation and staff would try to address it.

Commissioner James inquired about the example given on page 108 of a shed roof canvas awning on a building which would not be considered contributing. He inquired if a better example could be provided. He noted he would like to see more of a discussion in the future on “spirit of place”; more focus on contributing to the community rather than the imitation or interpretation of historic styles.

Mr. Leith concurred. He noted that at this time many of the photographic examples took cues from a preservation standpoint rather than focusing on examples of how guidelines could help to enhance local communities. He stated it might be valuable if Commissioner James could provide comments for staff on how to develop this aspect of the guidelines.

Commissioner Davis noted that the description given by Commissioner James sounded more like a conservation district which was more about an overall purpose rather than preserving individual structures and their features.

Commissioner James stated he was concerned these guidelines could create a snapshot in time which would not allow for the continued evolution of a neighborhood or area. He noted he had concerns that non-contributing structures were being caught in this process and not being considered as much a part of the neighborhood aesthetic as contributory structures.

Commissioner Harding noted perhaps the Commission should consider tabling the item for further analysis.

Chairperson Lloyd noted Commissioner James’ concerns seemed to be part of a larger discussion on what actually made a contribution to the overall character of an area besides its historic structures.

Commissioner James stated that the guidelines did include some great examples, but did not grant the reader a consistent or easily ascertained point of view.

Mr. Leith concurred. He noted including better examples and more photos would be helpful towards directing the vision of the document.

Commissioner Davis stated he had a hard time understanding past comments which indicated a historic designation froze a structure in time when this was not the case according to past reviews of the Commission. He noted it was the same for commercial structures; applicants could update mechanical systems, paint any color, make other updates, but should try to conserve character defining features of the existing structures.

Commissioner Richards noted that they identified structures as contributing or non-contributing so that they would not be beholden to the same standards.

Chairperson Lloyd noted a recent example of good commercial infill development was the new Whole Foods Supermarket at Trolley Square. He stated the question for the Commission at the time it had been

reviewed was how to translate new construction as a product of its time without detracting from the historic character of the original Trolley Barn. Chairperson Lloyd noted that perhaps the CDGs could help to better illustrate such issues or might use this project as an example.

Mr. Leith noted it was the nature of commercial uses to change frequently. He stated that future discussions should focus upon improving what is present; thus improving overall character in the process.

Mr. Paterson noted that if the Commission wished to table the item they could do so. He stated staff wished foremost to create a quality document for the City.

Commissioner James asked if design guidelines were taken through an application process before approval.

Mr. Paterson stated that if there were a way to do so, staff would be open to it.

Chairperson Lloyd noted that if a property owner might elect to do so, staff could find a test case.

Commissioner Davis noted that this document seemed to be a tool which would ease the process for owners and developers of commercial properties. He stated it appeared to clearly identify those aspects which were important for preservation.

Mr. Paterson noted staff would take any additional comments the Commission had and work with the Commission on an approach to move forward with the guidelines, possibly finding a test case, perhaps hosting a directed design charrette with professionals in the community to gather feedback.

Mr. Leith noted he understood a previous work session on the CDGs had been very beneficial to the Commission and staff; perhaps a further detailed work session would be advantageous.

Public Comments [8:48:04 PM](#)

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

Executive Session [8:48:19 PM](#)

Commissioner Hart noted she found some additional corrections in the text of the draft document. She gave her copy to the secretary to forward on to staff.

Motion [8:49:10 PM](#)

In the case of PLNPCM2009-00638, Commissioner Harding moved to table the item and hold a work session, asking that Commissioners with comments forward them to staff as soon as possible.

Commissioner Richards seconded the motion.

There was no discussion of the motion.

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

OTHER BUSINESS [8:49:45 PM](#)

The Commission had no further business to discuss.

Commissioner Hart moved to adjourn. Commissioner Harding seconded the motion. There was no objection. The meeting stood adjourned at [8:49:54 PM](#)

Cecily Zuck, Historic Landmark Commission Secretary