

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

Minutes of the Meeting
Room 326, 451 South State Street
September 15, 2011

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on September 15, 2011.

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

A regular meeting of the Historic Landmark Commission was called to order on Thursday, September 15, 2011, at [5:39:45 PM](#) in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included Sheleigh Harding, Acting Chairperson, Dave Richards, Bill Davis and Arla Funk. Commissioner's Anne Oliver, Earle Bevins III, Stephen James and Polly Hart were excused.

Planning staff present for the meeting included Cheri Coffey, Assistant Planning Director; Joel Paterson, Planning Manager, Carl Leith, Senior Planner; Janice Lew, Senior Planner; Katia Pace, Principal Planner; and Michelle Moeller, Senior Secretary. City Attorney Paul Nielson was also present.

FIELD TRIP [5:39:41 PM](#)

Commissioners Funk, and Richards were present for the field trip along with staff members Joel Paterson and Katia Pace. All left the City and County Building at 4:30 p.m. and visited the sites of the public hearing items that evening.

PLNHLC2011-00456, 1158 East 400 South – Staff presented the proposal for the new garage. Commissioners asked questions regarding the location of the garage, the orientation of the vehicle access to the garage, the height, visibility of the garage from the public street and materials.

DINNER [5:39:42 PM](#)

Dinner was served to the Commission and staff at 5:00 p.m. in Washington Square Cafe. The Commission had no substantive business to discuss.

WORK SESSION [5:39:44 PM](#)

PLNPCM2011-00472 Design Guidelines for Signs - A petition initiated by Mayor Ralph Becker to create historic district design guidelines relating to signs. Guidelines will be for commercial signs located in an area with a local historic designation. Policies, definitions, and guidelines for maintaining existing signs, as well as for new construction will be included in the document. No sections of the Zoning Ordinance will be modified or affected by this petition

Mr. Ray Milliner explained he would like to discuss the philosophy and language of the document. He stated he would like feedback from the Commission regarding the text and language and then over the next couple of meetings he would come back with the updates. Mr. Milliner stated the goal was to have a final draft ready for the first meeting in November in order to make a recommendation to the City Council. Mr. Milliner reviewed the step by step process the document would take to achieve the final goal.

The Commission asked Mr. Milliner to review some of the areas that have changed and developed.

Mr. Milliner stated the document had changed significantly from the first version that was presented a few months ago. He said originally the sign section was included with the overall Residential and Commercial Design Guidelines and after review it was decided the original document was not sufficient to cover the needed information therefore, it was made into an individual document. He explained language had been taken from the original document and inserted in to the new document along with new information and language. Mr. Milliner reviewed the layout and flow of the document as presented to the Commission. He explained the differences between the new and old documents and the improvements such as the addition of language and explanations.

Commissioner Richards stated he was a little confused on the layout of the document. He referred to a section under illumination which had a policy statement listed and said not all of the categories had policy statements.

Mr. Milliner stated that was correct some of the items did and some of the items did not have policy statements.

Commissioner Richards stated he was trying to see the outline form and what the major topic and sub topics were. He said it was not clear on some of the categories.

Mr. Milliner stated he would create a policy for each of the areas if that was the direction of the Commission.

Commissioner Richards stated he was not sure if that was what was needed and he would like to discuss the subject further. He stated the first few guidelines were excellent but the items further into the document with the policy heading made it confusing. Commissioner Richards stated he didn't know if each section needed a policy statement or if it was incorporated into the general description after the heading and he thought it was not clear as to what the intent was. He reviewed the different areas with and without a policy and how the language could be changed to correctly reflect what Salt Lake City was looking for.

Mr. Milliner stated he would make the needed adjustments.

Acting Chairperson Harding said on page 11, the policy statement was interesting in reference to the sign content being clearly legible and visually interesting. She asked if that was a mandate that the Commission wanted to give people and made the decision. She said she wondered if it should really be a part of the guidelines.

Mr. Milliner stated the idea was to encourage people to be creative with the signs. He gave examples of Historic signs and how the signs were more works of art than just letters on a board.

Acting Chairperson Harding stated it felt very subjective.

Commissioner Richards stated it was similar to when the guidelines required something to be compatible. He stated the limits to the size were also arbitrary because it was the scale and proportion of the building that would determine the width and height that a sign could be.

Acting Chairperson Harding stated it should require the sign to be proportional instead of limiting it to a number.

Commissioner Richards agreed.

Mr. Milliner asked if he changed the language to read it should be proportional to the size of the façade.

Commissioner Richards stated yes if one were to look at a typical store front with an awning, there was a natural place for the signage and depending on that space, the size of the sign would be determined.

Commissioner Funk referred to page 7, guideline 6, the language was similar and needed to be addressed.

Mr. Milliner stated the idea was that a projecting sign, for example on the third floor of a building, should not project out twenty five feet. He said the ideal sign would be approximately eight feet off the ground and project out no more than thirty-six inches.

Commissioner Funk stated there were places in the document where similar statements were made. She said the language was repetitive and people could argue what the appropriate sign size was for their building. Commissioner Funk stated there were numerous places in the documents that stated it should fit the architectural elements of the façade. She suggested making a general statement at the beginning of the document that all signs attached to buildings should fit within the architectural façade rather than repeating it.

Mr. Milliner stated he would make that change. He said the reason for the repetition was to aid reviewers, architects and builders in creating signs. He stated he was concerned the information at the beginning of the document would be skipped and one would jump to the section pertaining to their project and not read the general requirements.

Commissioner Funk said on the first page some of the language was negative and needed to be reviewed. She read the section regarding the review of a sign and asked why it was included

since the Commission was all ready doing that. Commissioner Funk stated she didn't think it should be verbalized. She said to change it to say the applicant provided an outline through which projects could be evaluated and to stop at that point. She said the same thing would apply to the last sentence of the next paragraph.

Commissioner Davis asked if there would be graphics and photos in the document.

Mr. Milliner stated yes there would be a number of pictures and graphics throughout the document.

Commissioners Richards and Davis stated they felt the existing graphs were quite helpful and useful to one reading this for the first time.

Commissioner Funk asked for an explanation on page 9, regarding guideline 14, regarding sign lighting.

Mr. Milliner stated it was a typo and should read the light should be directed towards the sign.

Acting Chairperson Harding referred to page 12, at the top regarding animated signs in historic locations. She stated it could be read a couple different ways and needed to be reworded.

Commissioner Richards suggested the sentence read animated signs may not be appropriate on historic locations. All animated signs will be reviewed on a case by case basis.

The Commission and Mr. Milliner agreed to the proposed language.

Commissioner Funk referred to page 15, guideline 32; it reads that a window sign should not obscure the display area. She said she could think of historic places that may have the whole window as stain glass which would be obscuring the window in a sense but it was the businesses trademark. She asked would they not be allowed to do this.

Mr. Milliner stated if he were reviewing a case with a similar situation he would say the applicant didn't have a display area.

Commissioner Funk stated or that the stain glass was the display.

Mr. Milliner stated yes if they put up a stain glass window that reflected the business he would approve it.

Ms. Cheri Coffey, Assistant Planning Director, asked Mr. Milliner to clarify the language to reflect what was allowed and not allowed.

Acting Chairperson Harding stated there needed to be a comma under guideline 32, the first bullet point – painted, applied, transferred. She said on number 33, it says window signs should supplement the principle signs for the premises and not promote periodical sale of merchandise. She asked if that meant business owners could not promote items on sale in their front window.

Mr. Milliner stated the idea of that was to deter business owners from using window paint and to encourage the use of more professional looking signage.

Acting Chairperson Harding stated it needed to be clearer because it made one think that a sale notice could never be posted.

Commissioner Richards asked regarding the same guideline, where did the 25% or 8 square feet come from and what was the thinking behind the numbers.

Mr. Milliner stated the idea was Staff did not want the window to become an ad hoc sign because the window was an important architectural feature of the building. He said the 25% was a number used in other cities and the finding was that if 25% of the window was covered it gave a sufficient amount of signage area and still kept the window looking the way it was designed to look. He said the 8 square feet was to limit the signage space if a business had a large window.

Acting Chairperson Harding referred to page 16, guideline 37, regarding internally illuminated signs. She said it stated letter height should be determined based on the size and design of the building façade. She agreed it made sense but as it had been pointed out, in other areas there are limits to size rather than basing it on the size and design of the building façade. Acting Chairperson Harding said she wondered if the language in guideline 37 would reflect a better standard for the other areas.

Mr. Milliner stated he would change the wording to be consistent.

Commissioner Richards said it could be worded different to say it should be proportional to the size and design of the building façade.

Commissioner Funk asked about the statements referring to painting over and restoring historical signs. She asked if there was an application that could be put on the building to preserve the sign and if it was allowed.

Mr. Milliner stated the regulations were not eliminating any kind of preservation for those types of signs and if it was it needed to be changed. He explained his understanding on the ghost signs was to let it age as it had been. He gave the example of a sign in Park City where the experts said the sign should be left as is and let to age on its own.

Commissioner Richards stated he had flagged that section as well and his thoughts were what if the sign was not relevant to a new business taking over said building, but the sign was a landmark. He asked how one would regulate the covering or removal of such a sign when a business owner revamping a building needed the area for his business's signage.

Mr. Milliner gave the example of the sign at the Scenic Motel where the historical sign was retrofitted to work for the new business. He stated he was not sure if that would work for other signs but would encourage the adaptive reuse of old signs.

Commissioner Richards stated he could see that issues being raised frequently.

Mr. Milliner agreed, he stated there are a lot of old YESCO signs around that people want to keep but may not apply to new business.

Commissioner Richards suggested possibly giving those individuals leeway on the other sign regulations if they are willing to keep the historic one so it was not lost.

Mr. Milliner stated it could be researched and addressed.

Commissioner Davis asked about historical signs that were deemed inappropriate for new businesses, what would they be required to do.

Mr. Milliner stated Staff would not require the sign to be kept but would strongly encourage it.

The Commissioner's discussed the options to encourage people to keep the historical signs.

Ms. Coffey stated the ordinance needed to give the Landmarks Commission the authority to grant special placement of signs in Historic Districts if a historic sign was preserved. She said she didn't think that authority currently existed but the ordinance could be changed to provide such authority to the Commission in order to save a historic sign.

Mr. Milliner reviewed the success stories for keeping historic signs such as the Walker Bank, Perry Hotel and the First Security Bank signs. He said there are a few that have been saved but it would be nice to keep some of the smaller ones as well to help reflect the history of Salt Lake City.

Commissioner Richards suggested an owner with a historic sign, that was inappropriate for their business, could possibly cover the historic sign with their sign with something that would be removable and would protect the historic one.

Acting Chairperson Harding said on page 17, guideline 41, the first bullet point was going beyond what the Commission should do. She said she didn't think it was correct to say to a

business owner that they were not allowed to have seasonal decorations more than six weeks in advance because it might put them at an economic disadvantage, it could create litigation and it was micro managing. Acting Chairperson Harding stated it should be left out of the document.

Mr. Milliner stated he would remove the language. He reviewed the definitions and explained most of the language included was taken directly from the ordinance. Mr. Milliner said at the next meeting he would give the Commission an indication of which definitions were from the ordinance and which were not. He explained the Commission could fine tune the definitions that were not from the ordinance but Staff would like to leave the definitions from the ordinance as they were.

Commissioner Funk asked for clarification on flashing and illuminated signs and where they were and were not allowed.

Mr. Milliner said he would check the ordinance and make the necessary adjustments.

Acting Chairperson Harding asked if arterial streets needed to be defined because certain things were allowed on arterial streets that may not be allowed in other places.

Mr. Milliner stated it was defined in the streets plan and could be added to the Sign Regulations as well.

Acting Chairperson Harding stated it would helpful for a reader to have it listed.

Commissioner Richards asked if he was correct in thinking all building signage was reviewed as a separate permit.

Mr. Milliner stated that was correct, a sign permit was a separate building permit. He reviewed the process for acquiring a sign permit.

Commissioner Richards asked if projects were doing a separate application for signage or was it bundled together with other permits.

Mr. Milliner stated it was his understanding that it was a separate application.

Commissioner Richards asked if that was still the case if someone had all the plans and information ready when they applied for a permit or could it be bundled together.

Mr. Milliner stated the same reviewer would probably review the information but would still issue two permits.

Commissioner Richards asked if the fees were separate.

Mr. Paterson stated they would bundle the permits together to expedite the process but the fees and permits were separate. He explained they were always separate regardless if brought in and submitted together or not.

Mr. Milliner stated, usually two different entities worked on the permits, the sign contractor and the building contractor.

Acting Chairperson Harding asked on guideline 30, the first bullet point regarding the alignment of signs along a block face. She said the word “align” could be misunderstood and may need to be changed.

Mr. Milliner suggested changing it to compatible.

Acting Chairperson Harding asked if there was anything more that needed to be done for the Design Guidelines for Signs.

Mr. Milliner stated he would make the changes and bring the document back for review with the photos and proposed format.

ADMINISTRATIVE BUSINESS [6:12:12 PM](#)

Report of the Chair and Vice Chair [6:12:18 PM](#)

Acting Chairperson Harding stated both the Chair and Vice Chair were not present at the meeting therefore there was no report to be given.

APPROVAL OF THE MINUTES from September 1, 2011. [6:12:19 PM](#)

Due to the lack of a quorum the September 1, 2011 minutes were not reviewed or approved.

Acting Chairperson Harding asked if the meeting needed to be terminated at this point for the lack of a quorum

Mr. Paterson stated official action could not be taken therefore, the meeting could be adjourned. He explained the case listed on the agenda was able to be approved by staff and Mr. Paul Nielson would explain the reasoning.

Mr. Paul Nielson said he reviewed the issue and looked at the ordinance for language regarding the limit of 600 square feet; it did not exist in the Zoning Ordinance and was only in the policy document. He said that 600 square foot number was in essence a regulatory provision and by creating that regulatory standard the Commission acted as a legislative body without authority. He said his advice to Mr. Paterson and Ms. Coffey was that it was a void provision.

Acting Chairperson Harding asked didn't the Commission regulate all the time.

Mr. Nielson stated yes, when given the standards to do so but the Commission could not create standards for approval without the City Council's approval as a regulatory legislative matter.

Mr. Paterson said Ms. Pace reviewed the case, based on the standards in the ordinance and recommended approval. He stated following the discussion with Mr. Nielson and the lack of a quorum the Certificate of Appropriateness was issued administratively.

Commissioner Richards asked if an applicant had any recourse if they came to a meeting and a quorum was not present.

Mr. Nielson explained that a State Code provision known as the "rip-cord provision" which allows the applicant to request the Court to require that a decision be rendered on a project within 45 day. He explained most of the time when a quorum was not present at a meeting the cases were pushed to the next meeting.

Commissioner Richards stated he would not be happy if he was an applicant who showed up and a quorum was not present. He asked what an applicant could do to if this happened.

Mr. Nielson said they could complain to the Mayor's Office.

Commissioner Richards asked if there was automatic approval.

Mr. Nielson stated no, there was not.

Commissioner Richards stated it was not fair to the applicants to not have a quorum present and it was important as Commissioners to attend meetings regularly.

Ms. Coffey said if there were individuals, the Commissioners knew of, that would be interested in joining the Historic Landmark Commission send them to the Mayor's Office to complete an application.

The meeting stood adjourned at [6:20:16 PM](#)

Michelle Moeller, Historic Landmark Commission Secretary