

**SALT LAKE CITY**  
**HISTORIC LANDMARK COMMISSION**  
**Minutes of the Meeting**  
**Room 326, 451 South State Street**  
**January 5, 2012**

*This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on January 5, 2012.*

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

A regular meeting of the Historic Landmark Commission was called to order on Thursday, January 5, 2012, [5:39:16 PM](#) in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah,. Commissioners present for the meeting included, Chairperson Anne Oliver, Vice Chair Polly Hart, Dave Richards, Sheleigh Harding, Earle Bevins III, and Bill Davis. Commissioners Arla Funk and Stephen James were excused.

Planning Staff present for the meeting included Cheri Coffey, Assistant Planning Director; Joel Paterson, Planning Manager, Ray Milliner, Senior Planner, Michaela Oktay, Principal Planner and Kalli Ruiz, Senior Secretary. City Attorney Paul Nielson was also present.

**FIELD TRIP [5:39:37 PM](#)**

No field trip was held for this meeting

**DINNER [5:39:46 PM](#)**

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

**REPORT OF THE CHAIR OR VICE CHAIR [5:40:19 PM](#)**

Chairperson Oliver stated she did not have anything to report.

Vice Chairperson Hart stated the Filmore Street subcommittee met after the last meeting and was item one under Public Hearing on the agenda.

**REPORT OF THE DIRECTOR [5:40:50 PM](#)**

Ms. Cheri Coffey, Assistant Director, stated she did not have anything to report at that time.

**APPROVAL OF December 15, 2011 MINUTES [5:40:58 PM](#)**

**MOTION [5:42:14 PM](#)**

**Commissioner Hart moved to approve the minutes of December 15, 2011 with corrections. Commissioner Davis seconded the motion. Commissioners Hart, Richards, Bevins, and Davis voted Aye. Commissioner Harding abstained as she was not present at the meeting. The motion passed with a 4-0 vote Chairperson Oliver did not vote.**

**PUBLIC COMMENTS [5:42:46 PM](#)**

No Public comment at this time.

**WORK SESSION [5:43:06 PM](#)**

**PLNHLC2011-00466 Ronald McDonald House, 925 & 935 E South Temple Certificate of Appropriateness for New Construction and Additional Height**

- A request by Ronald McDonald Charities represented by Casey McDonough, to remodel an existing building and build a new four story building at approximately 925 E South Temple. As part of the review, the applicant is requesting Commission approval of an additional 15 feet of height over the allowed 35 feet. The purpose of the structure is to provide accommodation facilities for families dealing with major medical issues.

Mr. Ray Milliner, Senior Planner reviewed the petition as presented in the Staff Report. He stated the Applicant was looking for feedback regarding the proposed changes. Mr. Milliner stated if the designs met the Commission's approval then the process of approval would be moved forward.

Mr. Allen Roberts, Architect, reviewed the proposal as presented in the Staff Report. He reviewed the history of the project and the purpose of the design for the structure. Mr. Roberts stated the reason the project was not able to follow the guidelines was because the guidelines were for single family homes, not buildings such as what was being proposed. He stated that was the number one difficulty with the proposed project therefore, they had looked at other buildings in the area that closely resemble the proposed project to determine what needed to be done to make the building more compatible with the area. Mr. Roberts reviewed photos of the area and discussed the characteristic statistics for the area versus what was required by the guidelines or requested by the Commission. He stated some of the advice being given was contrary to the types of building in the area and/or the guidelines. He stated it was difficult to construct a building under these recommendations. Mr. Roberts said they were attempting to be compatible with what currently existed on South Temple but there was a conflict with the standard regarding an articulated entry and the location of parking on the site. Mr. Roberts stated most buildings with articulated entries did not utilize them. He stated the circulation of South Temple had changed and thus needed to be taken into consideration. Mr. Roberts explained the project would be designed to a LEED Silver standard which was compatible with the City's

requirements. He stated they believed the design was not only compatible with the South Temple design guideline, it also complied with the Secretary of the Interior Standards. Mr. Roberts reviewed the proposed project and how it met the guidelines he stated it was the Applicant's goal to get everyone to support the same idea and move the project forward. He asked the Commission for feedback on the option they preferred.

#### **COMMISSION COMMENTS [6:04:57 PM](#)**

The Commissioners discussed the layout and design of the building. The following comments were made:

- Closer to a hotel than an apartment building.
- Height of the building was allowed to give the Applicant the flexibility to create a building that was a somewhat monumental building to compliment the area.
- Lack of a front entrance on South Temple
- Scheme C was closer to what the Commission was looking for with the following recommendations:
  1. Do away with the entrance and canopy in the center and the right hand side of the front façade.

Mr. Roberts stated those points were understood however, the guidelines did not call for monumental or landmark style buildings in the area. He said the Applicant had a budget for the purpose of designing the building that did not allow for a monumental building as described by the Commission. He explained there were different materials, façade breakups, massing and design details that had been incorporated to make the building compatible. Mr. Roberts stated he felt the concerns had been addressed in the new design. He reviewed the monumental entry on South Temple and explained the other two entries, on that side, were to provide access to the play areas. He explained an entrance on the South Temple side did not work with the buildings programming.

The Commission and Applicant discussed buildings in the area that had entrances from the corner as proposed for this building.

Commissioner Davis stated at past meetings it was indicated by the Public that the character defining features in the area were porches and balconies which would better follow schemes A and B. He asked if the proposed balconies were actual functioning balconies.

Mr. Roberts stated the balconies would not function as other building in the area because of the safety risks with children in the building. He stated the balconies were not preferred but would be added if it was the Commission's preference.

Commissioner Davis stated many of the other building in the area had balconies that were

functional and the statistics reflected that as well. He said balconies were certainly a character defining feature not the articulated entry.

Mr. Roberts stated he knew that many of the balconies found on South Temple are not currently used although they may have been historically. He asked the Commission if faux architecture should be used for visualization sake at the cost to the Applicant, although it would not be functional but more of a liability. He asked if that was really what the City of Salt Lake or the Commission wanted people to be doing.

Commissioner Bevins stated he agreed with Mr. Roberts regarding the balconies being faux. He said the building fell between an institution and apartment type building because of the programming of the structure.

Mr. Roberts reviewed the room functions in the building and explained the top floors would be used for housing. He stated that the type of building was not the issue; the issue is design compatibility with the area.

The Commission and Applicant discussed buildings in the area and what the prominent features were of each.

Commissioner Bevins stated everyone was hung up in the purpose of the building and trying to make it a house when it was not. He stated the existing Ronald McDonald House's architecture had not been mentioned.

Mr. Roberts stated they were going to leave the exterior as it was, except for the round concrete columns. He explained there was an adverse feeling with the Ronald McDonald House Staff and Board regarding the columns so the idea was to clad them with brick or tile and have them be concrete. Mr. Roberts stated they were also converting some of the attic rooms into units therefore, dormers would be added. He stated it would be connected to the new building by a bridge but it would be architecturally neutral.

Commissioner Bevins asked if it was designed as a house like structure.

Mr. Roberts reviewed the structure size and height. He explained it was most likely designed to be compatible but had caused many difficulties with the use of the building. He asked for guidance from the Commission on what they would like. Mr. Roberts stated the Applicant would like to move forward with the project sooner than later.

Commissioner Bevins asked about the awnings over the entrances, what material would be used and which of the entries would be functional.

Mr. Roberts explained the material was copper; the entrances on the left were functional and led to outdoor play areas. He discussed the safety precautions taken to keep people away from the children in those play areas.

Commissioner Bevins asked why the Applicant was afraid to have people entering from South Temple but would allow play areas to be on South Temple.

Mr. Roberts stated the drawing have always indicated play areas but not for public access. He stated the entry would only be there for visualization.

Commissioner Richards stated the designs had improved. He stated his personal preference was scheme C because it fit with the area. Commissioner Richards stated the signature entry was becoming less important to him than originally thought and he would be willing to move for approval if scheme C were up for consideration.

Commissioner Richards asked how deep the recess was in terms of the articulations.

Mr. Roberts stated it was approximately four to six feet along the façade.

Commissioner Richards asked if it was enough to give a fairly solid shadow line.

Mr. Roberts stated it was.

Commissioner Richards stated he felt the breakup of the façade reflected the suggestions from the Commission to not have a solid wall on that side of the building.

The Applicant and the Commission reviewed the aspects of the structure versus what was presented at previous meetings and what made the proposed structure mesh together better than before.

Commissioner Harding stated she and Commissioner Funk were on the same page regarding the need for an articulated entrance as it was hard to make sense of it visually. She stated she agreed with the consensus of moving toward scheme C as it had an articulated entry regardless of its use.

Mr. Roberts asked if the proposed entrance was articulated enough.

Commissioner Harding stated she did not think it was enough.

Mr. Roberts asked if something was taken from another scheme and added to scheme C would it make a difference.

Commissioner Harding stated it depended on what was added but was an option.

Mr. Roberts asked if anyone from the Ronald McDonald House would like to speak regarding the structure. He reviewed the additions that would possibly be added to scheme C to create the articulated entry.

Commissioner Hart stated a balcony over the entrance would be sufficient because it would bring attention to the entrance.

Commissioner Harding asked if the entrance was requested to be centered.

Commissioner Hart stated she suggested it but was not sure if it was a requirement.

Commissioner Davis stated the object was, if one was looking up at the building from 900 East they would be looking at the left end of the building therefore, the articulated entrance should be to the left.

Commissioner Richards stated he thought the building had balance the way it was even though the entrance was not centered.

Mr. Roberts asked the Commission's preference on the roof layout.

The Commissioners stated they liked Scheme C's roof layout. They discussed the flat roof design and stated it was compatible with other buildings in the area.

Mr. Roberts reviewed the placement and possible size of the entrance.

Ms. Carrie Romano, Ronald McDonald House stated CRSA was selected as the Architect because of their background with historic buildings. She asked the Commission for detailed suggestions and guidance to help move the project forward. She stated there were concerns from the local Community Councils regarding height exceptions and the message heard from the Historic Landmark Commission, at the last meeting, was that it was appropriate for the building to be higher. She asked if that was correct as they would like to return to the other Community Councils and let them know what the Commission's direction was. Ms. Carrie Romano thanked the Commission for their time and work on the project.

Commissioner Bevins asked if the canopies to the right would remain.

Mr. Roberts stated he thought they had a function in terms of protection from the weather. He stated the awnings could be smaller if needed and reviewed the proposed look of the entrances.

Chairperson Oliver asked about the last bay and if it would have a standalone feel or would it continue around to the other side. She stated she still had concerns about the building exceeding the height limit as the structure created a solid wall no matter what was done with the structure.

The Applicant and Commission discussed the solid wall and massing of the structure along South Temple. The Applicant explained the corner would stick out further in both directions.

Chairperson Oliver stated her concern was that solid masonry L shaped building would be created and she was uncertain if the additional height was ok across the board.

Mr. Roberts stated he did not agree with the assessment of two solid walls. He explained the different materials used and how the massing would be broken up to be different than anything else in the area.

The Commission and Applicant discussed the mass of the wall in comparison with other buildings in the area.

Chairperson Oliver stated it was important for the corner to stand out and asked if the meditation chapel was accessible from the fourth floor or was it a true separation or a recess.

Mr. Roberts stated there was a connection to the chapel from the fourth floor hallway.

Chairperson Oliver asked if it would be a more successful building for the location, shape and its programming if it were to be a three story building rather than four. She stated she understood the Applicants goal was for a four story structure but she would like a three story version to be considered.

Mr. Roberts explained the loss of the fourth floor would result in the loss of seventeen units which would hurt the program. He explained the average height in the area was four stories and made sense for the site. Mr. Roberts stated if the guidelines had been in place years ago some of the buildings would not exist because they would not have met the guidelines. He stated he felt it was a reasonable solution for the site and the program needs.

The Commission and the Applicant discussed the changes in height, material, color and design from the original design to what was being proposed. They discussed who suggested the

building height and design and how the proposed building came about through discussion.

[6:39:13 PM](#)

Mr. Ray Milliner, Senior Planner summarized the discussion and asked if scheme C was the design that the Commission preferred with the suggested variations.

Chairperson Oliver stated it was the version that best fit with the context of South Temple.

Mr. Milliner said he would like to encourage the Applicant to meet with the Community Councils in the time between now and the next meeting and based on that, Staff would schedule it for a Public Hearing and possible action. He asked the Commission if that was correct.

The Commissioners stated that was correct.

**PUBLIC HEARINGS** [6:40:42 PM](#)

**PLNHLHC2011-00604 1363 S Filmore Street Certificate of Appropriateness for Major Alterations** – A request by Warren Lloyd, Architect, for major alterations and a new garage at approximately 1363 S. Filmore Street. The request is for the approval of a rooftop addition on the home, and increasing the allowable height for a new garage. The property is located in the Westmoreland Historic District and the R-1/7,000 (Single-Family Residential) zoning district.

Ms. Michaela Oktay, Principal Planner, reviewed the petition as presented in the Staff Report, gave the history and reviewed the updates to the design from the Architectural Subcommittee. She stated it was Staff's recommendation based on the analysis and findings of the Staff Report, that the portion of the proposed addition located behind the ridgeline and the proposed garage substantially met the relevant ordinance standards however, the proposed addition that was visible from the street, specifically in front of the ridgeline, did not substantially meet the relevant design standards. Ms. Oktay said if the Commission concurred with the Staff analysis and the findings in the report, Staff recommended the following options:

1. Deny the request as proposed but approve the garage design without additional height,  
or
2. Convene a second Architectural Subcommittee meeting and postpone a decision regarding additional garage height after matters concerning a possible rooftop addition were decided.

Commissioner Harding stated she was at the Architectural Subcommittee and Staff said nothing of their concerns. She said it was frustrating to read those now when there was a time set aside to review them with the Applicant. Commissioner Harding asked if there was a second Subcommittee meeting was there a guarantee that would not happen again.



Mr. Joel Paterson, Planning Manager, stated Staff had expressed their concerns about the design from the beginning. He stated Staff's concern regarding the vertical element were raised at the work session, the concerns about the position of the second story addition forward of the ridgeline were raised and other alternates and design possibilities were discussed with the Applicant.

The Commission stated in the future they would like Subcommittee meetings to be conducted in a way that enabled all concerns and issues to be addressed during the meeting.

Ms. Cheri Coffey, Assistant Planning Manager, stated usually Subcommittee meetings were for the design issues to be addressed and Staff would work to change how the meetings were conducted in the future.

Mr. Ken Engeman, property owner, clarified there was 1,395 square feet of living space in the home. He stated there was not finished or living space in the basement. Mr. Engeman stated the property constraints did not allow for a rear addition to the home. He stated the addition of 1,114 square feet to the top of the structure would give the home 2,509 square feet of living space.

Commissioner Bevins asked if that included the addition on the main level.

Mr. Engeman stated it did include the small addition on the main level. He reviewed the discussion from the Subcommittee meeting and said with the feedback given at the meeting, the plans were updated. Mr. Engeman stated he was not worried about receiving tax credits just he only wanted the project done correctly. He asked the Commission to approve the project and stated all the neighbors were supportive of the changes.

Commissioner Richards asked if Mr. Engeman had received a copy of the email, sent to the Commission regarding the garage height.

Mr. Engeman stated he had not received an email and was not aware of the concern.

Mr. Warren Lloyd, Architect, thanked Ms. Oktay for her work on the project. He outlined what was discussed at the Subcommittee meeting that lead to the proposed structure. He said the two major points of discussion were if the home could be designed as a two story structure and if it could be done in a way that was sensitive to the streetscape. Mr. Lloyd stated the corrections and changes to the proposal were in response to what was said during the Subcommittee meeting. He reviewed the standards for the project as stated in the Staff Report. He asked the Commission to determine if the project met at least most of the standards and if so to approve the project. He stated if the approval was not considered then another Subcommittee meeting

needed to be conducted in order to decide what was necessary for approval. Mr. Lloyd stated they would do what was needed to make it work with the area as the addition improved the home and enhanced the neighborhood rather than being a detriment. He asked the Commission for specific ideas and conditions needed for the project to be approved.

#### **PUBLIC HEARING [7:03:58 PM](#)**

Chairperson Oliver opened the Public Hearing.

Ms. Cindy Cromer, Salt Lake City Resident, stated it would be wrong for the Commission to approve the project. She explained it was not appropriate to move a contributing structure out of contributory status in an adopted district, which was what was being proposed. Ms. Cromer explained the structure was rare and had minor changes made to it over the years. She explained the importance of keeping these types of structures and protecting them from change. Ms. Cromer stated the character defining feature of the house was its modest nature which would be lost with the remodel. She asked the Commission to not approve the proposal, as it would take away something wonderful from the neighborhood.

Mr. Dave McPherson, Neighbor, stated he lived across the street from the subject property and had wondered when someone was going to do something with the house. He explained the home had been unoccupied and unmaintained for a number of years. Mr. McPherson stated his home was one of the most period correct models in the area and that was why he chose to live in the area. He spoke of the different homes in the area, those updated and unchanged. He explained the neighbors in the area had not had problems with rooftop additions and if the proposal was done tastefully there would not be a problem with the proposed addition. Mr. McPherson stated the subject proposal would not deter from the area and if the property was not improved it would continue to be an eyesore for the neighborhood.

Chairperson Oliver closed the Public Hearing.

Mr. Engeman, Applicant, stated he would be happy to make changes to the garage height and address the concerns of the neighbors.

#### **EXECUTIVE SESSION [7:10:54 PM](#)**

Commissioner Harding reviewed the depiction of the proposal that was reviewed at the Subcommittee. She explained the Subcommittee did not feel the addition would be a monstrous massing on top of the existing house and it receded in the other depicted elevations. Commissioner Harding stated the added details brought it together and it seemed the addition became subordinate to the original house. She stated that was why, at the conclusion of the Subcommittee meeting, she felt progress had been made and she had a better understanding of the addition's scale. Commissioner Harding stated there were contentions at the Subcommittee

meeting regarding the appropriateness of the addition. She reiterated the importance for Staff to express their opinions on the project during the Subcommittee meeting.

Commissioner Richards stated he agreed with Commissioner Harding's comments regarding the Subcommittee meeting. He stated the twelve standards did not address the roof line but the guidelines did. He asked how the guideline originated, if not from the standards.

Mr. Paterson stated the standards in the ordinance are based on the Secretary of the Interior Standards. He said the guidelines were developed locally for Salt Lake City's Historic Districts to give the Historic Landmark Commission guidance on how to interpret the Secretary of the Interior standards and to help Applicants in their design review process. Mr. Paterson stated the standards indicated the importance of maintaining the integrity of the design and keeping the ability to determine the original portion of the structure if additions were made.

Commissioner Richards read standard two of the ordinance. He asked how much leeway the Commission had, because the guidelines expanded on the subject. He said it felt like a leap of faith between the guidelines and the standards.

Ms. Coffey stated the standards are general and based on the Secretary of the Interior standards which are the national standard. She explained there were no standards specific to porches, garages or rooflines as they were very general. She stated the Commission's job was to determine whether they thought the project met the standards and that those interpretations needed to be consistent over time so all Applicants were treated the same. She stated the guidelines hopefully helped the Commission clarify the fairly vague standards. Ms. Coffey stated from a practical standpoint the standards were the best practices around the country.

Commissioner Bevins reviewed his research on the Reconnaissance Survey and the National Register Nomination for the district which indicated it, had one of the best collections of California Bungalows in Salt Lake City. He stated the subject structure was a significant contributing structure and the other houses with rooftop additions were now non-contributing structures. Commissioner Bevins said it came down to protecting the integrity of the neighborhood and the precedent given if the addition were allowed. He said it was the Commission's responsibility to protect the unique buildings in Salt Lake City. Commissioner Bevins review the updates to the design guidelines that the Commission had worked on in the last few months. He stated the Property Owner addressed every concern, except that the structure was located in a Historical District.

Commissioner Richards stated the proposal was the most extreme example because of the low slope of the California Bungalow. He reviewed the ease of adding an addition to that type of structure.

Commissioner Hart explained her feelings about rooftop additions prior to the Subcommittee meeting, being that they were appropriate but not for the subject structure. She stated after working with the Subcommittee she felt the addition was much improved but the end result was still a non-contributing structure. Commissioner Hart said it was all a matter of opinion but overall it took away a contributing building, a very unique building that will forever be changed. She stated a rear addition would be more appropriate for the subject structure even if it had to be a little wider than the existing structure.

Commissioner Harding stated she agreed that if a second story addition was appropriate the proposal would be ideal. She stated given the point that the Westmoreland Place Historic District, preserved those types of buildings, and determine if a rooftop addition was appropriate.

The Commissioners discuss how the addition would create a false sense of history and agreed the rooftop addition was not appropriate. They suggested creating something to the rear of the existing structure.

Chairperson Oliver summarized the options for denial, holding a second Architectural Subcommittee, and approval with conditions.

Commissioner Richards stated he did not think a second Architectural Subcommittee would be productive. He asked Mr. Lloyd for his opinion on the matter. Commissioner Richards stated if the Commission agreed not to approve a second story addition, it was clear the Applicant would need to change the design.

Mr. Lloyd stated he agreed a second meeting was not necessary but would like to look at alternatives to address the issues. He stated direction as to what could be done would be better than no direction at all.

Commissioner Hart asked rather than denying the application would it be an option to table the petition and allow the Applicant to start over.

Mr. Paterson stated the Commission had the ability to table the petition, but it would be beneficial to give specific reasons to the Applicant for tabling the petition.

Commissioner Hart stated she felt the direction was given.

Commissioner Richards stated given the size of the lot and height restrictions a two story addition, even in the back, would still stick up above the existing roof line. He stated that violated several of the guidelines.

Commissioner Hart asked if the Commission had stated it would allow a two story rear addition.

Commissioner Richards stated that was his question and the Commission needed to clearly indicate what would be allowed or not allowed.

Commissioner Hart asked if the Applicant should be asked if he was willing to make the design changes and move the addition to the rear.

Chairperson Oliver stated the Commission should discuss the issue before calling the Applicant forward. She asked if the Commissioners felt there was a way to have a second story addition on the subject home. She stated she was not prepared to make that decision without it being carefully planned out as the lot size restricted what could be done on the property.

Commissioner Bevin asked if there was a way the Applicant could get the desired space without building upward.

Commissioner Hart stated that needed to be addressed by the Applicant but there was 700 square feet below ground that had a potential of being finished.

Chairperson Oliver stated the options were to deny, table or have a Subcommittee meeting.

Commissioner Hart stated the Commission could either table the issue and hold a Subcommittee meeting or table the issue and let them follow the given suggestions.

Ms. Coffey stated if the Commission did not want to make a decision it had to be tabled and direction given to the Applicant on what the next step was.

Commissioner Richards stated he felt it would be difficult to design a two story addition that met the standards although he was not ruling out the possibility.

Commissioner Hart asked if Commissioner Richards was referring to a second story on the original house or a two story addition in the rear.

Commissioner Richards stated he was referring to it in general. He stated the lot size would restrict the ability to make the addition subordinate to the original structure and maintain the flow of the existing roofline. He stated he was not saying options were not possible but it would be very difficult. Commissioner Richards stated it would be unusual to use the basement space and was not the answer to adding space.

Chairperson Oliver invited Mr. Lloyd and Mr. Engeman to address the Commission regarding changing the design. She asked Mr. Engeman if he would prefer holding a Subcommittee meeting, work by themselves or start from scratch.

Commissioner Richards asked Mr. Lloyd if the Commission was clear on what the options were or if they needed more direction.

Mr. Lloyd stated the discussion was clear; it was a question of whether or not a second story could be done within the guidelines. He stated they would not want to be sent away to come up with a suggestion themselves and would like the Commission's input. He asked if a Subcommittee could be held to discuss options that would meet the guidelines and standard. Mr. Lloyd reviewed the rear yard setbacks and explained the setbacks would need to be reduced to possibly help accommodate the desired square footage.

Commissioner Richards asked Staff if the Commission had any leeway on rear yard setbacks.

Mr. Paterson stated the Commission could not reduce the required rear yard setback.

Commissioner Hart asked if a variance was required for the setback to be reduced and how difficult it was to get a variance granted.

Mr. Paterson stated that was correct and it was very difficult to get a variance granted.

Ms. Coffey stated it would be deemed a self imposed hardship which the Board of Adjustment could not grant.

The Commissioners and Applicant discussed the available square footage that could be used for the addition. They discussed the site plan and setbacks for the property.

Mr. Engeman asked for the Commission to consider tabling the petition and sending it to Subcommittee where a detailed discussion could be held.

The Commission discussed whether it was going to be beneficial to hold a Subcommittee meeting and if the end result would be denial. They agreed it would be difficult to design a two story addition that would meet the standard and preserve the "A" level status.

Mr. Engeman asked if the intent was to maintain the "A" level status.

Chairperson Oliver stated the intent was to manage the growth and development in a Historic District but in a building such as the subject structure the integrity was important because of the status.

**MOTION [7:42:12 PM](#)**

**Commissioner Richards moved in the case of PLNHLC2011-00604, based on the discussion, the Historic Landmark Commission table the petition and convene an Architectural Subcommittee to further review design ideas. Commissioner Hart seconded the motion. Commissioners Hart, Richards, Bevins, Harding, and Davis voted Aye. The motion passed with a 5-0 vote Chairperson Oliver did not vote**

Ms. Coffey stated the City Council currently had the Fine Tuning document in front of them, which contained a regulation that, if adopted, stated the Historic Landmark Commission would be able to modify setbacks if it were found to be needed to make a more compatible change to a historic district.

The Commissioners asked if there was an expected time period for approval.

Ms. Coffey stated she was not aware of a time period.

The following Commissioners volunteered to be on the Subcommittee:

Commissioner Hart

Commissioner Richards

Commissioner Oliver

**[7:45:29 PM](#)**

**PLNPCM 2011-00723 Local Historic District Designation Process and Criteria** -A request to analyze the appropriateness of amending the zoning ordinance relating to the process and criteria required to designate a local historic district or a Landmark Site to the Salt Lake City Register of Cultural Resources.

Mr. Joel Paterson, Planning Manager, reviewed the petition as presented in the Staff Report. He stated based on the findings listed in the Staff Report, it was Staff's opinion that the proposed text amendment generally met the applicable standards and therefore, he recommended the Historic Landmark Commission transmit a favorable recommendation to the Planning Commission and the City Council relating to this request. He reviewed the Public Comments contained in the Staff Report. Mr. Paterson reviewed the following changes to the Ordinance:

**Types of Designation:** The proposed ordinance amendments clarify the types of designations that can be approved:

1. Landmark Site: A landmark Site is a significant historic property. It may include an important historic structure, like the City & County Building or a site such as Liberty Park.
2. Geographic-based Historic District: A geographically definable area which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art that contribute to the historic preservation goals of Salt Lake City. An example would be the Avenues Historic District.
3. Thematic-based Historic District: A thematically definable group of historic resources not located in a specific geographic location which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art that contribute to the historic preservation goals of Salt Lake City. Thematic-based historic districts are defined by a specific theme that ties together the historic context and importance of the resources. An example could be a thematic designation of 1920 apartment buildings in Salt Lake City.

**Petition Initiation:** Currently, local designation is basically processed like a zoning map amendment. If it meets the local designation criteria, it can be processed for designation. Generally, a professional survey of the structures in the proposed area is completed first to determine if the area meets the criteria for designation. Usually the survey is completed at the request of people from the neighborhood proposed to be designated. Then, the Historical Landmark Commission determines if it should initiate the petition and makes a recommendation to the Planning Commission. Both bodies hold public hearings and make recommendations to the City Council for the final decision. Generally, the public hearing process is used to determine whether property owners are in support of the designation.

The proposed process would clarify who can initiate a petition to designate a new local historic district:

1. Mayor
2. Majority of City Council members
3. 40% of property owners from a proposed historic district
4. The property owner for a Landmark Site

Public comments have been received that suggest the standard requiring that 40% of property owners within a proposed new historic district consent to the petition should be changed to a greater percentage. The proposed text amendment creating Character Conservation Districts has a similar provision but requires 50% consent. The Commission may wish to consider making this provision consistent with the Character Conservation District provision. Other comments have been received that suggest that a 40% buy-in requirement is too restrictive.



### **Processing the Petition:**

1. Following the initiation of a petition, the Planning Director would do an initial screening of the petition and report to the Mayor and City Council, as to:
  - a. Whether the area generally merits local historic designation, (if a current historic survey has not be completed, it would need to be done);
  - b. Whether funding and staff resources are adequate to undertake the review process
    - The Mayor will determine the priority the petition will be assigned;
    - If financial resources are needed, the City Council will determine whether they will allocate specific funding for the request.

Once the Mayor has approved the priority of the project and / or the City Council has allocated funding (if needed), the Planning Director would assign the project for analysis and processing.

2. Informing property owners of proposed designation and determining property owner's level of support: After the initiation of the petition and prior to beginning a formal review / adoption process with the Historic Landmark Commission, the Planning Division shall conduct a formal means of:
  - a. Informing property owners, subject to the proposed designation, about regulations and costs / benefits of a local historic district. This process is not to "sell" the idea of designating a new local historic district but to provide facts about the process and what impacts designation will have on property owners; and
  - b. Determining property support for the proposed designation. The City will send out certified letters to every property owner within the boundaries of a proposed local historic district requesting that property owners return a ballot indicating whether or not they support the designation process. Property owners will be given thirty days to respond.
3. Formal Public Hearing Process: After the City has determined the level of property owner support, the formal process of public hearings would begin.
  - a. The Historic Landmark Commission would make a recommendation based on review of criteria for the designation of new local historic districts and landmark sites (21A.34.020.C.10);
  - b. The Planning Commission would make recommendation based on review of criteria for Zoning Map Amendments (21A.50.050); and
  - c. The City Council would make a decision based on review of the Historic Landmark Commission and Planning Commission recommendations, the documented level of property owner support for the designation and public comment.

**Current Criteria for Designation:** The existing criteria for local designation are very similar to the National Register of Historic Places criteria. The current criteria are:

1. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:
  - a. Events that have made significant contribution to the broad patterns of history, or
  - b. Lives of persons significant in the history of the city, region, state, or nation, or
  - c. The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or
  - d. Information important in the understanding of the prehistory or history of Salt Lake City; and
2. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the national park service for the National Register of Historic Places; and
3. The boundaries of a local historic district are appropriate and shall:
  - a. Contain documented historic or architectural resources;
  - b. Coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;
  - c. Coincide with logical physical or manmade features and reflect recognized neighborhood boundaries; and
  - d. Contain non-historic resources or vacant land only where necessary to create appropriate boundaries.
4. Boundaries of a proposed Landmark Site shall be drawn to ensure that historical associations, and/or those which best enhance the integrity of the site comprise the boundaries.

**Proposed Additional Criteria and Factors for Consideration for Designation:**

Additional criteria proposed as part of this petition include:

1. The proposed local or thematic historic district is listed, or is eligible to be listed on the National Register of Historic Places; and
2. The proposed local historic district contains notable examples of elements of the City's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City; and
3. The designation is generally consistent with adopted planning policies; and
4. The designation would be in the overall public interest; and
5. In addition to the criteria listed above, the City Council shall be required to achieve:
  - a. a simple majority vote to adopt an ordinance designating a new Landmark Site, local or thematic historic district if the calculated level of support established in 21A.34.020.C.6 is equal to or greater than fifty-one percent (51%).
  - b. a two-thirds (2/3) majority to adopt an ordinance designating a new Landmark Site, local or thematic historic district if the calculated level of support is less than fifty-one percent (51%),

In making its determination regarding the designation of a local historic district or a landmark site, the Historic Landmark Commission and City Council will consider the following factors which are not required to be met but will help further clarify the appropriateness of the proposed designation:

1. Sites should be of such an age which would allow insight into whether a property is sufficiently important in the overall history of the community. Typically this is at least 50 years but could be less if the property has exceptional importance, and
2. Whether the proposed historic district contains examples of elements of the City's history, development patterns and / or architecture that may not already be protected by other historic districts within the City.
3. Whether designation of the proposed historic district would add important knowledge that advances the understanding of the City's history, development patterns and / or architecture.
4. Whether approximately seventy-five percent (75%) of the structures within the proposed boundaries are rated as contributing structures by a recent historic survey.

Commissioner Richards asked how thematic districts would work with the issues of context.

Mr. Paterson gave the example of apartment buildings listed on the National Register that had applied in as a group instead of being nominated separately. He stated although alterations to a building would be taken into consideration, the overall contributing elements of the thematic district would be considered the context for the district.

Commissioner Richards stated the initial percentage of people required to start a petition should not be a large number. He said it should be easy to start the petition and then after the Public Outreach portion of the process occurred people could give their decision to support or not support the petition. He stated the final vote should be higher, maybe two-thirds, because it dealt with the economic rights of property owner. Commissioner Richards stated that may make for smaller and compact districts but it may be easier for districts to come about.

Mr. Paterson stated Staff was open to suggestions on what the percentage should be. He reviewed the Public Comments regarding the percentage where some people said the percentage was too high and some said it was too low. Mr. Paterson stated the percentage for Conservation Districts was currently fifty percent of property owners. He reviewed the location in the process where the vote of the property owners supporting or not supporting a historic district would take place, indicating it would be prior to the hearing process.

Commissioner Richards stated he thought it needed to happen after the Open House in order to educate property owners of what was being proposed.

Mr. Paterson reviewed the steps of the plan which followed the direction Commissioner Richards was suggesting. He stated public comment indicated some individuals felt the voting process was too early and it should happen prior to going to the City Council. He stated Staff agreed with the comments and adjustment to the process.

Commissioner Richards stated it seemed there was a fair amount of discussion and public input on how many votes per property. He said he saw the property itself as being the economic unit that was affected by this and it should be one vote per property. Commissioner Richards stated obviously if there were multiple owners, they would have to decide how it worked out as one vote.

Mr. Paterson stated the public comment suggested having a category for abstaining from the vote to help in the situation of multiple tenants. He explained the proposed draft ordinance indicted the notice would be sent by first class mail but that language should be removed as it was unknown if a better system would arise in the future. Mr. Paterson stated however, something indicating how the notice would be sent needed to be indicted in the policies.

Commissioner Hart stated she was concerned with the percentage required for a district to be approved and accounting for “no-votes” in that percentage. She said it would be better to require fifty-one percent rather than fifty percent that way the “no-votes” would not affect the result.

Chairperson Oliver stated the formula for calculation was one of her major concerns. She said it should not be the total number of households but should be the number of responses returned.

The Commission discussed the best way to calculate the percentage needed to initiate a petition. They discussed the benefits of a higher standard and stated local elections were based on return votes.

Ms. Cheri Coffey stated Staff drafted the ordinance to measure the amount of supporting property owners versus the total number of property owners therefore, giving the City Council the percentage of support.

Chairperson Oliver stated it affected how the City Council made their decision because it went from being a simple majority to a two-thirds majority.

Ms. Coffey stated that was only one more Council Member’s vote.

The Commissioners and Staff discussed how the percentage would affect the votes both good and bad and what the percentage should be to allow petitions to be initiated in the first place

and for final approval. They discussed how the voting for a State or Government election was done and if they should follow those regulations.

Chairperson Oliver stated if this remains as written then she would hope the Council would be informed of how the votes broke out.

Mr. Paterson stated that would be added to the language.

Commissioner Richards stated the standard and the bar should be low in order to get things started. He said he was looking for ways to make the process much less divisive and if that resulted in smaller districts, because that was all people would agree on, then so be it.

Commissioner Hart stated page 11, C.1, Intent- the second line” in order to protect the best examples of historic resources”, she liked what was said but her concern was if people were then going to come before the Commission and say their house was not a best example so they should be allowed to do what they wanted. She asked if there was wording that got the feeling across but did not imply that the rules only applied to the best.

The Commissioners and Staff discussed how to change the language to best reflect the City’s intention. The final decision was to leave the wording as it was since it was taken from the Philosophy Statement that the City Council adopted.

Mr. Paul Nielson, City Attorney, stated intent statements were not binding, but in the event that there was an ambiguity or it conflicted with one of the substantive provisions it disappeared.

Mr. Paterson stated this ordinance was scheduled for a Public Hearing with the Planning Commission on January 11, but that did not mean Staff was pushing for a decision to be made. He stated their discussion was important and if they need more time for review that could be accommodated.

Chairperson Oliver stated she had a couple notes of clarification,

- Page 12, 4.A- proscribes should be prescribes
- Page 15, 11.B & C- are substantively different, are both needed or could they be lumped together?
- Reason why Character Conservation Districts versus LHD would have different percent of consent required 40 versus 50. Would it be better to be consistent?

Mr. Paterson stated consistency is simpler. He explained the LHD standards were city wide standards and the CCD standards were created by the members of the CCD itself. He stated that for this reason Staff thought lowering the bar to allow the process to begin was appropriate for local historic districts.

Ms. Coffey stated a historic district was designed to protect and preserve historic structures for everyone and for future generations where a conservation district was a neighborhood thing, where the property owners wanted to protect their neighborhood for a variety of reasons but not necessarily for the overall public good.

Chairperson Oliver stated it might be better for the intent to be cleared up. She asked what other types of issues required a two-thirds vote from the City Council or if the proposed ordinance was asking too much.

Mr. Paterson stated that the Zoning Ordinance did not require a two-thirds vote of the City Council for any other type of Zoning Map Amendments. He asked Mr. Nielson if there were any other areas that required the same voting as the proposed ordinance.

It was decided that a two-thirds vote was not required elsewhere in the Zoning Ordinance.

Commissioner Davis asked if the proposed ordinance was to help clarify the process and in a sense responding to the State Legislature putting a moratorium on Historic Districts.

Mr. Paterson stated yes, Staff was trying to clarify the process.

Commissioner Davis stated which was sort of what the State was asking.

Mr. Paterson stated that was certainly some of the Legislature's concern as well as measuring the property owners support.

Ms. Coffey stated the Legislature, as she understood it, was indicating that the more regulations put on a property owner the more input or voice that property owner should have. She explained the City's position regarding historic districts was that in some cases, the City might approve a local historic district because of an over-riding public interest, even if there was opposition. Ms. Coffey stated it should be up to the city not the state to indicate how historic preservation was handled and addressed. She stated there are times when a significant building needs to be protected but the property owner may not agree. She said the State Legislature wanted the Planning Division to somehow gauge how often that might happen. Ms. Coffey said Staff was trying to balance what the State Legislature wanted and what they thought as a City should be done for historic preservation. She said she thought it was more than just the process that needed review.

Commissioner Davis asked if there was any sort of feeling about what the State Legislature was considering to do because all of this may not be needed.

Mr. Paterson stated our City Attorneys and Wilf Sommerkorn have been in contact and continue to be in contact with Senator Neiderhauser about the process of reviewing the City's Historic Preservation Program but he didn't know what the State Legislature's plans were.

Ms. Coffey stated she thought it was important for the City to continue going down the path to finalize some kind of ordinance relating to designation. She said the State would likely be watching but it was important to keep going forward. Ms. Coffey said she did not think they should wait and have the Legislature decide what to do as it was very important for Salt Lake City to create their own ordinances within state law.

Commissioner Richards asked for clarification on section D page 17, regarding adjustment of boundary- all the wording seemed to be talking about either delisting the districts or shrinking the boundaries. What about increasing boundaries like the University District.

Mr. Paterson stated to increase a district the Historic Landmark Commission would use the standards for designation.

Commissioner Richards stated the heading for that section needed to be clarified to include both directions.

Mr. Neilson stated there are a couple instances in the Zoning Ordinance where a two-thirds vote was required, the Board of Adjustment can stay its own decision pending an appeal to the Third District Court by a two-thirds vote and the other one was when a matter was continued, a two-thirds vote was required.

Commissioner Davis asked if the percentages and how they are determined could be discussed further.

The Commission decided to discuss those details after the Public Hearing.

#### **PUBLIC HEARING [8:29:38 PM](#)**

Chairperson Oliver opened the Public Hearing.

The following people spoke regarding the proposed change to the ordinance:

Ms. Jan Hemming (1152 South 1900 East), Mr. John Dewey (1721 East Princeton Ave), Ms. Kelly Marinan (1766 Harvard Ave), Ms. Tracey Harty (1752 Herbert), Mr. David Gibson (1764

Hubbard Ave), Ester Hunter (University Neighborhood Community Council) and Mr. George Kelner (1000 Military Drive)

Their comments were as follows.

- 40% threshold for initiating a local historic district was more than ample – possibly lower it to 35% or 30%
- The importance of protecting the City’s unique and valuable buildings.
- Percentage should be based on those that vote not on total number of property owners.
- Character Conservation Districts and Local Historic Districts should have the same percentages.
- The opt-in percentage was too high, should be lower to get the process started
- Have the same percentage to start and stop a petition.
- Thankful for the concern to make this a fair process and giving the Public the chance to weigh in on the outcome.
- University Neighborhood believes their request to expand the University Historic District should be considered as an existing petition and not a new petition because the expansion was first contemplated by the Planning Commission in 1991.

The following did not wish to speak and expressed their comments on speaker cards located in the case file:

Kelly White (1068 S 1700 E), Lynn K. Pershing (1715 Laird Ave), Susan Porter (1601 Yalecrest) and Ben Winchester (no address)

- Felt the ordinance was a workable solution
- 33% was ample representation to initiate the process
- Percentage was too low
- City Council should not have the right to override neighborhood majority.

[8:43:36 PM](#)

Chairperson Oliver closed the Public Hearing.

**EXECUTIVE SESSION** [8:43:40 PM](#)

Mr. Paterson clarified how a two-thirds vote would be achieved. The Zoning Ordinance includes a provision that defines how fractional numbers are treated and under this provision a two-thirds



majority of the seven member City Council would be five votes instead of the four votes required for a simple majority.

The Commissioners and Staff discussed the forty percent opt-in and if it was referring to Property Owners or properties. They discussed where the percentage came from and who made the decision to use that percentage. Staff explained the forty percent came through discussions and research. The Commission stated they felt it should be lower to get the process started, it should be easier. The Commission discussed the calculation of the public support percentage and agreed it should be based on the number of people that voted not the number of properties.

Mr. Neilson explained the possible legislation that may be voted on during the Legislative Session this year. He stated it would be in the City's best interest to come up with something that worked for everyone if possible.

Ms. Coffey stated the Commission should do what they felt was best for Salt Lake City. She said the Attorneys and Politicians would be working with State Legislature to try and ensure that Salt Lake City could govern themselves. Ms. Coffey stated she would like the Commission to change the way they thought about historic preservation and consider that maybe the new local historic districts wouldn't be thousands of properties in one district but smaller and more condensed where a forty percent opt-in would not be such a challenge. She referred to the Philosophy statement that indicated the City Council wanted to look at a variety of ways to do Historic Preservation not just through local designation and explained how that was done currently through the RDA and Utah Heritage Foundation programs. Ms. Coffey stated it was great to ask the questions about how high the bar should be set and what the percentages were but maybe not to think of such a large area being a local historic district.

Mr. Neilson stated he agreed with Ms. Coffey's comments and direction.

The Commission discussed the comments, the State Legislature's possible actions and how the process could be brought about through the City Council or Mayor initiating a proposal for a local historic district. They discussed the percentage for opt-in/opt-out and what the ideal number would be. It was suggested having the opt-in be below twenty percent to initiate the process. The Commissioners agreed the point was not to calculate the number of people at the beginning but to educate property owners and allow them to make an informed decision. They agreed that a forty percent opt-in requirement for a property owner to initiate a petition would be difficult to reach and a petition needed to at least get to the education stage of the process. It was asked if Staff knew what other State's policies were and if there was anything similar to the

proposed ordinance. Staff answered they had the information although it was not readily available at the moment, it could be sent to Commissioners if they would like. Staff and the Commissioners discussed the percentages other State's required, some much higher, for opt in/opt out. They discussed the process for starting a petition and the steps a petition would take before being presented to the Historic Landmark Commission for approval. It was asked if the Commission should actually designate a percentage as they were really just forwarding a recommendation to the City Council, shouldn't that recommendation state there were concerns about the percentage, ask for the Council's thoughts and further suggestions.

Mr. Neilson stated the Commission could forward a recommendation for a specific percentage, no percentage or a recommendation indicating the Commission agreed on everything else but the percentage issue was undecided and welcomed Council's thoughts.

Chairperson Oliver read the questions in Mr. Huffaker's letter and suggested the Commission's answers would give Staff direction on the proposed ordinance.

1. Who can initiate a petition for a historic district?

Chairperson Oliver reviewed that the Commission was fine with the Mayor, City Council or its Members initiating a petition. The Commission had issues with the threshold of property owner support required to allow an individual property owner to initiate a petition.

The Commissioners agreed the percentage should be set low (somewhere between ten and twenty-five percent) so there was an opportunity for education to occur.

2. What votes count in the determination of public support?

The Commissioners agreed on one vote per property.

3. How should a majority be determined when the votes are counted and public support determined?

The Commissioners decided that the public support calculation should be calculated based on the number of votes submitted and not on the total number of properties within the proposed local historic district. The Commission also recommended that details of the vote (such as total number of properties, total number of votes submitted and the number voting for or against the designation) be forwarded to the City Council.

4. Should there be an abstain category?

The Commissioners agreed there should be an abstention category.

5. Before what point in the process should the public support vote take place?

The Commissioners agreed the public support vote should take place after the petition was considered by the Historic Landmark and Planning commissions and prior to City Council consideration.

6. What threshold of public support be obtained to determine the type of majority vote would be required of the City Council to designate a new local historic district?

The Commissioners discussed recommending that a threshold of at least fifty-one percent property owner support to allow the City Council to designate a new local historic district by a simple majority vote. If the public support vote for designation was less than fifty-one percent, the City Council could designate a new local historic district only with a two-thirds majority vote.

Mr. Paterson stated the proposed ordinance called for the percentage calculation to be a whole number and not rounded up to make it a clear boundary.

The Commissioners recommended the language indicate that a simple majority of public support would be required for the City Council to designate a new local historic district with a simple majority vote (four council members in favor). If the public support vote resulted with less than a simple majority in favor of designation, the City Council could only designate a new local historic district with a two-thirds majority (five council members) vote to designate..

7. At what point in the process and for how long would public outreach from the city be done?

Staff explained there was not a time limit on the Public Outreach as it may vary on the proposed districts.

The Commissioners agreed there should not be a time limit placed on educating the Public.

Chairperson Oliver stated with those questions clarified the Commission's position on the proposed amendments to the designation process..

Commissioner Hart suggested a way to avoid potential problems was to have Staff keep open communication with the Applicants. She stated it was the responsibility of the Applicant to gather support for their petition.

The Commissioners agreed most of the time the percentage of support would be easy to detect. The Commissioners and Staff discussed the time limit for forwarding the proposed ordinance to the City Council. The final decision was that there was not a time limit for petitions as some may take longer than others. The Commissioners agreed they were ready to make a motion regarding the petition.

**MOTION [9:26:47 PM](#)**

**Commissioner Harding moved in case of PLNPCM2011-00723 that the Historic Landmark Commission forward a positive recommendation, with the comments that were made, to the City Council. Commissioner Hart seconded the motion.**

Mr. Paterson summarized the Commissions comments stating:

- The percentage of property owners required to initiate a petition would be between ten and twenty-five percent.
- The vote count would consist of one vote per property
- The percentage (majority vote) would be calculated based on the number of received responses instead of, as proposed in the draft, based on the number of the properties.
- An option for abstention would be included
- The location in the process for gauging the public support would be moved to a point after the Historic Landmark and Planning commission's recommendations but prior to the City Council consideration of the petition.
- The question of whether it should be fifty-one percent or fifty percent plus one - it was agreed to change the language to say "a simple majority" and not include an actual number.
- Number of people that vote- Staff was to indicate the number of votes received versus the number of properties in the proposed district and clearly give the breakdown of the vote.
- There should not be a time limit on the Public Outreach process

**Commissioners Harding, Hart, Richards, Bevins, and Davis voted Aye. The motion passed with a 5-0 vote Chairperson Oliver did not vote.**

**The meeting stood adjourned at [9:30:01 PM](#)**

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Michelle Moeller, Historic Landmark Commission Secretary

