

SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 326, 451 South State Street
November 1, 2012

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on November 1, 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.slcgov.com/slctv/slctv-videos-demand>.

A regular meeting of the Historic Landmark Commission was called to order on Thursday, November 1, 2012 in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, at [5:34:34 PM](#). Commissioners present for the meeting were Chairperson Sheleigh Harding, Vice Chair Polly Hart, Earle Bevins III, Bill Davis, Stephen James, Charles Shepherd, Robert McClintic and Thomas Brennan. Commissioners Heather Thuet and Arla Funk were excused.

Planning Staff members present for the meeting were Cheri Coffey, Assistant Planning Director; Joel Paterson, Planning Manager; Katia Pace, Principal Planner and Courtney Benson, Senior Secretary. Senior City Attorney Paul Nielson was also present.

FIELD TRIP [5:34:45 PM](#)

The Commissioners present on the field trip were Chairperson Sheleigh Harding, Vice Chair Polly Hart, Earle Bevins III, Stephen James and Robert McClintic. The Staff present were Joel Paterson and Katia Pace.

The Commission visited 1122 East 300 South. Staff described the proposed new construction. The Commissioners asked questions about the materials typically used in the neighborhood and those proposed for the project. The Commissioners asked about access and the existing development pattern in the area.

DINNER [5:34:47 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 [5:34:51 PM](#)

Vice Chair Hart stated the City Council approved changes to the Ordinance. She stated the Council removed language that allowed Staff to approve major alterations. Vice Chair Hart stated all major alterations will continue to come before the Commission.

Chairperson Harding commended Vice Chair Hart for her efforts.

Ms. Cheri Coffey, Assistant Planning Director, stated the City Council decided if a major alteration did not appear to meet the Standards then it would go before the Historic Landmark Commission. She stated the way it was worded was confusing and Council Staff stated that the City Council had adopted the Planning Commission's recommendation. She stated she would check with City Council and clarify the decision.

Vice Chair Hart stated she received an email from a Council member stating the language had been removed from the Ordinance.

APPROVAL OF October 4, 2012 MINUTES [5:36:44 PM](#)

MOTION [5:36:56 PM](#)

Commissioner McClintic moved to approve the minutes of October 4, 2012. Vice Chair Hart seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS [5:37:13 PM](#)

No one wished to speak at this time.

REPORT OF THE DIRECTOR [5:37:57 PM](#)

Mr. Paterson presented plaques to former Commissioners Anne Oliver and Dave Richards recognizing them for their service on the Historic Landmark Commission.

Ms. Coffey stated the City Council adopted an ordinance to modify the process for establishing new Local Historic Districts, an ordinance creating a Character Conservation District and the Community Preservation Plan. She stated applications for either of the districts will come before the Historic Landmark Commission for review.

Commissioner Davis asked if the adopted standards would be approved by the State Legislature.

Ms. Coffey stated Planning Director Wilf Sommerkorn and Deputy City Attorney Lynn Pace have been in contact with the State Legislature and it appears the standards will be approved.

PUBLIC HEARINGS [5:41:21 PM](#)

PLNHLC2012-00637 Brunisholz Duplex New Construction — a request by Ed Brunisholz, on behalf of the property owner, Albert Brunisholz, to construct a new two- family dwelling residence on a vacant lot located at approximately 1122 East 300 South. The property is located in the University Historic District, in the R-2 (Single and Two Family Residential) zoning district, and within City Council District 4, represented by Luke Garrott. (Staff contact: Katia Pace, (801) 535-6354 or katia.pace@slcgov.com)

Ms. Katia Pace, Principal Planner, reviewed the petition as presented in the Staff Report (located in the Case File). She stated Staff recommends approval of the petition pursuant to the conditions listed in the Staff Report.

Commissioner Harding asked Ms. Pace to clarify the Staff recommendation that the stonework be leveled.

Ms. Pace stated the level of the proposed stone foundation is not consistent across the face of the building. She stated if it was the same level, preferably to the height of the steps, it would be more compatible with other buildings in the neighborhood.

Commissioner James asked if Staff would like the stonework on the base to look more like a foundation as opposed to a wrapper.

Ms. Pace stated that was correct.

Commissioner James asked for clarification of the Staff finding that the proposed façade does not meet standard 2 due to the relationship of solids to voids. He asked if this was referring to the window composition.

Ms. Pace stated the rhythm of solids and voids is referring to the stone foundation.

Chairperson Harding asked Mr. Nielson, Senior City Attorney, if a motion would need to include condition 3, which states that the project must meet all applicable City requirements, or if that was already implied.

Mr. Nielson stated there are specific departmental comments in the Staff Report that must be included.

[5:57:17 PM](#)

Mr. Ed Brunisholz, representative of the Applicant, made the following comments:

- The property and surrounding parcels have been in the family since 1960
- The county had recorded the lot size incorrectly and would not allow a duplex, but that has been corrected.
- The proposed stonework and placement of the windows have been updated to adhere to Staff recommendations.
- Stucco is an approved building material for this area and several other homes in the area use stucco.

Commissioner James asked for a description of the stones that will be used on the building façade.

Mr. Brunisholz stated the stones will be El Dorado and will not mimic sandstone foundation.

Commissioner Bevins asked why an attached garage is being proposed.

Mr. Brunisholz stated an attached garage will allow for more landscaped area and a better turning radius for vehicles.

Commissioner Brennan asked if the windows were wood or vinyl with wood trim.

Mr. Brunisholz stated the windows had wood trim.

Commissioner McClintic asked what would be behind the stone.

Mr. Brunisholz stated it would be a concrete foundation.

PUBLIC HEARING [6:09:50 PM](#)

Chairperson Harding opened the Public Hearing.

Mr. Ken Sanders, resident, discussed the neighborhood and the efforts the Brunisholz family have made to maintain the area. He stated he supports the proposed petition. Mr. Sanders stated the lower two-thirds of the properties on 300 South are not visible from the street.

Mr. Brunisholz agreed that the lower portion of the house will not be visible from the street. He stated the surrounding neighbors are supportive of the proposed plans.

Chairperson Harding closed the Public Hearing.

COMMISSION DISCUSSION [6:15:27 PM](#)

Commissioner McClintic made the following comments:

- Stucco is a historic material but there are difficulties with properly installing and maintaining stucco, particularly in this climate. In many cases coin blocks are used to avoid cracks.
- El Dorado stone is not appropriate as a foundation.
- The Commission needs to make sure only structures with high quality construction are built in historic districts. Properties with cheaper forms of construction stand out and become problematic.

Commissioner James stated the design seems to be influenced by current suburban building trends, not designs that are typical of the neighborhood. He discussed concerns he has with the roof, the spacing between windows and the stonework on the foundation. Commissioner James stated the large second-story window on the front façade is not characteristic of this historic district.

Vice Chair Hart stated stucco is a historic material, but is not commonly used on 300 South between 1100 and 1200 East. She stated brick is the primary material on this street face and it would be the most appropriate for this structure. Vice Chair Hart stated she has an issue with the large window on the front façade. She stated this window will be seen from the street and she would like to see something more appropriate.

Commissioner Shepherd made the following comments:

- The 3-D models that were included with the Staff Report would be more appropriate if the viewpoint was positioned 20 feet below grade since that is how the home will be viewed from the street.
- He has an issue with the large window on the front façade, and the spacing between windows.
- The pitch of the roof is characteristic of a modern suburban development, not this neighborhood.
- The small size of the stonework is not appropriate for this neighborhood.

Commissioner Brennan made the following comments:

- The overall massing and scale is compatible with the neighborhood.

- The stone foundation is out of character.
- The scale of the second-story window is out of character.
- He encouraged the use of wood windows as opposed to vinyl with wood trim.

Commissioner Bevins agreed the large window should be replaced with smaller, separate windows. He stated he has an issue with the attached garage.

Chairperson Harding stated the attached garage will never be seen from street level.

[6:30:05 PM](#)

Commissioner James left the meeting at this time.

Chairperson Harding stated it seemed the Commission was in agreement that the windows and the foundation need attention. She stated the Commission can either give the Applicant more direction or allow Staff to address the concerns. Chairperson Harding asked if the Commission had given enough information to allow Staff to work with the Applicant.

Ms. Coffey stated she believed there was enough information for Staff to work with the Applicant.

MOTION [6:32:24 PM](#)

Commissioner Brennan stated in the case of PLNHLC2012-00637 the Commission approves the request to construct a new two family dwelling at 1122 East 300 South based on the findings listed in the Staff Report with the following conditions: 1) Staff will work with the Applicant to evaluate the materials used at the base of the building, specifically the stone wainscot and foundation wrap. 2) Staff will work with the Applicant to address the treatment of the windows, both in scale and material.

Commissioner McClintic seconded the motion.

Commissioner Brennan amended the motion to state that Staff will also address the shape of the windows.

Commissioner McClintic seconded the amended motion.

The motion passed unanimously.

Chairperson Harding reviewed the appeals process.

WORK SESSION [6:34:33 PM](#)

The Commission and Staff reviewed proposed changes to the Historic Landmark Commission Rules of Procedures.

Vice Chair Hart stated she is concerned that removing the word 'voting' from paragraph 17 would allow non-voting members, such as ex officio members, to be counted towards a quorum.

Ms. Coffey stated she did not believe that was correct. She stated Section 6 of the Zoning Ordinance defines a quorum and states the Planning Director is an ex officio member and does not have the right to vote. Ms. Coffey stated Staff would like to remove the word 'voting' from the Rules of Procedures because the Chair does not typically vote, but is still counted towards a quorum.

Mr. Nielson stated the Ordinance will take precedence over the Rules of Procedures except for where the Ordinance is unclear on certain issues. He stated the Ordinance has specific language defining a quorum, and it does include the term 'voting members.' Mr. Nielson stated taking the word 'voting' out of the Rules of Procedures would not have any effect because it would not change the Ordinance. He discussed the reasons for not having the Chair vote.

Vice Chair Hart asked if the Chair was being redefined as a non-voting member.

Mr. Nielson stated the term 'non-voting' was not being used. He stated the Chair does not vote unless it is to break a tie or bring the Commission up to quorum.

Chairperson Harding stated paragraph 34 is difficult to understand.

Commissioner Shepherd asked about bringing in absentee Commissioners on the phone to complete a quorum.

Mr. Nielson stated the City Ordinance states a Commission can hold an electronic meeting only if a majority of a quorum is physically present at the meeting. He stated because this is already in the Ordinance, the Historic Landmark Commission can hold electronic meetings without adding to the Rules of Procedures.

Ms. Coffey asked if the Commission would be required to hold electronic meetings. She stated there are pros and cons to these types of meetings.

Chairperson Harding stated she has personal experience participating in meetings by telephone and it is difficult.

Commissioner Brennan stated dealing with design issues which are visual in nature would be difficult without both audio and visual support.

Mr. Nielson stated there would be visual support. He stated it would have a 15 second delay. He stated a Commissioner cannot be forced to participate remotely, but electronic meetings are an option if they are needed.

Chairperson Harding asked if paragraph 34 should be changed to read "No standing rules of the Historic Landmark Commission shall be altered, amended, suspended, or rescinded without a majority vote of a quorum."

Mr. Nielson recommended it be changed to "...without a vote of the majority of the members present."

Chairperson Harding stated that would work.

Vice Chair Hart stated it should be mandatory, not optional, for the Chair to read the appeals process after each Public Hearing. She stated if someone is adversely affected by a decision made by the Commission they have a right to know there is an appeals process.

Mr. Nielson stated he disagrees. He stated the law presumes people will educate themselves on what their rights are. He stated if the Commission adds the requirement to read the appeals process to the Rules of Procedures, and it is not read, an Applicant filing an appeal after the deadline has passed can undo the entire process.

Vice Chair Hart stated in five years no one has ever forgotten to read the appeals process.

Mr. Nielson stated he has seen it happen many times, especially when a petition is approved.

Commissioner Davis asked why an approval would be appealed.

Mr. Nielson stated neighbors might disagree with an approval and they have the right to appeal the decision.

Chairperson Harding stated she agrees with Mr. Nielson.

Commissioner Shepherd asked if the appeals process can be read before the public hearings.

Vice Chair Hart stated not requiring the reading of the appeals process is not being transparent.

Commissioner Davis asked if reading the appeals process before the public hearings would be helpful if people came in late.

Mr. Nielson stated he believed information about the appeals process is on the agenda as a courtesy, but it isn't a requirement.

Ms. Coffey stated the appeals process information is not on the agenda, but can easily be added.

Commissioner Davis stated the Commission should take Mr. Nielson's advice.

Chairperson Harding stated the Commission could make an effort to read the appeals process after each petition and also add the information to the agenda.

Commissioner Brennan stated he agrees with Mr. Nielson, but would like the Commission to have an informal policy that the appeals process information is included on the agenda and that the Chairperson reads the appeals process after each petition.

Commissioner Brennan asked what the definition of a quorum is.

Mr. Nielson stated a quorum is a majority of appointed members including the Chair.

Chairperson Harding asked how many members the Commission has.

Ms. Coffey stated the Commission has ten members. She stated the Commission can have between nine and eleven members.

Commissioner Shepherd stated there is a typo in the Rules of Procedures on page 2, section 4j.

He asked about the highlighted phrase on page 4, under Conflict of Interest.

Ms. Coffey stated the paragraph previously stated the Commissioner must leave the room if there is a conflict of interest. She stated this phrase was added in order to allow the Commissioner to stay if there are special circumstances.

Mr. Nielson discussed examples of conflicts of interest he has seen. He stated occasionally a Historic Landmark Commission member may need to appear before the Commission, and he is not trying to discourage that. He recommended it not become a regular occurrence.

Commissioner Brennan asked if a Commissioner was appearing regularly before the Historic Landmark Commission if it would be appropriate to discuss the problem with the mayor.

Mr. Nielson stated he has not seen that problem with the Historic Landmark Commission and believes the Commission can be self-regulating.

Commissioner Shepherd asked for clarification on page 15, section O. He asked if it is an existing rule.

Ms. Coffey stated it is an existing rule and Staff would like to know if the Commission would like to keep the rule. She stated Staff recommends removing this rule.

Chairperson Harding stated she believes the rule should stay in the Rules of Procedure. She stated it gives the Applicant a chance to come back before the Commission without paying another fee. She asked if Staff decides which petitions would come back before the Commission.

Ms. Coffey stated Staff would review the petition, but the Commission would need to decide if they wanted to hear petition again.

Chairperson Harding asked how often this situation has happened.

Ms. Coffey stated she does not remember this situation ever happening.

Mr. Paterson stated Historic Landmark Commission application fees are low and that it might be faster for some Applicants to re-file a denied application.

Vice Chair Hart asked if Staff would still need to review an application that was re-filed.

Ms. Coffey stated Staff would need to review the application, but it would still be faster for the Applicant because the Commission would not need to decide on whether or not they would reconsider the petition.

Chairperson Harding stated it wouldn't hurt to keep the policy in the Rules of Procedures for the rare case it would be useful.

Mr. Nielson stated he recommends adding a time limit to this policy.

Ms. Coffey stated there are two issues to consider, the Commission reconsidering a decision, and the Commission rescinding a decision. She stated Staff recommends both are removed from the Rules of Procedure.

Mr. Paterson stated the current rule does not have a time limit for rescinding a decision.

Mr. Nielson stated approvals made on applications submitted with false or fraudulent information should be rescindable at any time, but he is not sure if this rule is in the Rules of Procedure.

The Commission agreed that that the removal of the word 'voting' from paragraph 17 was appropriate.

Commissioner Brennan stated he believes the policy allowing an Applicant to bring back a denied application to the Commission for reconsideration should be removed from the Rules of Procedure. He stated the Applicant should file a new application.

Mr. Nielson stated the Applicant has the option to make an appeal.

The Commission agreed the policy should be removed from the Rules of Procedure.

The Commission also agreed to remove the policy regarding rescinding a motion.

The Commission and Staff discussed the policy on page 15, section M, number 37. Ms. Coffey stated she would like to leave this policy in the Rules of Procedures.

Commissioner Shepherd asked what the procedure is if no resolution is reached after the Commission requires an Applicant to work out details of an application with Staff.

Ms. Coffey stated Staff would refer the application back to the Commission.

Ms. Coffey stated she would like the Commission to make a formal approval of the Rules of Procedure in December.

The meeting stood adjourned at [7:29:18 PM](#)