

**SALT LAKE CITY**  
**HISTORIC LANDMARK COMMISSION**  
**Minutes of the Meeting**  
**Room 326, 451 South State Street**  
**January 3, 2013**

*This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on January 3, 2013.*

*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, January 3, 2013 in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, at [5:31:45 PM](#). Commissioners present for the meeting were Chairperson Sheleigh Harding, Vice Chair Polly Hart, Earle Bevins III, Charles Shepherd, Arla Funk, Robert McClintic and Heather Thuet. Commissioners Stephen James, Bill Davis and Thomas Brennan were excused.

Planning Staff members present for the meeting were Joel Paterson, Planning Manager; Janice Lew, Senior Planner; Carl Leith, Senior Planner; Michaela Oktay, Principal Planner and Courtney Benson, Senior Secretary. Senior City Attorney Paul Nielson was also present.

**FIELD TRIP [5:31:55 PM](#)**

The Commissioners present on the field trip were Vice Chair Polly Hart, Earle Bevins III, Arla Funk and Robert McClintic. The Staff present were Joel Paterson and Carl Leith. Commissioners and Staff looked at apartments and multi-family buildings along First Avenue and 100 South.

**DINNER [5:31:57 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 [5:32:00 PM](#)**

Chairperson Harding and Vice Chair Hart stated they had nothing to report.

**REPORT OF THE DIRECTOR** [5:32:10 PM](#)

Mr. Joel Paterson, Planning Manager, stated he nothing to report.

**APPROVAL OF THE December 6, 2012 MINUTES** [5:32:19 PM](#)

**MOTION** [5:32:36 PM](#)

**Commissioner Thuet moved to approve the minutes of December 6, 2012. Commissioner Bevins seconded the motion. The motion passed unanimously.**

**PUBLIC COMMENTS** [5:32:44 PM](#)

No one wished to speak at this time.

**PUBLIC HEARINGS** [5:32:52 PM](#)

**PLNPCM2012-00531 – Text Amendment to Clarify Accessory Structure Demolition Process in the H Historic Preservation Overlay - A request by Salt Lake City Mayor Ralph Becker to amend the text of the Zoning Ordinance to clarify how accessory structure demolition is evaluated and executed in the H Historic Preservation Overlay. The proposed Zoning Ordinance text amendment will generally affect provisions of Section 21A.34.020 H Historic Preservation Overlay. Related provisions of Title 21A-Zoning may also be amended as part of this petition. The proposed amendments will apply city-wide if adopted by the City Council. (Staff contact: Michaela Oktay at 801-535-6003 or michaela.oktay@slcgov.com)**

Ms. Michaela Oktay, Principal Planner, reviewed the petition as presented in the Staff Report (located in the Case File).

Chairperson Harding asked why an accessory structure demolition case had previously come before the Commission when it could have been handled administratively.

Mr. Paterson stated in that case Staff had some questions regarding what standards would be applied to the demolition. He stated the demolition standards in the Preservation Ordinance would allow the Applicant to go through the economic hardship process if the petition was denied and there was not an economic hardship process in place for accessory structures. He stated Wilf Sommerkorn, Planning Director, made an administrative interpretation of the Ordinance to give guidance until an amendment could be made to clarify the accessory structure demolition process.

Chairperson Harding asked what was needed from the Commission.

Ms. Oktay stated Staff is recommending the Commission forward the petition to the Planning Commission.

Mr. Paterson stated the Commission can make recommendations to Staff and the petition can be discussed again at a later meeting. He stated after holding a public hearing the Planning Commission will forward their recommendation to the City Council who will make the final decision.

Commissioner Funk asked if the 12 day notice was the standard notification period.

Ms. Oktay stated there is not a proposed change to the notification time period.

Commissioner Funk stated she does not believe the time period is long enough and it would be difficult for a Community Council to respond that quickly. She stated she does not believe Open Houses are effective and there must be a better way to get public comments.

Chairperson Harding asked Commissioner Funk if she had any suggestions for additional locations for the notice to be posted.

Commissioner Funk stated she believes Community Councils should be given more than 12 days notice.

Ms. Oktay stated there was a recent text amendment that looked at notification periods.

Commissioner Funk stated she believes 30-60 days would be a better timeframe.

Mr. Paterson stated the recent text amendment was made in order to make all noticing requirements consistent.

Commissioner Shepherd asked if an application for demolition of a contributing accessory structure would always come before the Commission.

Mr. Paterson stated Staff can approve the demolition of contributing accessory structures, but if it was felt that the structure was historically significant the case would be forwarded to the Commission.

Commissioner Bevins stated there were many accessory buildings in the Avenues survey that were considered contributing. He asked if the proposed changes to the ordinance would affect the validity of the survey.

Ms. Oktay stated the proposed changes would not affect the validity of the survey.

**PUBLIC HEARING [5:50:17 PM](#)**

Chairperson Harding opened the Public Hearing. Seeing no one wished to speak, Chairperson Harding closed the Public Hearing.

**COMMISSION DISCUSSION [5:50:35 PM](#)**

Commissioner Shepherd stated he would like to recommend that the next survey place additional emphasis on the evaluation and documentation of contributing accessory structures.

Vice Chair Hart stated she believed that is currently done, but the Avenues survey is relatively old and accessory structures were not included at that time.

Mr. Paterson stated more recent surveys do try to include additional information on accessory structures, but there is often not much information available. He stated determining if an accessory structure is contributing or not can be difficult.

**MOTION [5:53:18 PM](#)**

**In the case of PLNPCM2012-00531 Commissioner Shepherd moved that the Commission transmit a favorable recommendation to the Planning Commission to forward a positive recommendation to the City Council to adopt the proposed changes to the zoning ordinance as it relates to the clarification of accessory building demolition in the H Historic Preservation Overlay. He stated the Commission would like to encourage Staff to expand efforts to better understand accessory structures during future survey evaluations.**

**Commissioner McClintic seconded the motion.**

**The motion passed unanimously.**

**OTHER BUSINESS [5:55:12 PM](#)**

Mr. Paterson stated the Commission received a memo identifying changes to the Rules of Procedure that were made based on recommendations from the Commission during the November 1, 2012 meeting.

Chairperson Harding asked for clarification on Section D, item 35 regarding tie votes. She asked why the Chair would vote if it would result in no action.

Mr. Paterson stated the Commission would take no action only if the Chair was required to vote to establish a quorum and the vote resulted in a tie.

Vice Chair Hart asked if a petition that resulted in no action would come before the Commission at the next meeting.

Mr. Nielson stated no action on a Certificate of Appropriateness application would essentially be a denial because it was not approved by a majority. He stated no action on a text amendment would mean the petition would be forwarded to the Planning Commission with no recommendation.

**Commissioner Bevins moved the Commission approve the proposed revisions to the Rules of Procedure dated November 7, 2012.**

**Commissioner Funk seconded the motion.**

**The motion passed unanimously.**

**WORK SESSION [6:01:53 PM](#)**

**PLNPCM2009-00013 - Text Amendment to the Demolition and Economic Hardship Provisions of the H Historic Preservation Overlay District - A request by Salt Lake City Mayor Ralph Becker to improve the language relating to the demolition and economic hardship provisions of Section 21A.34.020 H Historic Preservation Overlay District of the Zoning Ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. The changes would apply citywide if adopted by the City Council. (Staff contact: Janice Lew at 801.535.7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com))**

Ms. Janice Lew, Senior Planner, reviewed the petition as presented in the Memorandum (located in the Case File).

Chairperson Harding asked if there was a committee reviewing this issue a few years back.

Ms. Lew stated there was a committee in 2009 but a new committee could be formed.

Ms. Funk stated the current petition is a huge improvement. She asked if applicants can be assured demolition will be approved before they go to the expense of providing information on a replacement building.

Ms. Lew stated applicants complete the application for demolition before returning with plans for a replacement building.

Commissioner Funk asked if there is a way to be sure a property is not being marketed at a price that makes it impossible to sell.

Ms. Lew stated prior to attempting to sell an owner must file a statement with the Planning Division identifying the offer price and date of the offer.

Commissioner Funk stated she does not believe that is enough assurance. She stated there needs to be a way to make sure the property is being marketed at a reasonable price.

Ms. Lew stated the Commission can decide if the listing price was reasonable when determining if a bona fide effort has been made.

Commissioner Funk stated she does not believe the Commission has the ability to make that determination. She stated appraisals may be necessary.

Chairperson Harding stated appraisals can be very expensive.

Commissioner Funk stated it does not have to be an official appraisal and stated a real estate broker can perform an appraisal for less.

Commissioner Thuet stated real estate brokers are prohibited from offering services as an appraiser.

Commissioner Shepherd stated he agrees there needs to be a standard to assure the property is marketed at a reasonable price.

Commissioner Shepherd asked if there was a definition of a bona fide effort.

Ms. Lew stated the bona fide effort process is outlined on page 7 of the Memorandum.

Commissioner Bevins asked how the bona fide effort process helps preserve the building.

Ms. Lew stated the process encourages the applicant to look for funding sources to help preserve the building or to find a buyer who is willing to preserve the building.

Commissioner Shepherd asked if language can be added that requires that maintenance issues be addressed.

Commissioner McClintic stated that an application will not be approved if the applicant has not made an effort to perform normal maintenance and repairs.

Chairperson Harding asked if it would be helpful to have a subcommittee look at the petition more closely.

Commissioner Funk stated she is pleased with the updated petition. She asked if the Commission would take public comment.

Mr. Paterson stated this petition has been listed as a Work Session and has not been advertised as a public hearing.

Mr. Nielson stated public comment would require an advertised public hearing.

Commissioner Funk suggested using tax evaluations to determine an appropriate marketing price.

Chairperson Harding stated she did not believe the Commission would be able to tell people what price the property should be listed at.

Mr. Nielson stated he agreed that would be difficult.

Commissioner Funk asked if it would be possible to tell an applicant a property was not listed at an appropriate price.

Mr. Nielson stated it is difficult to dictate how an owner should market and sell their property.

Commissioner Funk asked if language could be added requiring the applicant to market the property at a reasonable price.

Vice Chair Hart stated an appraisal would be more accurate than tax records to determine the market price.

Commissioner McClintic stated it is reasonable to require an appraisal of the property in order to determine if a bona fide effort has been made.

Chairperson Harding suggested the applicant come before the Commission with the realtor and a list of comparable properties. She stated an appraisal could be used but shouldn't be required.

Commissioner Thuet stated that the last applicant who appeared before the Commission with a demolition case had her realtor discuss efforts that had been made to sell the property. She stated the realtor's comments were sufficient and an appraisal was not necessary.

Commissioner Shepherd stated he felt the realtor's testimony was based on emotion and comments from a neutral party such as an appraiser would be more appropriate.

Ms. Lew asked if the Commission would like to have the requirement for an appraisal added to the language.

Commissioner Shepherd stated he believed adding the appraisal requirement would be reasonable.

Commissioner McClintic suggested that language be added stating an appraisal would be an appropriate document to present to the Commission.

Chairperson Harding stated she preferred not making an appraisal mandatory.

Commissioner Shepherd asked who is responsible for verifying that a bona fide effort has been made.

Ms. Lew stated Staff would make that determination.

Chairperson Harding asked if Staff would keep the Commission informed if the applicant was trying to market the property for a reasonable price.

Ms. Lew stated there would be a Staff Report when the petition comes back before the Commission.

Chairperson Harding asked the Commission where they stood on the appraisal requirement.

Commissioner Funk stated she would prefer an appraisal be required.

Chairperson Harding stated an appraisal is already required and asked if Commissioner Funk would like a second appraisal to be required.

Commissioner Funk stated she was not aware an appraisal was already required.

Chairperson Harding stated an appraisal is required when demolition is requested.



Ms. Lew stated an appraisal is required to determine economic hardship but not for the initial application for demolition.

Commissioner Bevins asked if going through the bona fide preservation effort meant the applicant had applied for economic hardship.

Ms. Lew stated that going through the bona fide effort process does not mean the applicant has applied for economic hardship.

Commissioner Shepherd stated comments from real estate agents aren't enough and additional numbers are needed. He stated recommending an appraisal seems appropriate.

Chairperson Harding asked Mr. Nielson if requiring an appraisal would be an economic burden on the applicant.

Mr. Nielson stated it would be up to the Commission to determine if an appraisal would be an economic burden.

Mr. Paterson stated the Commission needs to be assured that the marketing value is appropriate and an appraisal would help provide that, however that information might also be obtained with a listing of comparables properties. He stated staff from other City departments such as Property Management can help review applications.

The Commission decided it would be appropriate for Staff to review the petition and bring it to the Commission if they were concerned with the listing price.

Commissioner Funk stated the definition of a special merit exception should be defined earlier in the document.

Commissioner Thuet stated in section J, subsection 1, the term "possible" is too broad.

The Commission suggested the word "reasonable" be used instead.

The Commission decided a subcommittee was not necessary, but suggested the petition be reviewed again during a Work Session when more members were present.

[6:48:00 PM](#)

Vice Chair Hart left the meeting at this time.

[6:48:07 PM](#)

**PLNPCM2012-00870 – Design Guidelines for Apartments and Multi-family Buildings in Salt Lake City - This is an introduction to the forthcoming design guidelines addressing historic apartment and other multi-family buildings on Landmark Sites or within local historic districts. Salt Lake City does not have specific guidelines to assist in the design and review of**

**proposed alterations and new construction of this building type which is a key element of the urban character of Salt Lake City. (Staff contact: Carl Leith at (801) 535-7758 or [carl.leith@slcgov.com](mailto:carl.leith@slcgov.com))**

Mr. Carl Leith, Senior Planner, reviewed the petition as presented in the Memorandum (located in the Case File) to open discussions on the new multi-family & apartment design guidelines. He stated he would like volunteers for a Commission subcommittee to review the detail of the Design Guidelines as they are developed. Mr. Leith posed an open question for the Commission on how suitable the format of the residential design guidelines was, given the spectrum of scale that multi-family guidelines will address.

Chairperson Harding stated it might make sense to have the subcommittee address that question.

Commissioner Shepherd asked if there was a timeline.

Mr. Leith stated he would like to have a first draft come before the Commission in March and a final draft by June or July.

Commissioner McClintic asked if there any national guidelines for multi-family buildings.

Mr. Leith stated he has not identified any national guidelines but there are several municipalities that have multi-family and apartment sections within their design guidelines.

Commissioner McClintic stated these guidelines could be useful not only with preserving historical buildings but also setting design standards for infill. He asked if there was documentation available for new design standards.

Mr. Leith stated design guidelines that are included with the new Residential Design New Construction Guidelines really only address smaller scale single-family buildings of one to two plus stories. He stated that there is a need for design guidelines for larger multi-family buildings to be a key part of this series.

Commissioner McClintic confirmed he would be interested in being part of the subcommittee.

Commissioner Bevins stated it is important that these guidelines be completed in a timely manner.

Chairperson Harding stated that an email will be mailed out to all Commissioners seeking interest in participation in the subcommittee.

**The meeting stood adjourned at [7:07:10 PM](#)**