

**SALT LAKE CITY HISTORIC LANDMARK COMMISSION MEETING**  
**City & County Building**  
**451 South State Street, Room 326, Salt Lake City, Utah**  
**October 3, 2019**

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at [5:34:50 PM](#). Audio recordings of the Historic Landmark Commission meetings are retained for a period of time.

Present for the Historic Landmark Commission meeting were: Chairperson Kenton Peters; Commissioners Stanley Adams, Jessica Maw, David Richardson, Esther Stowell, and Michael Vela. Commissioner Rocio Torres Mora was not present. Vice Chairperson Robert Hyde and Commissioners Paul Svendsen and Victoria Petro – Eschler were excused.

Planning staff present at the meeting were Nick Norris, Planning Director; Mayara Lima, Principal Planner; and Merili Carter, Administrative Secretary; and Paul Nielson, City Attorney.

**Field Trip**

A field trip was not held prior to the work session.

**Commission Meeting Begins [5:34:50 PM](#)**

**Discussion to approve the September 5, 2019, MEETING MINUTES [5:35:23 PM](#)**

**MOTION to approve [5:35:45 PM](#)**

Commissioner Richardson moved to approve the September 5, 2019, meeting minutes. Commissioner Stowell seconded the motion. All Commissioners were in favor. The motion passed unanimously.

**REPORT OF THE CHAIR AND VICE CHAIR [5:35:48 PM](#)**

Chairperson Peters had nothing new to report.

Vice Chairperson Hyde was excused.

**REPORT OF THE DIRECTOR [5:36:01 PM](#)**

Nick Norris, Planning Director, discussed the postponement of the training session listed on the agenda.

**GENERAL PUBLIC COMMENTS [5:36:22 PM](#)**

Cindy Cromer: Verbal invitation to the Midcentury Modern Home Tour sponsored by Preservation Utah & SLC Modern on Saturday October 5, 2019: 5 homes designed by architect Stephen Macdonald located in Holladay Utah.

## **PUBLIC HEARING for agenda item [5:37:41 PM](#)**

- 1. Painted masonry facades at approximately 171 W 300 N** - Natalie Johnson, representing the property owner, is requesting approval of paint on three facades of the masonry apartment building located at 171 W 300 N. This work has already been carried out without a Certificate of Appropriateness approval and is the subject of an open enforcement case. The matter is being referred to the Historic Landmark Commission for a decision because Staff finds that the work does not comply with standards of review and adversely affect the character and integrity of the building. This item was reviewed and tabled at the September 5, 2019 meeting. The subject property is within Council District 3, represented by Chris Wharton. Staff contact: Mayara Lima at (801)535-7118 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com). **Case number PLNHLC2019-00132**

Mayara Lima, Principal Planner, provided a brief introduction and an overview of the case with no new information about the property located at 171 W 300 N given the commission had already discussed this case at two previous Historic Landmark Commission meetings; June 6, 2019 and September 5, 2019. Nick Norris, Planning Director, also stepped in and provided information when needed.

### **The Commission and staff discussed the following [5:39:10 PM](#):**

- Mayara Lima, Principal Planner, discussed with the commission that painting the brick does not conform to the standards of review for a certificate of approval.

### **Applicant presentation and explanation [5:39:52 PM](#):**

Chris Turner and James Tate with Preserve Partners (applicant) provided a presentation and discussed the following:

- They specialize in renovation of historic properties. Gave examples.
- They are preservationist.
- They utilize the federal historic tax credits.
- They provide affordable housing to help meet the city's current need.
- They did not know they needed a permit for this project.
- They canvassed the neighborhood and have seen other painted properties. They found 10 properties locally and 59 properties in the overlay district that have been painted. They provided a list of the properties.
- They understand they made a mistake with this property; however, the flagstone on the exterior of the building was painted prior to purchasing the property.
- They have plans to restore the vintage sign attached to the building.
- They consulted with five contractors about the paint removal. Only one contractor said they can do paint removal.
- They met with Abstract Masonry, who verified that they can do paint removal. The earliest they can remove the paint is in May 2020; however, Abstract said they will not take on the liability of removing the paint from around the entrances due to the possibility of a tenant touching an area that has been chemically treated to remove the paint.
- Applicant says they are now in a position where they cannot find anybody to remove the paint.
- The estimate from Abstract Masonry came in at \$60,000 for removing the paint from only the brick (not the flagstone).
- The applicant says that spending the \$60,000 will put the property into bankruptcy.
- The applicant would like the City to forgive and fine instead of requiring removal.

The Commission and the applicant discussed the following:

- Code interpretation / honest mistake / misunderstanding
- The design guidelines of the historical overlay district
- Applicant claimed there is too much ambiguity, a lack of accessibility and public transparency for information about the historic overlay districts in the City.

The Commission, the applicant, and staff discussed the following:

- Principal Planner Lima discussed:
  - that the project does not meet design guidelines
  - painting brick does not meet the standards of review in the zoning code (21A.34.020.G)
  - zoning ordinance is available online to the public
- Director Norris discussed that the standards of review identify that chemical/physical treatments that damage the exterior of the building do not comply; painting brick does cause damage.
- Commission and applicant discussed the damage paint will cause brick.
- Applicant said they will be bankrupt if they need to remove the paint.
- Applicant said that they did not do a great amount of research on this property-for this project because they believed that painting the exterior of a building would not require a permit.
  - The applicant says they had no knowledge they were in a historic overlay district.
- Director Norris discussed the accessibility of records that will show a property owner if they are in a historic district and if they have a contributing building e.g. online accessibility, title searches, and deed records.
- Applicant claimed they did not know their building is a contributing building in a historical district.

**PUBLIC COMMENTS for Case number PLNHLC2019-00132 [6:03:45 PM](#)**

Minta Brandon, board member of the Capital Hill Community Council and a resident of the Marmalade District expressed that she is shocked to hear that the applicants did not know the historical status of their building, she expressed it is hard to believe the applicant's claims of ignorance given how many properties they own. She feels that the applicant was in a hurry and was motivated by money. Brandon also expressed the importance of preservation and the importance of not painting brick. Brandon firmly believes that the applicant knew the historical status of the building and how easy it is to search the city records. She discussed the measures she has taken to preserve her building and the importance of preservation.

Matt Blunt, local resident/neighbor to applicant's building discussed how hard it was for him to know that his building is in a historic district. He said he only found out when he went to build a shed. He discussed the county rules. He discussed his experience calling Salt Lake City and how the City staffer he spoke to initially thought it was okay for him to build the shed, but then at the end of the call the City staffer realized Mr. Blunt is in a historic district. Mr. Blunt believes that a property owner can easily believe their building is not historical. He also expressed how much he likes the paint on the applicant's building and how it is raising the bar for the entire neighborhood.

Cindy Cromer discussed that she initially thought that prohibiting paint on the rear façade and requiring paint removal on the sandstone would be enough; however, with this new information she now believes that because the paint can be removed successfully, and the cost is reasonable that the paint should be removed. Speaking as a property owner herself, she does not believe removing the paint will put the building into bankruptcy and that the claim is hyperbole. She feels that if the applicant is financially strained, they can remove the paint in phases, and that the expense of removal should be tax deductible for a property management/landlord situation. She requested the commission require removal of all of the paint with a timeline that allows the developers to maintain financial stability so the neighborhood can have the building that they use to have. Ms. Cromer expressed the historical significance of the building's midcentury/post war build date and architecture. Ms. Cromer finds it hard to believe that the property owners are able to utilize federal historic tax credits for their renovation, but missed that their building is a contributing building in a historic overlay district of Salt Lake City.

Israel Erekson, local resident/neighbor of the applicant's property expressed that the historic district rules have prevented many property owners from renovating their buildings. He believes that the applicant did make a mistake, and also believes that it is a matter of opinion that paint damages brick. He did a good amount of research and could not find a definitive consensus that painting brick will damage the brick. He found that it is recommended that brick not be painted, but that if one must paint brick that a vapor permeable paint can be used. Mr. Erekson understands that it is hard for property owners to know their building is in a historic district and that when pulling a permit for his building, it took City staffers a while to notice he was in a historic district. Mr. Erekson expressed his desire to preserve things; however, in some instance's preservation is not the best choice for that building, especially when discussing cosmetic changes.

Applicant returned to respond to public comments [6:17:27 PM](#)

Applicant affirmed that they are in the business of preservation, and that due to not needing a permit to paint, the applicant did not do much research and therefore did not become aware of their building's historical status; had they known, they would not have painted the building. Their only intent was to refresh the building. Applicant discussed their renovation processes on their other properties and reaffirmed that they made a mistake with this property and will never make that mistake again.

Director Norris and applicant discussed [6:19:09 PM](#)

- The building was painted in the spring 2019
- Director Norris said "you mentioned that you did not know you were in a historical district..."
  - Applicant said they did not know they were not allowed to paint the building.
- Director Norris asked if they knew they were in a historic district
  - Applicant said "no"

- Director Norris discussed BLD2018-01291 (application for the same property, different project, pulled 02/06/2018 prior to painting): the application indicates that the property is in a historic district. Director Norris asked if the applicant had somebody pull the application for them; the City's records indicate that it was pulled by MWR Construction and Natalie Johnson. Director Norris asked the applicant if they authorized her to pull the permit for them. The applicant said that their general contractor pulled the permit and that Natalie Johnson works for MWR. The applicant said he would not have knowledge of the specifics of the permit. The applicant said they authorized MWR to pull a permit because they were doing renovations and they needed a permit. The applicant said they permit everything they do unlike most people.

### **Executive Session [6:21:22 PM](#)**

Commission discussed that they have heard enough information on the case. The commission discussed the challenge of precedence. Commission discussed the possibility of the case being an honest mistake and the economic impact of removing the paint. Commission discussed focusing on what the guidelines are and what preservation is. Commission discussed the effects of painting brick. Commission discussed asking for the removal in phases and having staff monitor that.

### **MOTION to deny COA made [5:28:23 PM](#)**

Commissioner Stowell moved: Based on the information listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission deny the request for a Certificate of Appropriateness for the painted masonry facades at 171 W 300 N, as presented in petition PLNHLC2019-00132.

Commissioner Maw seconded the motion.

Commissioner Adams voted "against".

Chairperson Peters and Commissioners Richardson and Vela voted "Aye".

### **The motion to deny passed [6:29:30 PM](#)**

Chairperson Peters then advised the applicant to work with City staff if they wish to appeal.

### **Other Business [6:30:27 PM](#)**

Director Norris discussed the Chair and Vice Chair elections.

The commission voted unanimously to table the Chair and Vice Chair elections.

### **Meeting adjourned [6:34:04 PM](#)**