

ATTACHMENT E: HLC MEETING MINUTES

March 4, 2021

April 1, 2021

July 15, 2021

SALT LAKE CITY HISTORIC LANDMARK COMMISSION MEETING
This meeting was held electronically pursuant to the
Salt Lake City Emergency Proclamation
Thursday, March 4, 2021

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at approximately 5:30 pm. Audio recordings of the Historic Landmark Commission meetings are retained for a period of time. These minutes are a summary of the meeting. For complete commentary and presentation of the meeting, please visit <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Historic Landmark Commission meeting were: Chairperson, Robert Hyde; Vice Chairperson, Michael Vela; Commissioners Babs De Lay, John Ewanowski, Aiden Lillie, Jessica Maw, Kenton Peters, Victoria Petro-Eschler, and David Richardson.

Planning Staff members present at the meeting were: Michaela Oktay, Planning Deputy Director; Nick Norris, Planning Director; Paul Nielson, Attorney; Nelson Knight, Senior Planner; and Sara Javoronok, Senior Planner.

Chairperson Hyde read the emergency proclamation.

APPROVAL OF THE FEBRUARY 4, 2021, MEETING MINUTES.

MOTION

Commissioner Vela moved to approve the February 4, 2021 meeting minutes. Commissioner De Lay seconded the motion. Commissioners Lillie, De Lay, Richardson, Maw, Ewanowski, Peters and Vela voted “Aye”.

REPORT OF THE CHAIR AND VICE CHAIR

Chairperson Hyde stated he had nothing to report.

Vice Chairperson Vela stated he had nothing to report.

REPORT OF THE DIRECTOR

Nick Norris, Planning Director, informed the commission that there will be a requirement of 4 hours of training.

GENERAL PUBLIC COMMENTS

Cindy Cromer – Provided comments regarding the RMF-30 zone proposed modifications and how they potentially affect property owners.

PUBLIC HEARING

New Construction & Special Exception at approximately 738 S. Green St. - Matt Hintze, of Matthew Hintze Architecture, on behalf of the property owner, Matt Fletcher, is requesting approval from the City to construct a single-family residence and accessory dwelling unit at 738 S. Green Street. The property is currently vacant and is within the Central City Historic District and is zoned RMF-30 (Low Density Residential Multi-Family Zoning District). This proposal requires Historic New Construction and Special Exception review.

- a. **New Construction:** This project request requires approval for new construction in an

1. Allow the applicant to modify special exception #1 for the front yard setback to allow the applicant; not only this modification but to move the front façade of the house so that it aligns with the house to the South;
2. To increase the height of the ADU from 24 feet to 25 feet 2 inches
3. To reduce side yard setback of the ADU from 10 feet to 9 feet

Commissioner Lillie requested a friendly amendment to add: To add the condition listed in the staff report.

Commissioner Richardson accepted the amendments. He also added to address fenestration to appear a little more historic.

Commissioner Peters seconded the motion. Commissioners Lillie, De Lay, Richardson, Maw, Ewanowski, Peters, and Petro-Eschler voted “Aye”. The motion passed unanimously.

Chairperson Hyde and Vice Chairperson Vela recused themselves due to possible conflict of interest. Chairperson Hyde requested commissioner Peters to run the work session for Elks Block Redevelopment.

WORK SESSIONS

Elks Block Redevelopment – The Historic Landmark Commission will hold a work session to provide a preliminary review of a proposal and application by David Davis, of Dale Gardon Design, representing Property Reserve, Inc, for a project centered around the former Elks Club Building located at approximately 139 E South Temple. The project is proposed to include:

- Rehabilitation of the Elks Building and connected parking garage on 1st Avenue;
- New construction of a residential building on the parking lot at approximately 151 E South Temple;
- Rehabilitation of six existing contributing buildings between 124 and 136 E 1st Avenue and;
- Demolition of the contributing building at 120 E 1st Avenue.

This will be a work session review; no formal public hearing will be held, and a decision will not be made at this meeting. The subject properties are within the SLC Avenues Historic District (H Historic Preservation Overlay). The properties along South Temple are zoned R-MU (Residential Mixed Use) and the homes on 1st Avenue are zoned RMF-75 (High-Density Multifamily Residential District). All are within Council District 3, represented by Chris Wharton. (Staff contact: Nelson Knight at (385) 226- 4493 or nelson.knight@slcgov.com) **Case numbers PLNHLC2020-00816, PLNHLC2020-00915 & PLNHLC2020-00916**

Nelson Knight, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file).

The Commission and staff discussed the following:

- Clarification on whether there would be demolition
- Clarification on whether the Elks building is currently occupied and what the percentage is

Matt Baldwin and David Davis, applicant representatives, provided a presentation with further details.

The Commission, applicant and staff discussed the following:

- Whether the building will have to undergo similar process that the Temple is currently undergoing
- Clarification on exception for height
- Clarification on where the Elk will be placed
- Whether there was a previous use for the roof
- Clarification on what is the reference to diversity being used as a term

The Commission made the following comments and discussion:

- I think the presentation was very thorough
- What I see here looks good
- I love the roof top
- I am a preservationist, I lived within 2 block for 30 years, active member of the Alta Club, preservation Utah, this board, and many organizations; I'm grateful that we have a developer that is sensitive to this area.
- Ground floor space use
- Foot traffic expected
- Request to keep some of the design of the façade
- Regarding 120 E 1st avenue I think a structure of that does need to be saved
- Clarification on access on South Temple

Planning and Zoning training: Planning staff will provide a planning and zoning training to the Commission. Topics will include the role of community plans, an overview of the zoning code and map, a review of the approval processes in the zoning code and how they relate to the Historic Landmark Commission.

Nick Norris, Planning Director, provided the commission with training on Planning and Zoning.

The Commission and Staff discussed the following:

- Clarification on baseline regulations on esthetics of a building and whether it will be removed
- Clarification on who is leading the bill
- Clarification on movement through the legislature that restricts appointed citizen boards
- Commissioner asked to receive some guidelines to purviews
- Clarification on why staff hasn't standardized roof heights from a zoning perspective

The meeting adjourned.

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Present for the Historic Landmark Commission meeting were: Vice Chairperson, Michael Vela; Commissioners Babs De Lay, John Ewanowski, Aiden Lillie, Jessica Maw, and David Richardson.

Planning Staff members present at the meeting were: Michaela Oktay, Planning Deputy Director; Molly Robinson, Planning Manager; Paul Nielson, Attorney; Kelsey Lindquist, Senior Planner; Nelson Knight, Senior Planner; Nancy Monteith, Aubrey Clark, Administrative Secretary.

APPROVAL OF THE March 4, 2021, MEETING MINUTES.
MOTION

Commissioner De Lay moved to approve the March 4, 2021 meeting minutes. Commissioner Ewanowski seconded the motion. Commissioners De Lay, Ewanowski, Lillie, Maw and Richardson voted “Aye”. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

Chairperson was not present.

Vice Chairperson stated he had nothing to report.

REPORT OF THE DIRECTOR

Michaela Oktay Deputy Director reported there will be a campaign starting next month to elect new commission members. She stated that there will be a review of rules and procedures in the coming commission meetings.

PUBLIC COMMENTS:

Cindy Cromer – regarding the Cultural Landscape Report Work Session – “I’m sort of taking a privilege here, but I am concerned that this proposal has not gone to the public where there might be input. And I am concerned by the time it comes back to you again it will be very far down the road. So this is the third city staff person and Nancy is highly qualified to be doing this work, but this is the third city staff person to tackle this project. I’ve been on it as a volunteer for almost 25 years. Um and it is incredibly important to identify the historic features in publicly owned open space. Obviously so they can be protected. And number two, and this is one that I am probably best qualified to address since Rick Graham is no longer employed by the city, is the cost to the city um heading down the wrong path? And that usually occurs when public utilities or parks wants to do a project in publicly owned space. And the cost the costs have been staggering. And we really need to address these guidelines so that we are not wasting public funds. Um it is of concern to me that Gilgal in particular is not on the list, that the 60’s mini park behind the Utah retirement system building is on the list. And I recall that was on the site of a three-story historic walk up and I don’t know why that’s down there as historic open space. The Geo-antiquity on the Bonneville bench which is the basis for natural open space is not on the list. And the effort that I’ve worked on most recently for two solid years, the city creek islands at 4th Avenue is not include in the Memory Grove

MOTION

Commissioner Babs De Lay stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve petitions PLNHLC2020-00964 and PLNHLC2021-00010 a request for a Certificate of Appropriateness for the minor alteration and the associated special exception for 68 B Street with the following condition:

1. The custom metal covering system be installed with as little impact to the masonry, as possible.

Commissioner Jessica Maw seconded the motion. Commissioners De Ley, Maw, Ewanowski, Lillie, Richardson voted “Aye”. The motion passed unanimously.

Vise Chairperson Vela recused himself due to a possible conflict of interest on the Elks Block Redevelopment. Commissioner Jessica Maw took over as stand in Chairperson for the Work Sessions.

WORKS SESSION (NOT A PUBLIC HEARING)

Elks Block Redevelopment – David Davis, of Dale Gardon Design, representing Property Reserve, Inc, is proposing a Major Alteration to the former Elks Club Building located at approximately 139 E South Temple. The project includes:

- Rehabilitation of the Elks Building and connected parking garage on 1st Avenue
- New construction of a residential building on the parking lot at approximately 151 E South Temple
- Rehabilitation of six existing contributing buildings between 124 and 136 E 1st Avenue and
- Demolition of the contributing building at 120 E 1st Avenue.

This will be a work session review; no formal public hearing will be held, and a decision will not be made at this meeting. The subject properties are within the SLC Avenues Historic District (H Historic Preservation Overlay). The properties along South Temple are zoned R-MU (Residential Mixed Use) and the homes on 1st Avenue are zoned RMF-75 (High-Density Multifamily Residential District). All are within Council District 3, represented by Chris Wharton. (Staff contact: Nelson Knight at (385) 226- 4493 or nelson.knight@slcgov.com) **Case numbers PLNHLC2020-00816, PLNHLC2020-00915 & PLNHLC2020-00916**

Senior Planner Nelson Knight reviewed the project proposal as outlined in the memorandum and he outlined the next steps for the proposal.

David Davis, applicant representative, discussed:

- Site issues including grade, circulation, and age
- Items they felt received favorable response from the Commission in the last work session
- Removal of 2-story addition at 134 E 1st Ave
- List of items to be reviewed in this HLC meeting

- South Temple residential request for new construction – reviewing overall exterior design
- Historic homes request for minor alterations – strategy for exterior rehabilitation of 6 homes
- Elks building request for major alteration – main entry and arrival along South Temple

Aiden Lillie asked the commission for clarification on whether the 2-story addition had been previously discussed.

Davis Davis and the Commission discussed:

- The proposed design elements for the South Temple Residential building
- The proposed historic homes rehabilitation:
 - repairs
 - refacing
 - seismic upgrades
 - landscaping
 - possible demolition of the addition on 134 E 1st Ave.
- Painting historic brick or stone buildings
- The proposed Elks Building upgrade:
 - The tunnel entry and the berm
 - The original use for the Elks Building
 - Current conditions
 - Reasons for requesting the change to the front entry
 - The proposed usage for the building
 - Accessibility and functionality of the tunnel
 - The proposed plaza and incorporating an arch feature to mimic the current design
 - Keeping the arch and getting rid of the tunnel
- The complexity of the project
- The commissioners didn't feel like they had seen enough regarding the tunnel and the Elks Building
- How to proceed with this and future work sessions pertaining to this item, wanting each section addressed as its own item rather than lumping them together
 - The commission wants to see other ideas for the tunnel and Elks building
 - The demolition of the contributing structure to make room for the parking garage
 - The rehabilitation of the historic homes on 1st Ave agreeing that rehabilitation would be approved at a staff level, not including the demolition of the addition on 134 E 1st Ave
 - South Temple Residential Building
- Whether there should be additional work sessions or moved to Public Hearing

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Present for the Historic Landmark Commission meeting were: Vice Chairperson Michael Vela; Commissioners Babs De Lay, John Ewanowski, Adien Lillie, Kenton Peters, Victoria Petro-Eschler, and David Richardson. Chairperson Robert Hyde was excused from the meeting.

Planning Staff members present at the meeting were: Deputy Director Michaela Oktay, Planning Manager Wayne Mills, Senior City Attorney Hannah Vickery, Senior Planner Nelson Knight, Senior Planner Amy Thompson, Principal Planner Caitlyn Tubbs, Administrative Assistant Aubrey Clark.

Commissioner Kenton Peters filled in as roll of Chair due to the absence of Chairperson Robert Hyde. He read the virtual meeting finding.

APPROVAL OF JUNE 3, 2021 MEETING MINUTES

Commissioner Michael Vela made a motion to approve the minutes. Commissioner Babs De Lay seconded the motion. All commissioners voted “aye”. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

Acting chair, Kenton Peters, said he had nothing to report.
Vice Chair, Michaela Vela, said he had nothing to report.

REPORT OF THE DIRECTOR

Deputy Director, Michaela Oktay, reported that Commissioners are needed.

PUBLIC COMMENTS

No one wished to comment.

PUBLIC HEARINGS

Commissioner Vela recused himself from the Elks item due to a conflict of interest.

Elks Block Redevelopment at approximately 139 & 151 E. South Temple, and 120 E. 1st Avenue - David Davis, of Dale Gardon Design, representing Property Reserve, Inc, has submitted applications to the city for a project centered around the former Elks Club Building located at approximately 139 E South Temple. This type of project requires demolition, new construction, special exception, and certificate of appropriateness review by the Historic Landmark Commission.

a. Demolition- of a contributing building at approximately 120 E 1st Avenue, in order to provide access to the other buildings within the project. **Case number PLNHLC2020-00915**

b. Major alterations- of the Elks Building at approximately 139 S. Temple, including alterations to the existing entrance, removal of incompatible additions to the building's exterior and construction of a new rooftop addition on the building. A special exception would also be required for an additional three feet of height for the addition. **Case number PLNHLC2020-00816 & PLNHLC2021-00672**

c. New Construction of an eight-story residential building at approximately 151 E. South Temple where an existing parking lot is located. The applicant is requesting a special exception for approximately 25 feet of additional building height on portions of this building beyond the 75 feet allowed in the R-MU zone, for a total height of approximately 99 feet. **Case number PLNHLC2020-00916 & PLNHLC2021-00673**

The properties along South Temple are zoned R-MU (Residential Mixed Use) and the homes on 1st Avenue are zoned RMF-75 (High-Density Multifamily Residential District). The properties are within the Avenues Local Historic District. The subject property is within Council District #3, represented by Chris Wharton. (Staff contact Nelson Knight at (385) 226-4493 or nelson.knight@slcgov.com).

Senior Planner Nelson Knight reviewed the petition. He stated the first item is a request for demolition and said Staff recommends the Commission approve the request. He stated Staff recommends approval with conditions for item B and C. He reviewed item A and showed the demolition standards. It does not comply with standard A and D. It complies with standard B, C and E. He reviewed Item B and stated that it would maintain several of the features that currently exist. He also reviewed the proposed changes. He reviewed item C that would be the South Temple Residential Building with a special exception proposed.

Commissioners and Staff discuss:

- The solid to void ratio and whether it meets the guidelines.
- The colors to be used.

Commissioner Peters opened the meeting to the applicant.

David Davis, applicant representative, reviewed their petition showing the proposed transformation of the site. He reviewed the proposed changes to the Elks Building including the windows and seismic updates. He brought up the front entry not being ADA accessible and being one level above the sidewalk and only accessible by stairs. He showed the proposed penthouse addition. He reviewed the proposed front entry with some of the same features but a lowered to street level entry with the berm removed. He also reviewed the proposed building materials.

Commission, Staff and the Applicant discuss:

- The materials used on the building across the street.
- The finish plan for the houses on 1st Avenue (134, 136, 138) which are currently painted brick and what the finish plans for those are.
- Whether the porches on the houses on 1st Avenue were going to be restored.

Commissioner Peters opened the meeting to Public Comment.

Cindy Cromer stated that she is against painting the brick of the parking structure.

David Amott, from Preservation Utah, addressed the tunnel of the Elks and its entryway and asked the Commission to retain the tunnel and entryway as it is.

David Davis said he would investigate other options for a breathable masonry coating.

Commissioner Peters moved into Executive Session.

Commissioner Lillie stated that she appreciated the applicants listening to feedback from the work sessions. She did state that she stands with Preservation Utah's stance on the Elks Building tunnel and entryway. She stated she would have a hard time approving the demolition and restructuring of the entryway. She does approve of the demolition of the contribution structure and the new construction of the residential building.

Commissioner Ewanowski thanked the applicant for trying to meet the Commission's suggestions. He addressed the new building being white and he feels it meets the standards for new construction in a historic district. He said he agreed with Cindy Cromer's comment of paint brick and is for the demolition of the post war bungalow.

Commissioner Petro-Eschler remarked on the bungalow house and is ok with the demolition of that structure. Her concern is on the repurposing of the tunnel, she sees it as a nod and respect for what was previously requested by the commission but feels like it lays the ground work for the imminent destruction of future projects with similar requests. She agrees with Cindy Cromer's protection of the brick of existing structures.

Commissioner Richardson does not feel the parking garage needs to be repainted. He is for the demolition of the bungalow. He is for the new construction. He said he sides with Preservation Utah on the Elks Building. He does not feel it is right to change the façade because it is a character defining feature. He does like the proposed east and west faces and approves of the additional height as long as the front entry isn't lowered.

Commissioner Peters feels the new construction proposed is good and the demolition of the bungalow is acceptable. He spoke on the tunnel and does not feel like the applicant is quite there with a solution that fits all that the Commission has asked for.

Commissioner De Lay asked what the other Commissioners top three issues with the proposal would be.

- Commissioner Ewanowski – the removal of the granite steps and walls around the central tunnel and painting the masonry
- Commissioner Peters – the proposal makes the tunnel two dimensional and that it's not quite right

Commissioner discussed how to move forward with the motions.

MOTION:

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve petition PLNHLC2020-00915, which is a request for a Certificate of Appropriateness for Demolition of a Contributing Building at 120 E 1st Avenue.

Commissioner Victoria Petro-Eschler seconded the motion. Commissioners De Lay, Ewanowski, Lillie, Petro-Eschler and Richardson all voted “aye”. The motion passed unanimously.

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission deny petition PLNHLC2020-00816 which is a request for a Major Alteration of the Elks Building at exactly 139 South Temple and petition PLNHLC2021-00672 which is a request for Special Exception for height to accommodate construction of a new addition. This is because the evidence has not been presented that demonstrates that the proposal complies with standard 21A.34.020 G paragraphs 2, 3, 5 and to a lesser degree 9. In particular paragraph 3 paraphrased says “alterations which seek to create a false sense of history are not allowed.” In regard to the special exception 21A-52-060 paragraph E and G to a lesser degree, E says that no destruction of significant features should be allowed while allowing for a special exception.

Commissioner Lillie second the motion.

Commissioner Petro – Eschler asked if there is a way to separate elements of the special exception the petitions for alteration and height. Yes, but the motion isn't doing that.

Commissioners Petro-Eschler, Ewanowski, voted “aye” to deny. Commissioner De Lay abstained. The motion to deny passed.

Deputy Director Michaela Oktay interjected that there may be ramifications to denying a Special Exception. Staff and Commission discussed the legalities and possible ramifications specifically with regard to a special exception denial and unclear code language that stipulates a one year waiting period.

The Chair discussed the intent which wasn't to put the applicant off for the year. It is to have them come back soon with changes. The Chair didn't confirm the vote due to

Commissioner Richardson's intent which isn't to put them off for a year.

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission table petition PLNHLC2021-00672, which is a request for a special exception for additional height to accommodate construction of a new addition because it is unclear how much height the Commission is approving based on the next motion. Commissioner Babs De Lay seconded the motion. Commissioners Lillie, Ewanowski, De Lay, Petro-Eschler and Richardson all voted "aye". The motion passed to table the special exception in its entirety.

Commissioner David Richardson made a motion to deny the major alterations. The Chair allowed the David Davis to ask a question and consider tabling the major alteration as was done with the special exception to give the applicant the chance to work with the commission on the elements of the Elks building. There was a discussion on which items would come back at a next meeting and the intent of the commission specifically with regards to the special exception and the COA for the Elks building.

The Chair clarified with Commissioner Richardson whether his intent was to deny the COA versus table it. Commissioner Richardson was concerned that the applicant had several opportunities to come back, he doesn't see much of a difference in process of tabling versus denial. Michaela Oktay clarified they can consider tabling the major alterations petition and the commission can cite conflicting standards that are problematic as direction to the applicant to focus on those when they return to the commission. That provides the applicant direction on the record.

Commission discussed that there was still was a motion on the table to deny the major alterations and that they should finish the vote. The commission voted unanimously to deny the motion to deny the Major alterations.

Senior Planner, Nelson Knight wanted to clarify the motion. Discussion confirmed that the entire Major alteration petition would be tabled in a future motion, that was the intent of the commission, their main issue is with the entry feature on the south facade. That the special exception was previously tabled but wanted both the COA and special exception tabled.

Commissioner David Richardson stated, motion to table petition PLNHLC2020-00816. We would like the applicant to revisit standards 21A.34.020, G, paragraphs 2, 3, 5, and 9. Commissioner Adien Lillie seconded the motion. Commissioners Richardson, Petro-Eschler, Lillie, Ewanowski and De Lay voted "aye". The motion to table passed unanimously. The petition was tabled.

Commissioner David Richardson stated, Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I

move that the Commission approve petition PLNHLC2020-00916, which is a request for a Certificate of Appropriateness for New Construction of a Principal Building at approximately 151 E South Temple, and PLNHLC2021-00673, which is a special exception for additional height for the new building, With the following conditions: 1. The front facade of the building shall be set back from the property line so it will not encroach upon the existing public right of way and to provide landscaping as shown on the building renderings. 2. The applicant will work with Planning Staff to ensure that all required landscaping standards are met in the final design. 3. The applicants will work with Planning Staff on a lighting plan with additional detail that shows the lighting will meet the intent of standards for new construction and related design guidelines; 4. A portion of the proposed balconies will project from the front wall of the building. The balconies will be at least five feet in depth to provide sufficient room for balcony use; 5. Approval of all final design details, including specific direction expressed by the Commission, shall be delegated to Planning Staff. Commissioner Babs De Lay seconded the motion. Commissioners Ewanowski, Petro-Eschler, Lillie, De Lay, and Richardson all voted “aye”. The motion passed unanimously for those two petitions.

The commission took a 5 minute break at 7:37PM.

Commissioner Vela rejoined the meeting.

Brigham Young Cemetery Fence Special Exception and Minor Alteration at approximately 140 E 1st Avenue - Emily Utt, representing the Church of Jesus Christ of Latter Day Saints, is requesting a Special Exception and associated Certificate of Appropriateness (CoA) from the City to add additional height to an existing historic fence surrounding the Brigham Young Cemetery located at the address listed above. The Brigham Young Cemetery is a Landmark Site within the Avenues Local Historic District. The fence sits on top of a retaining wall and the proposed fence and retaining wall height ranges from approximately 5 feet to 9 1/2 feet in the front, side and rear yard. This request requires a Special Exception and associated Minor Alterations because the maximum height for fences in residential districts is 4 feet in the front yard, and 6 feet in the interior side and rear yard. The project is located in the RMF-75 (High Density Multi-Family Residential) zoning district within Council District 3 represented by Chris Wharton (Staff contact: Amy Thompson at (385) 226-9001 or amy.thompson@slcgov.com). **Case numbers PLNHLC2021-00457 & PLNHLC2021-00604**

Senior Planner Amy Thompson reviewed the petition. She stated that the petition fails to meet the standards and Staff recommends denial of the request. She also mentioned that there were two public comments submitted prior to the meeting and they have been put into the commissioner’s dropbox folder.

The Commission and Staff discuss:

- Whether the reason for the petition is due to vandalism and what the stats are for that.
- If there are alternatives that Staff was able to recommend.
- Whether the applicant had considered moving the grave site.