

SALT LAKE CITY HISTORIC LANDMARK COMMISSION MEETING

This meeting was held electronically without an anchor location

Thursday, September 2, 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; Commissioners Babs De Lay, John Ewanowski, Aiden Lillie, Kenton Peters, Victoria Petro-Eschler, and David Richardson. Vice-Chairperson Michael Vela had technical difficulties and could not make 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 Sara Javoronok; Planning Manager Amy Thompson, Principal Planner Caitlyn Tubbs, Administrative Assistant Aubrey Clark.

APPROVAL OF AUGUST 5, 2021 MEETING MINUTES

Commissioner Kenton Peters motioned to approve the minutes from the August 5, 2021 meeting. Commissioner Babs De Lay seconded the motion. Commissioner Babs De Lay, John Ewanowski, Kenton Peters, and David Richardson voted “yes”. Commissioners Victoria Petro-Eschler and Aiden Lillie did not vote. The motion passed.

REPORT OF THE CHAIR AND VICE-CHAIR

Chairperson Robert Hyde stated he has nothing to report.
Vice-Chairperson Michael Vela was not in attendance.

REPORT OF THE DIRECTOR

Deputy Director Michaela Oktay reported that Carlton Getz will be going before City Council next Tuesday for a possible appointment as a Commissioner for the Historic Landmark Commission. She also anticipated that more applicants will be interviewed

soon. She also reported that David Richardson and Victoria Petro-Eschler would be leaving the Commission soon.

PUBLIC COMMENTS

No one wished to comment.

EXTENSION REQUEST

Bishop Place New Construction and Special Exceptions - Paul Garbett, Garbett Homes, has submitted a letter to request a one-year extension for the Bishop Place project that was approved by the HLC on 10/1/2020. The approval granted was for new construction in a historic district for a single-family attached residential development of twenty-four (24) dwelling units and three (3) associated special exception requests located at approximately 432 N. 300 West (Bishop Place – a private street). The subject property is zoned SR-3 (Special Development Pattern Residential District) and is located in Council District 3 represented by Chris Wharton (Staff contact: Lex Traughber at 385-226-9056 or lex.traughber@slcgov.com). **Case numbers PLNHLC2019-01157 & PLNHLC2019-01158**

Planning Manager Wayne Mills gave an overview as to why the applicant is requesting an extension.

Paul Garbett said there have been a lot of challenges, but the project is moving forward.

MOTION

Commissioner Kenton Peters moved to approve the one-year extension for PLNHLC2019-01157 and PLNHLC2019-01158 Bishop Place. Commissioner Aiden Lilly seconded the motion. Commissioners Babs De Lay, John Ewanowski, Aiden Lillie, Kenton Peters Victoria Petro-Eschler, and David Richardson voted “aye”. The motion to approve the extension passed.

PUBLIC HEARINGS

Minor Alteration Re-roof at Approximately 1024 E 1st Avenue - Dynamic Roofing & Construction, representing the property owner, is requesting approval for a Minor Alteration at the address listed above. The Minor Alteration is to accommodate the construction of an already completed re-roof request. The property is presently occupied as a single-family residential house and is located within the Avenues Local Historic

District and is zoned SR-1A (Special Development Pattern Residential). The subject property is within Council District 3 represented by Chris Wharton. (Staff contact: Krissy Gilmore, (385) 214-9714 or kristina.gilmore@slcgov.com) **Case number: PLNHLC2021-00605**

Planning Manager Wayne Mills stated that the applicant had an emergency right before the meeting and would not be in attendance. He gave the Commission options on how to move forward with the meeting.

Chairperson Robert Hyde asked if there was anyone that was attending the meeting from the public that wished to speak on the matter. No one wished to speak, and he asked the Commission to postpone until the next month.

MOTION

Commissioner Petro-Eschler motioned to postpone case number PLNHLC2021-00605 until the October meeting. Commissioner Kenton Peters seconded the motion. Commissioners Babs De Lay, John Ewanowski, Aiden Lillie, Kenton Peters, Victoria Petro-Eschler and David Richardson voted “aye”. The motion to postpone to the next meeting passed.

Major Alteration Rear Addition at approximately 235 South 600 East - David Kofford of NWL Architects, on behalf of the property owner, Annette Langheinrich, is requesting approval from the City for a Major Alteration for the removal of an existing rear addition and construction of a new rear addition to the dwelling at the above-listed address. The subject property is listed as a contributing building to the Central City Historic District. The proposed addition is approximately 1,420 square feet with a height of 30.5 feet. The property is located in the RMF-35 (Moderate Density Multi-Family Residential) zoning district and within Council District 4, represented by Analia Valdemoros. (Staff contact: Sara Javoronok 382-226-4448 or sara.javoronok@slcgov.com) **Case number PLNHLC2021-00366**

Senior Planner Sara Javoronok reviewed the petition as outlined in the staff report. She stated that Staff recommends approval of the request with the condition included in the report.

Commissioner Ewanowski asked whether the existing dormer is historic. Staff confirmed that it is historic.

Commissioner Kenton Peters asked whether the addition is to divide the property into apartments. Staff stated that the space will be a single-family home.

Commissioner Lillie asked if the roof of the existing addition extends into the historic roofline or if it is broken up. Staff identified that the area was not clear in the existing photographs, but that there were existing elevation drawings in the packet, and that the applicant could provide additional information.

Chairperson Hyde opened the meeting to the Applicant.

Applicant David Kofford presented plans for the subject property. He stated the petition intends to rehabilitate the property. He stated the existing sleeping porch was an addition from approximately 1911 and that the roof of the house was all reroofed in the last decade. He also stated that there is no real integration of the sleeping porch, other than the roof, with the main structure. He said that the shingle façade can be seen inside the porch. He reviewed the intended plans for the property.

Chairperson Hyde opened the meeting to Public Hearing.

PUBLIC HEARING

Cindy Cromer commented that the architect's attention to detail is admirable. She commented on the roofing shingles, saying she feels the commission should delegate the shingle coloring. She also commented on the leaded glass window believing it should be left where it was originally placed.

Seeing that no one else wished to speak Chairperson Hyde closed the public hearing and turned it back over to the commission.

Commissioner Ewanowski asked why the area is carved out the volume above the porch on the second floor. The applicant stated the intent is to provide the same scale throughout the house with the same facilities found in larger homes.

Commissioner De Lay Said she is excited about the project.

Commissioner Aiden Lillie stated that she is also excited to see the structure rehabilitated and restored. Her concern is losing a large portion of the historic rear portion of the elevation. She also wanted to see the leaded glass window remain in the original placement. She wanted to know from Staff if there is a specific city code that references

the loss of historic material. Staff did state that the guidelines are stated in the staff report and that it does meet the guidelines.

Commissioner Kenton Peters said he is also glad to see this property being restored and stated that he feels the loss of historic façade on the rear of the home a small price to pay rather than see it continue to degrade.

Commissioner David Richardson said the windows must be restored, not replaced, along with the columns and other architectural features. He also suggested that the addition be a foot smaller to read as an addition.

MOTION

Commissioner Babs De Lay stated, Based on the findings listed in the Staff Report regarding PLNHLC2021-00366, Major Alteration at 235 South 600 East, the information presented, and input received during the public hearing, I move that the Historic Landmark Commission approve the request for a Certificate of Appropriateness for the major alteration for the removal of the existing rear addition and construction of a new rear addition for the proposal at 235 South 600 East, as presented in, PLNHLC2021-00366 with the condition listed in the staff report. She added that the owners are encouraged to continue with the roofing color on the new addition that is on the front part of the standing structure. Commissioner Aiden Lillie seconded the motion. Commissioners Babs De Lay, John Ewanowski, Kenton Peters, Victoria Petro-Eschler, and Aiden Lillie voted “aye”. Commissioner David Richardson abstained. The motion passed with five “aye” and one abstention.

UNFINISHED BUSINESS

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 approximately 140 E 1st Avenue. 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 side and rear yard. This request requires a Special Exception and associated Minor Alterations because the maximum height for fences in residential districts is 6 feet in the interior side and rear yard. The Historic Landmark Commission reviewed this item at the July 15th public

hearing and the item was tabled to allow for revisions to the proposal. [The applicant revised their application for consideration tonight.](#) 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**

Planning Manager Wayne Mills let the commission know that this item is not a public hearing. He noted that there were emails that were received and forwarded to the Commission but would not be read into the meeting.

Commissioner Aiden Lillie asked for clarity on if the Commission should be thinking towards retaining nation register eligibility and whether that is in the Commission's purview. Deputy Director Michaela Oktay answered that it is not part of the Commission's standards but that following the standards would help retain that eligibility.

Planning Manager Amy Thompson reviewed the petition as outlined in the staff report. Amy Thompson detailed the revisions to the petition. She stated that the revised petition does address some of the special exception standards related to compatibility, however, it still does not meet all of the special exception standards or the standards of approval for a certificate of appropriateness Amy Thompson presented how the revised application does not meet the applicable standards under City code and indicated because of that the Staff recommendation is denial of the request.

None of the Commissioner had questions for Staff.

Chairperson Hyde opened the meeting to the Commissioners.

Commissioner David Richardson stated there are creative options to secure the site.

Commissioner Babs De Lay stated she wants the site preserved.

Commissioner Victoria Petro-Eschler stated that she feels they are making decisions for short-term issues.

Emily Utt said they are trying to find a balance and keep the graves safe while acknowledging increasing security issues and the site being in an urban area. She feels modification of the fence is a small price to pay to save the place long-term and keep it open.

Commissioner Richardson asked for more details about some of the security issues on the site. The applicant stated that a headstone was stolen in the last 18 months.

Commissioner Petro-Eschler asked if an alteration to the fence was the only option there is or if the applicant has explored other options for the site. The applicant stated they are exploring other options. Commissioner Petro-Eschler stated she felt that the long-term preservation of the fence should be a priority with a much longer historical perspective. The applicant feels the alteration would be reversible and classified it as a small repair.

Commissioner Ewanowski said he was torn on the issue and is worried about the ability to undo a weld on the fence. He's wondered if there was some other compromise rather than materially altering character-defining feature of the property. He stated that this is not a purely aesthetic choice and they are not saying that protection of human remains isn't important but wondered if there was a way to do this that would benefit everyone.

Commissioner De Lay asked if there was a way to shelter the site by building a structure over or around it.

Commissioner Richardson said that he had considered the same thing. He said that he has lived in the neighborhood for many years and feels the situation may improve over time. He was commenting and lost his internet connection.

Commissioner Peters wondered if there was a possibility to remove the existing fence, saving and storing it, and replacing it with a similar fence that is 5ft high. Then when there is no longer an issue returning the historic fence.

Commissioner De Lay feels that the problem will never go away but she also feels strongly that the fence needs to be preserved.

Gregory Green stated the whole site, not just the fence, is historical. He said that they want to make the site more secure but also inviting. He stated that at the end of the day they are just trying to preserve this so generations can come and enjoy this place.

Commissioner De Lay asked if this was the original burial site. The applicant confirmed that it is and that it also contains around 40 other burials at this site.

Chairperson Robert Hyde spoke up about representing the Church of Jesus Christ of Latter Day Saints in many matters and felt that even though he wasn't representing this issue he needed to recuse himself. He conferred with Attorney Hannah Vickery to find out if he needed to leave the meeting. She did not reply. Michaela Oktay interjected that someone needs to move the meeting along. Chairperson Hyde then asked Commissioner Kenton Peters to take over as Chair of the meeting.

Commissioner Richardson was able to rejoin the meeting. Commissioner Peters asked if he would like to continue his earlier thought. Commissioner Richardson stated he is optimistic that the City would improve and he doesn't see a need for this level of change for security. He also said that this is an important historical feature in their neighborhood.

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 Historic Landmark Commission deny the request for a Special Exception for additional fence height and the associated Certificate of Appropriateness. The requests fail to comply with the standards of approval in 21A.52.060 and 21A.34.020.G. for case numbers PLNHLC2021-00457 & PLNHLC2021-00604.

The Commission and Staff discuss the ramifications of the voting to deny. Commissioner Peters stated that if the applicant is denied that they can appeal the decision. They also discussed whether to vote the special exception and certificate of appropriateness separately.

Commissioner Peters asked if Commissioner Richardson would like to amend his motion. Commissioner Richardson said he wanted to let the motion stand.

Commissioner Petro-Eschler asked if the executive session had been closed. She wanted clarification on what is within the Commission's purview. She agreed with Commissioner Ewanowski who said we don't care if something is taller but the historicity of the element is preserved.

Deputy Director Michaela Oktay said the Special Exception and the Minor Alteration are interconnected.

Commissioner David Richardson said the Special Exception and the Minor Alteration have been presented that way by the applicant. He spoke about the fence creator being a very important contributor to the City. He felt that even though it is small it is an important historical element in our city. He said it should remain the same on the façade and front twenty-five foot setback, but that beyond the setback another device could be installed to meet the needs of the applicant. He also stated he doesn't feel taller fences improve security and that security is not within their purview.

Commissioner Aiden Lillie stated that adding a taller fence would be the best solution.

Deputy Director Michaela Oktay directed the Commission to the Staff Report and stated that Staff is finding that the special exception does not meet most of the standards but told the commission that if they would like to make findings of fact on all of those standards that would be the route they need to go.

Commissioner De Lay asked about forming a committee to help the applicant.

Deputy Director Michaela Okay stated that an architectural sub-committee could be formed but clarified that a quorum couldn't meet but also suggested a work session could be held so that it is being discussed in public but then the burden would be on the applicant to return to the Commission.

Commissioner Peters commented it is not successful in meeting the criteria of the standards and he feels they need to get a "yay" or "nay" and let it take its course.

Commissioner Aiden Lillie seconded the motion. Commissioner John Ewanowski voted "nay". Commissioner Babs De Lay voted "nay". Commissioner Victoria Petro-Eschler voted "nay". Commissioner David Richardson voted "aye". Commissioner Aiden Lillie voted "aye". The motion failed.

Commissioner David Richardson indicated that there are 9 paragraphs in the staff report to overcome.

Deputy Director Michaela Oktay interjected that she would like some findings cited.

Planning Manager Amy Thompson stated that she did note in the motion sheet the specific standards that the commission would need to make findings on to make an alternate motion.

Commissioner Peters asked the Commission to review the standards again.

Commissioner Ewanowski stated that for him it goes back to voting between a certificate of appropriateness and special exceptions saying it's been done in the past where they have voted separately between the two.

The Commissioners and Staff discuss the possibility of separating the two petitions.

Commissioner Victoria Petro-Eschler stated, Based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Historic Landmark Commission deny the request for a Special Exception for additional fence height and the associated Certificate of Appropriateness. The requests fail to comply with the standards of approval in 21A.52.060 and 21A.34.020.G. PLNHLC2021-00457 & PLNHLC2021-00604.

Commissioner Aiden Lillie seconded the motion. Commissioner David Richardson voted "aye". Commissioner John Ewanowski voted "aye". Commissioner Victoria Petro-Eschler voted "aye". Commissioner Aiden Lillie voted "aye". Commissioner Babs De Lay voted "aye". The motion to deny passed unanimously.

A five-minute break was taken at 7:18 PM.

WORK SESSIONS

Third Avenue Townhomes New Construction at approximately 860 East and 868 East 3rd Avenue - Oren Hillel is proposing new construction of six townhome units. This will be a work session review, no public hearing will be held and a decision will not be made at this meeting. The subject properties are located in the Avenues Local Historic District and are zoned RMU-35. The subject properties are in Council District 3 represented by Chris Wharton. (Staff contact is Caitlyn Tubbs at 385-315-8115 or caitlyn.tubbs@slcgov.com) Case number PLNHLC2021-00567

Principal Planner Caitlyn Tubbs reviewed the proposal as outlined in the memorandum. Commissioner Kenton Peters asked if the project had come before the commission before. Staff clarified that it had as part of a rezoning petition.

Applicant, Oren Hillel, with Remarc Investments, stated that they received approval for the rezone from City Council and now want to bring it before the Commission to refine the design.

Applicant, Brian Backe, shared the proposed design of the project. He shared a diagram of the buildable volume of the site. He stated they would be lowering the development into the ground to reduce the impact on the neighboring residence. He shared the façade design as well as the proposed bulkhead. He shared the deck design and the façade on N street made to look more like a front façade.

Commissioners supplied the following input:

- Height and volume concerns for the neighbor to the east
- Roof decks may be able to have an increased bulkhead
- The front steps and desks being a concern with room for improvement, possibly having walls to divide it from the public space
- Having extra support for rooftop hot tubs
- Maybe having a balcony off the main living area and whether it would encroach on the setback
- Concerns with the intended flat plaster, feeling it will need control joints
- Some material to differentiate between each unit

The meeting adjourned at 8:01 PM