

**SALT LAKE CITY HISTORIC LANDMARK COMMISSION MEETING**  
**This meeting was held electronically without an anchor location**  
**Thursday, December 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 Michael Vela; Vice-Chairperson Babs De Lay, Commissioners Aiden Lillie, John Ewanowski, Kenton Peters, Carlton Getz, Michael Abrahamson, Robert Hyde.

Planning Staff members present at the meeting were: Planning Manager John Anderson, Planning Manager Amy Thompson, Senior City Attorney Hannah Vickery, Senior Planner Lex Traugher, Principal Planner Caitlyn Tubbs, Administrative Assistants David Schupick and Aubrey Clark.

**REPORT OF THE CHAIR AND VICE-CHAIR**

Chairperson Vela stated that he has nothing to report.  
Vice-Chairperson De Lay stated that she had nothing to report.

**REPORT OF THE DIRECTOR**

Senior Planner John Anderson reported that City Council will be transitioning to hybrid meetings. He stated that Historic Landmark Commission may follow suit shortly. Commissioner Kenton Peters reported the Appeals Officer ruled in favor of the HLC decision regarding the Brigham Cemetery Fence. Commissioner De Lay reported that the press had reached out to and notified her that the fence had been removed. Planning Manager Amy Thompson stated that she reached out to the LDS Church repetitive and that there was a misunderstanding on there part of what was allowed and that she is working closely with them.

**APPROVAL OF OCTOBER 14, 2021 MEETING MINUTES**

**Commissioner Babs De Lay moved to approve the minutes. Commissioner Kenton Peters seconded the motion. Commissioners Babs De Lay, John Ewanowski,**

**Robert Hyde, Aiden Lillie, Kenton Peters, Carlton Getz, and Michael Abrahamson voted “aye”. The motion passed.**

## **PUBLIC COMMENTS**

Cindy Cromer commented on Allan Park feeling that it is a stand-alone historic park due to its cultural landscape and the number of historic structures on it. She is concerned on how the park will be used in the future.

## **PUBLIC HEARINGS**

### **Minor Alteration Request for Painted Brick at Approximately 1253 East 100 South -**

Terrence Stephens, the property owner, is requesting minor alteration approval to retroactively allow him to paint the brick of his home at the address listed above. The property is under enforcement for having painted the brick without a certificate of appropriateness. The property is located in the R-2 Zoning District and is within Council District 4 represented by Ana Valdemoros. (Staff contact: Caitlyn Tubbs at (801) 535-7706 or [caitlyn.tubbs@slcgov.com](mailto:caitlyn.tubbs@slcgov.com)) **Case Numbers PLNHLC2021-00458**

Principal Planner Caitlyn Tubbs review the petition as outlined in the staff report. She stated that Staff recommends denial of the petition because the change is not supported by the residential design guidelines.

Commissioner De Lay asked if the material is adobe. Staff answered that it appears to be a sandstone color.

Commissioner Kenton Peters asked when the applicant purchased the property. Staff replied that the homeowner told her the home had been in the family for generation but didn't know the exact span of years. Commissioner Peters asked if the home was painted prior to 2019. Staff replied that it was, that the homeowner provided the photograph of the woman with the blue dress standing in front of the home when it was previously painted. She stated that it was unclear exactly when the paint was removed. She stated that it was reapplied sometime between 20216 and 2019.

Commissioner Peters asked how the issue came to light. Staff replied that it was an enforcement case that came to the Planning Division as an enforcement case earlier this year.

The applicant, Terence Stephens, stated that he purchased the home in late 2017 and that his family had no history with this house, just him. He said within a year of purchasing

the home he noticed the brick was deteriorating and falling out. He painted the brick to preserve the home. He stated that he was unaware that the home was in the historic district. He said that the home was originally painted white, and he followed suit. He stated that he started getting notices that he had violated code in February of this year and that is when he realized he was in the historic district. He referred to the Historic Landmark Mission Statement that refers to developing and maintaining historic homes and he felt that by painting that is what he was trying to do. He said he didn't know if it was adobe or not but that it is cheap brick and, in his opinion, not original. He said that if he hadn't painted it, it would be a safety issue. He stated he wants a permit to have it painted.

Commissioner Ewanowski asked for clarification on the difference of brick used above grade and below grade. The applicant clarified his statement saying the addition is made of low-grade brick and that the addition is different brick from the original foundation.

Planning Manager John Anderson encouraged that the brick be tested prior to any changes.

Deputy Director Michaela Oktay stated that they would never be required to sand the paint off, that they would recommend other efforts. She echoed John Ewanowski's comments about needing a masonry expert to do the work and inspect the sight.

Commissioner Ewanowski explained his view on what has happened to the brick and how it was damaged.

Chairperson Vela asked if the applicant had considered having the masonry repointed prior to the painting. The applicant asked what that meant. Then said that he cemented the brick back in that fell out prior to it being painted, that the painters didn't do any joint work.

Commissioner Carlton Getz asked about the modifications to the house and when they happened. Staff clarified that it happened in 2003 when the dining room was extended.

## **PUBLIC HEARING**

Chair Mike Vela opened the public hearing.

- Cindy Cromer stated she has a lot of history with the applicant's home, that she knew the previous owner. She stated that the original masonry is an orange brick. She gave a history of the home modifications. Commissioner Ewanowski asked when the modifications happened. Cindy Cromer said she is not good with dates but that it happened sometime after 1995.

- Jen Colby – against the petition. She's sympathetic to the misunderstanding about not knowing he could paint brick. She wants the city to do a better job with notification.
- Jennifer Haertel – Lives next door at 1257. She stated she can attest to the crumbling brick.
- Barry Haertel – Said they were also not notified that they lived in a historic district.
- Sallie Shatz – Said she was not notified she lived in a historic district when she purchased her home.
- Jonathan Ramras – For the petition. He said the damage has already been done and that the applicant should be applauded for his efforts.

Chair Vela asked the applicant if he had any further comments. The applicant stated that he was committed to preserving the house.

Seeing that no one else wished to speak Chair Vela closed the public hearing.

## **EXECUTIVE SESSION**

Chair Vela addressed John Ewanowski since this is more of his area of expertise. He paraphrased John's earlier statement about brick being a porous material, meant to breathe, when painted it does not breathe, that the elements get into the cavity between the brick and interior framing, and then moisture is captured in the brick and over time it deteriorates. Commissioner Ewanowski confirmed that Chair Vela was correct.

Chair Vela stated that they need to preserve the brick.

Commissioner Ewanowski felt concerned about the earlier statement made that the damage has already been done. He said his fear is that the damage has not already been done and that if the brick continues to be painted that any additional layers of paint will cause the brick to be less and less breathable. He shared an example of a building downtown that has been painted a dozen or so times in the last 50 years and that the brick is close to the point of being destroyed. He said he would like to see painting of historic brick not happen at all in the future.

Commissioner Peters wanted to know what the solution is since the brick has already been painted and stripped and painted again. Commissioner Ewanowski stated that the problem is that the brick has already been damaged and there in lies the problem. He said there is no proven science to save the brick.

Deputy Director Michaela Oktay stated that from staff's perspective that it would be good if they already knew what the status of the brick was, because staff doesn't know for sure without being able to test it. She let the Commission know that it would be prudent to ask for a test area to be done.

Commissioner Ewanowski asked if the Commission has that power.

Commissioner De Lay stated that you can see it from the street that the brick is no longer pointed, that it is caved in, there is dust. She urged the City to work with the assessor's office, the Planning Commission, and the title companies to report that properties are in a historic district.

Deputy Director Oktay stated they are recorded.

The Deputy Director and the Commission discussed the option to have a patch test done to determine the integrity of the brick.

## **MOTION**

**Commissioner Kenton Peters stated, Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Historic Landmark Commission approve the certificate of appropriateness to PLNHLC2021-00458 with the following findings:**

- 1. That the damage was done previous to the current owner**
- 2. The remediation that might be asked of the current owner has no guarantee of actually solving the problem**
- 3. The timeliness of the enforcement is so tardy that it loses relevance**

**Commissioner Babs De Lay seconded the motion.**

Deputy Director Oktay asked the Commission to go through the standards and sight where there is a conflict.

**Commissioner Kenton Peters stated, standard number 2 the historic character of the property shall be retained and preserved, removal of historic materials or alteration of features and spaces that characterize the property shall be avoided this is true, but the damage was done by a previous owner and that responsibility does not legally pass on to the current owner. Standard number 5, distinctive features finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. Again, the structure was compromised previously, and the damage was done, and the work of the current owner has not further contributed to the damage that was done previously. Number 7 chemical or physical treatment such as sand blasting that cause damage to historic materials to not be used surface cleaning of structures if appropriate shall**

**be undertaken using the gentlest means possible. I would argue to support my motion that there is not a known gentle means of restoration that has clearly been demonstrated that would preserve this structure and bring it back to its original integrity and that in fact the removal of the existing paint could be could compromise the preservation that the paint is now providing.**

Commissioner John Ewanowski added that any existing means by which they would remove the paint would itself be a chemical or physical treatment.

**Commissioner Peters stated, number 9 conditions and alterations should be done in such a manner that is they were being removed in the future the essential form and integrity of the structure would be unimpaired. Again, I'm afraid it is already impaired and that there isn't really any hope to bring it back to its original condition and that any work done now would be ineffective and not worth doing.**

Chairperson Vela directed a question to the City Attorney asking whether or not this decision only applies to this individual case because of the findings. Senior City Attorney Hannah Vickery stated that yes this applies to just this case with the caveat that if the Commission is presented with identical facts on another case the outcome should be consistent.

Commissioner Peters asked if that could be appended to the motion. Senior City Attorney Hannah Vickery stated that the commission's action is with this case only, but if there were identical facts in another case and the outcome was different, legal challenges could be brought.

Chairperson Vela asked the Attorney whether having the brick tested would set a precedent for future cases or could they continue to go on a case-by-case basis. The Attorney stated that she couldn't answer that because it probably speculates that the test will come back with a certain result. She said that the Commission has the evidence that was presented before them, and they will have to decide based on the evidence.

Deputy Director Michaela Oktay admonished the Commission for their efforts. She reminded them that there may not be another case such as this because it is a unique property, but the Commission should still try to be consistent as possible with how they treat an applicant in an enforcement case. She reminded the Commission that they do not factually know the condition of the brick in question. She stated that from the Staff perspective they are trying to stay consistent with their standards and review. She let the Commission know that their statement would be put in the minutes, so that when the next

enforcement case comes in the minutes could be pulled to provide a reminder that the Commissions decision was based solely on the findings of this case.

Chairperson Vela asked Commissioner Kenton Peters if his motion stands as he stated it. Commissioner Peters stated yes it does.

**Commissioner John Ewanowski asked that the motion be appended to add that their recommendation is that any further coats of paint be a very highly breathable paint on that specific house. Commissioner Kenton Peters agreed to the appendage.**

**Commissioners Babs De Lay, John Ewanowski, Robert Hyde, Aiden Lillie, Kenton Peters, Carlton Getz, and Michael Abrahamson voted “aye”. The motion passed unanimously.**

**University Neighborhood Historic District National Register Nomination Update -**

The University Neighborhood Historic District was listed on the National Register on December 13, 1995. The district is located in the northeast portion of Salt Lake City and is roughly bounded on the north by South Temple Street, on the south by 500 South, on the east by University Street (roughly), and on the west by 1100 East. At the time it was listed, the district included 454 contributing resources (451 buildings, 2 sites, and 1 structure) and 134 non-contributing resources (all buildings) and the period of significance extended from ca. 1883 to 1941. This amendment to the district is based on a survey conducted in 2015 for the purpose of determining whether an update to the district listing was appropriate. Two key changes to the district derive from that survey and are the focus of this amendment. First, the total counts of resources in the district are updated to reflect new construction, demolitions, and resources missed in the 1995 nomination. As part of this, the contributing or non-contributing status of resources included in the 1995 nomination are updated to reflect current conditions, including alterations that now render some formerly contributing resources non-contributing. The second focus of this amendment is to extend the period of significance beyond that of the 1995 listing (i.e., beyond 1941) to 1966. This extended period accounts for historical resources representing an important phase of development within the district. On the whole, the 2015 re-survey found that the University Neighborhood Historic District still retains integrity and still reflects the architectural types and styles and development patterns upon which the 1995 listing was predicated. The University Neighborhood Historic District is located in Council District 4, represented by Ana Valdemoros. (Staff contact: Lex Traughber at (801) 535-6184 or [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com))

Senior Planner Lex Traugher reviewed the nomination update as outlined in the staff report. He stated that Planning Staff asks whether a reasonable case has been put forth for updating the original 1995 National Register nomination and forward a recommendation to the Board or State History for their January 2022 meeting. He stated the impetus for the update is twofold: 1) the total counts of resources in the district are updated to reflect new construction, demolition, and resources missed in the 1995 nomination. 2) the focus is to extend the period of significance beyond that of the 1995 listing which was up to 1941 and the update would extend it to 1966. He stated the 2015 survey found that the university neighborhood historic district still retains integrity and still reflects the architectural types and styles and development patterns upon which the 1995 listing was predicated.

Chairperson Vela asked if there were any questions for Staff.

Commissioner Ewanowski asked if there were any resources built between 1966 and 1971 that they should be considering. He wanted to know why 1966 was chosen,

Sheri Ellis explained that they did look at using 1971 but that there were only two additional structures that would have been added. They chose 1966 because the period from 1942 to 1966 really captured the initial wave of postwar era construction that was spurred by the GI Bill.

Commissioner De Lay wondered if there was anyone from the public that was heinously against the petition. Staff clarified that there was not a process for public comment in the initial process but there is a public hearing as part of the meeting.

Chairperson Vela address the Commission saying they are being asked whether there is a reasonable case to put forth updating the original 1995 national register nomination with the counts being different and the dates being extended. Staff clarified that the Commission's recommendation goes to the Board of State History and then their recommendation goes to the National Park Service.

Commissioner Getz asked for clarification on the process, wanting to know what the rationale is behind doing this is a historic district that has already been established. Sheri Ellis explained that historic neighborhoods evolve and the reason why the structures become significant is because they are architecturally interesting, changing over time and getting added to. She added that they consider those neighborhoods to evolve and to change and new things might come into significance if the patterns of development during those more recent periods contribute to that neighborhood's history in a meaningful way, or if architectural types and styles come into play that are a significant change in a district.



## **PUBLIC HEARING**

Chairperson Vela opened the public hearing.

- Jonathan Ramras – in favor of the nomination
- Jen Colby – in favor of the nomination
- Sallie Shatz – in favor of the nomination

## **EXECUTIVE SESSION**

Commissioner Ewanowski commented on the boundaries of the district alerting Staff the public information map on the City's website trimmed some of the boundary. He said he was all for the nomination.

## **MOTION**

**Commissioner Babs De Lay motioned to approve the recommendation. Commissioner Kenton Peters seconded the motion. Commissioners Babs De Lay, John Ewanowski, Robert Hyde, Aiden Lillie, Kenton Peters, Carlton Getz, and Michael Abrahamson voted "aye". The motion passed unanimously.**

The meeting adjourned 7:25 PM.