

**SALT LAKE CITY  
HISTORIC LANDMARK COMMISSION MEETING  
City & County Building  
451 South State Street, Room 326  
Salt Lake City, Utah 84111  
Thursday October 6, 2022**

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-Chair Babs De Lay and Commissioners Kenton Peters, Amanda De Lucia, Michael Abrahamson, and Carlton Getz. Commissioners John Ewanowski and Robert Hyde were absent from the meeting.

City Staff members present at the meeting were: Planning Director Nick Norris, Planning Manager John Anderson, Senior Planner Sara Javoronok, Principal Planner Aaron Barlow, Principal Planner Michael McNamee, Senior City Attorney Paul Nielson, and Administrative Assistant Aubrey Clark.

**APPROVAL OF AUGUST 4, 2022, MEETING MINUTES**

**Commissioner Kenton Peters moved to approve the minutes of August 4, 2022. Commissioner Michael Abrahamson seconded the motion.**

**All commissioners present voted “aye.”  
The motion passed unanimously.**

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

Chair Vela stated that he had nothing to report.  
Vice-chair Delay stated that she had nothing to report.

**REPORT OF THE DIRECTOR**

Director Nick Norris reported that three sets of zoning standards, changes were scheduled for approval by the City Council at its October 18 meeting and noted that all had been in the possession of the Council for up to three years—having generated varying levels of controversy. He said that, recently, a Council briefing had been held for the off-street parking changes, and that the HLC had been briefed when they were first proposed, years ago. The City-wide change will remove parking minimums in the downtown area, and along transit routes, thereby creating greater flexibility, and cost savings, for developers. In response to a question from Commissioner Peters, Director Norris explained that each city zone would include a category labeled “parking context.” Each of four possible parking contexts would have different parking requirements. Zones well-served by public transit will not require minimum parking allotments. The prime example is

the downtown area. Director Norris noted that shared parking between residential and business spaces would be an option for some developers.

Director Norris reported that the proposed revision of the RMF-30 zoning lowers the minimum lot size of single-family dwellings by creating a new maximum lot width but removing a minimum width requirement. Additional design standards are planned for that zone.

He also reported that a shared housing proposal would be put before the Council on October 18<sup>th</sup>, stating that there is a world-wide trend to use that type of housing as a means to avoid homelessness, or to transition out of it. Director Norris said that the *Thriving in Place* study, currently in process, has led the Council to move forward with such innovations to alleviate homelessness, but he also stated that “market rate” shared housing seemed to be a trend.

Seeing no other questions from the Commission, Chairperson Michael Vela called for public comment.

### **PUBLIC COMMENT**

- Cindy Cromer –Making a general comment regarding the work session item scheduled later on the agenda. Expressed concern about the zoning change along 500 East and questioning the appropriateness of the HLC making any recommendation on the matter of the 500 East zoning change without a request from a hearing officer, the Planning Commissioner, or the City Council (as required by ordinance). Referred to the data on housing displacement as a result of gentrification found in the *Thriving in Place* study. Referred to the “failure” of the city to “fix” the housing loss mitigation ordinance as the reason there is a decline in housing but “abundant” commercial space, some of it recently constructed, in the Central City neighborhood.

Finding no other public comments either in-person, or online, Chair Vela then closed the public comment period.

### **PUBLIC HEARINGS**

**New Construction of Two-Family Dwelling at Approximately 136 S. 700 East** - Matt Newbold of JZW Architects, on behalf of the property owner Jay Rice of Tenth East Townhomes, LLC, is requesting approval for new construction of a two-family dwelling at the above stated address. The property is in the Central City Historic District and the RMF-35 zoning district. New construction in the historic district must be reviewed by the Historic Landmark Commission. The proposal includes a modification for a reduction of the front yard by 2’7” to accommodate an entry porch. The subject property is in Council District 4, represented by Ana Valdemoros. (Staff contact: Sara Javoronok at 801-535-7625 or sara.javoronok@slcgov.com) **Case number PLNHLC2022-00724**

Prior to the staff presentation Chairperson Vela read a statement outlining the process for an “adversely affected party” to appeal a decision made by the HLC.

Senior Planner Sara Javoronok reviewed the petition as outlined in the staff report. She identified the neighboring properties on either side as a contributing multifamily structure and a “mid-century office building.” She noted multifamily dwellings across the street, just outside the historic district.

She stated that staff recommend approval with conditions listed in the staff report.

The Matt Newbold of JZW architects addressed the Commission on behalf of the applicant. He described efforts to design a structure that “belonged” in the neighborhood identifying the variety of materials as stone veneer, horizontal lap siding, limited stucco, and an asphalt roof. He also stated that building overhangs both minimize the footprint and mimic the design of nearby buildings.

Commissioner Peters asked for clarification of the reason that setback changes were requested. Matt Newbold responded that the building had been brought forward to align more closely with adjacent structures and that Senior Planner Sara Javoronok had first identified the discrepancy in alignment to him.

Chair Vela asked whether Matt Newbold agreed with the “seven caveats” [approval conditions that had not been discussed in the hearing] recommended by staff. He stated that he did.

Finding no further questions from Commissioners, Chair Vela moved to the public comment period.

## **PUBLIC COMMENT**

- Cindy Cromer stated “this applicant has done a far superior job” of presenting design drafting “in the context of the streetscape” as compared with a multifamily project reviewed by the HLC a few months previously. She then discussed the fine architectural features, degree of disrepair, and illegal number of tenants, of the contributory building, lost to fire, that was previously on the lot. She noted that three such buildings have been lost to fire within a distance of a block. She suggested that the City’s lack of enforcement standards may have enabled the circumstances that led to the fires.

Finding that no one else wished to speak, Chair Vela then closed the public comment period.

## **EXECUTIVE SESSION**

Commissioner Carlton Getz commented that he was pleased to see a “good use” of an “unusual lot.”

Commissioner Michael Abrahamson agreed saying that although he had reservations about the “mix of materials” he noted that the project design was in keeping with the neighborhood.

Commissioner Amanda De Lucia said that she appreciated efforts made to work with the Planning staff to “incorporate historic elements,” and called the French doors a “nice touch.” She was also pleased to see that a mature tree was preserved.

Commissioner Kenton Peters agreed, telling Matt Newbold that efforts made to work with staff were “to your credit.”

Chair Vela commented that the project was “an interesting response to the housing shortage” because it is similar to a primary dwelling with an accessory dwelling unit.

## **MOTION**

**Commissioner Carlton Getz stated, “Based on the findings listed in the Staff Report, 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 new construction of the two-family dwelling at 136 South 700 East as presented in PLNHLC2022-00724, with the conditions of approval listed in the staff report.”**

**Commissioner Michael Abrahamson seconded the motion.**

**Vice Chairperson Babs De Lay, Commissioners Kenton Peters, Carlton Getz, Michael Abrahamson, Amanda De Lucia, and Chair Michael Vela voted “aye.”**

**The motion passed unanimously.**

**New Construction at Approximately 158 N. State Street** - Stuart Wheelwright and Matt Robinson of Holt Capital, LLC, the property owner, are requesting a Certificate of Appropriateness (CoA) for New Construction in the Capitol Hill Historic District at the above-stated address. The proposed plan is to subdivide the existing parcel into two parcels, construct a new single-family dwelling, and demolish a non-contributing accessory structure. Modifications to side and front yard setbacks and lot width are being requested with this proposal. The property is located within the RMF-35 Moderate Density Residential Zoning District within Council District 3, represented by Chris Wharton. (Staff Contact: Aaron Barlow at 801-535-6182 or aaron.barlow@slcgov.com)  
**Case number PLNHLC2022-00297**

Principal Planner Aaron Barlow described the proposed project as “new construction of a modern-style building” as a second structure on a lot that would be divided into two. He shared the proposed street scape, site plan, elevations, and proposed materials and stated that some design elements, such as placement of the HVAC system, would be reviewed by staff. He stated that setback and lot width reductions were requested on each elevation of each lot. The south side yard of the lot to be occupied by the existing structure would have no setback. (The zone standard is 10 feet.)

Aaron Barlow explained that while the existing home on the lot would be retained, a former pool house to the rear would be demolished. That structure abuts City Creek Park. Aaron Barlow demonstrated through street photos that the style and colors of the proposed new structure would be in keeping with the majority of the houses on the street. Many design changes including garage placement, have been made to the original proposal in order to best conform with the neighborhood.

Commissioner Carlton Getz asked how close the mechanical equipment would be to the park. Aaron Barlow explained that a four-foot setback is required and that he will be reviewing that issue with the applicant. Commissioner Getz asked whether an acoustical screen would be possible given the proximity to the park. Aaron Barlow said that issue had not been addressed, but that the Commission could make that recommendation.

The applicant Matt Robinson addressed the Commission. He stated that he and his wife had purchased the property “eight or nine months ago” and that the existing home had been built by his wife’s great grandfather. He said that over \$400,000 had been spent to renovate and restore the existing house and that they were proud of the result. He said that great care had been put into the design of the new house to be built to the west of the existing home because it would be the most visible house from City Creek Park.

Commissioner Babs De Lay asked for information about the “living roof.” Matt Robinson said that the roof would have some plants because it would be used as additional outdoor living space to compensate for the loss of yard space after the subdivision.

Commissioner Michael Abrahamson asked for specific information about “where the windows meet the ground” which was not clear to him from the renderings. He noted that resolving that detail would help to make the home more consistent with neighboring houses. Matt Robinson explained that the windows in question were part of the basement level, which is partly below ground. He had wanted the “park side” view to suggest a walk-out basement but agreed to review that issue.

### **PUBLIC COMMENTS**

Seeing that no one wished to speak, Chair Vela closed the public comment period.

### **EXECUTIVE SESSION**

Commissioner Kenton Peters stated that he considered the proposal “an excellent job” and was in favor of it. He later added that while issues raised by Commissioners Getz and Abrahamson deserved review, he felt that, given the unusual lot, some modern adaptations might be necessary.

Commissioner De Lay chose not to comment.

Commissioner De Lucia said that she liked the incorporation of the historical elements of the neighborhood into the new construction.

Commissioner Michael Abrahamson commended the efforts to work with the “unusually sloped site,” but said that he was not satisfied with the drawings presented, particularly with regard to the highly visible south face [abutting the park]. He said that in his opinion “how it meets the ground” is a crucial detail. He also said that the “floating effect” of the stairs did not fit the neighborhood.

Commissioner Carlton Getz said that, while he understood Commissioner Abrahamson’s concerns, he found the most significant concern would be an acoustical screen to protect City Creek Park.

Chair Michael Vela said that in many ways the project “feels like it fits.” He noted dimensions and style links to surrounding homes.

### **MOTION**

Commissioner Babs De Lay stated, “Based on the findings listed in the Staff Report, 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 new construction of a dwelling at 158 North State Street as presented in PLNHLC2022-00297, with the conditions of approval listed in the staff report.”

Commissioner Carlton Getz seconded the motion.

Vice Chairperson Babs De Lay, Commissioner Kenton Peters, Carlton Getz, Michael Abrahamson, Amanda De Lucia, and Chair Mike Vela voted “aye”.

The motion passed unanimously.

**Minor Alteration for Painted Brick at Approximately 275 S. Douglas Street** - Dede Plummer, the property owner, is requesting Minor Alteration approval to paint the exterior brick at the above-stated address. The property is under enforcement for having painted the brick without a Certificate of Appropriateness and the matter has been referred to the Historic Landmark Commission for a decision. The building is considered contributing to the character and integrity of the University Historic District. The property is located within the R-2 (Single and Two-family Residential) Zoning District and Council District 4, which is represented by Ana Valdemoros. (Staff Contact: Aaron Barlow at 801-535-6182 or aaron.barlow@slcgov.com) **Case number PLNHLC2022-00759**

Principal Planner Aaron Barlow reviewed the petition as outlined in the Staff Report. He stated that Staff recommends denial of the petition because the paint work is in conflict with applicable standards. Aaron Barlow showed photos of painted brick on the existing structure, which was applied sometime after June 2022, and stated that current standards require that the paint should be removed. The existing structure was built in 1908.

Commissioner Michael Abrahamson asked about the extent of mismatched replacement brick used for repairs. Aaron Barlow said that it appeared to be minimal but suggested that the applicant should answer the question.

The applicant Dede Plummer addressed the Commission. She stated that she and her husband have owned the Douglas Street home for about ten years, and have made significant upgrades including a basement apartment, new roof, gutters, trim, cedar siding, plumbing, electrical and HVAC systems. A new driveway, and garage renovations were also completed. Dede Plummer said that they intend to recreate a classic craftsman style home. She said that they were unaware that painting the building would require City approval. She responded to Commissioner Abrahamson’s question stating that many other brick repairs with mismatched mortar and bricks have been covered by paint already. She has only recently occupied the home—it was previously used as rental.

Chair Vela stated that he lives roughly three blocks away from the property and stated that, from what he could observe, the porch, and porch columns, appeared to be the only areas painted. Dede Plummer agreed that was the case. She said that she had personally walked the neighborhood and calculated that of roughly 560 homes in the historic district, 19.3 percent had painted brick.

**PUBLIC HEARING**

Seeing no one who wished to speak, Chair Vela closed the public hearing.

### **EXECUTIVE SESSION**

Michael Vela said that the painted brick issue was a difficult subject, but he was obligated to follow the City standards. He later added that he was “happy that it was caught early” because removal techniques may cause damage to the brick that leading to porosity inside the house.

Commissioner Abrahamson agreed, stating that the brick repairs could not justify painting brick because there “are better solutions.”

Commissioner Peters said that “I too, really, hate these cases,” and “we are stuck with the guidelines,” but also reminded the applicants that Chairman Vela had previously read the appeals process statement, which he urged the applicants to consider.

### **MOTION**

**Commissioner Amanda De Lucia stated, “Based on the analysis and findings in the staff report, the information presented, and the input received during the public hearing, I move that the Historic Landmark Commission DENY the proposed Minor Alteration Request to paint the brick on the house located at approximately 275 South Douglas Street as presented in petition PLNHLC2022-00759.”**

**Commissioner Michael Abrahamson seconded the motion.**

**Vice Chairperson Babs De Lay, Commissioners Kenton Peters, Carlton Getz, Michael Abrahamson, Amanda De Lucia, and Chair Mike Vela voted “aye.”**

**The motion passed unanimously.**

**Chair Vela then reiterated that the applicant would be “welcome” to proceed with the appeals process.**

**Planning Division Director Nick Norris then suggested that the applicants contact Kelsey Lindquist at the Planning Division for assistance in determining “the best method” to bring the home into compliance.**

### **WORK SESSION**

**Zoning Map and Master Plan Amendment at approximately 865 S 500 East - Rick Service, the property owner, has submitted applications for a Master Plan Future Land Use Map and Zoning Map amendments for the property located at the above-stated address. This project requires both a Master Plan and a Zoning Map amendment.**

**A. Master Plan Amendment:** The associated future land use map in the Central

Community Master Plan currently designates the property as "Low Density Residential." The petitioner is requesting to amend the future land use map for the parcel to "Neighborhood Commercial." **Case number PLNPCM2022-00302**

- B. Zoning Map Amendment:** The property is currently zoned RMF-30 (Low Density Multi-Family Residential District). The petitioner is requesting to amend the zoning map designation of the property to CN (Neighborhood Commercial District). **Case number PLNPCM2022-00301**

The intent of the request is to change the zoning of the property to allow for the existing building, which is listed as a contributing structure to the Central City Local Historic District, to be repurposed into a commercial use. The subject property is located within Council District 5, represented by Darin Mano. (Staff contact: Michael McNamee at 801-535-7226 or [michael.mcnamee@slcgov.com](mailto:michael.mcnamee@slcgov.com))

Principal Planner Michael McNamee reviewed the petition as outlined in the staff report. He explained that the HLC recommendation is needed because the property is in a historic district, but that the Planning Commission will also be asked for approval prior to forwarding the City Council. Michael McNamee stated that records indicate that the home has been used as a single-family dwelling since 1905. He said that a possible rezone would not affect the building's status of a contributing building and so modifications to the building would require certificates of appropriateness, whether or not the zoning change is approved. He quoted historic overlay requirements for alterations to a contributing structure as requiring "minimal change to the defining characteristics of the building" and proceeded to explain the reason for the negative staff recommendation.

Michael McNamee noted the close proximity of Liberty Park and a 70-unit apartment building. He described the remainder of the block as predominantly RMF 30 small residential buildings including some single-family homes. An immediately adjacent butcher shop and restaurant are also on the block and zoned CN; they are not located on the interior of the block, but the petition property is. Michael McNamee then explained the differences between the two zones.

He explained that landscaping requirements only apply to new construction, or significantly altered properties, therefore, should the zone change be approved, additional landscaping likely would not be mandated for this property.

The proposed project is subject to review under the City-wide master plan *Plan Salt Lake*, the *Central Community Master Plan*, (the appropriate neighborhood master plan) *Salt Lake City Community Preservation Plan*, (because the property is also in an historic district) and *Growing SLC* (because a housing unit would be replaced with a commercial property). Michael McNamee stated that the goals of the master plans were generally in conflict with the proposal primarily because the proposal *removes* a housing unit, and he added that the Central Community Master Plan directly opposes "this specific type of land use." He suggested that some chapters in *Plan Salt Lake* related to mobility, transportation, and economy may be considered supportive.



Michael McNamee confirmed for Chair Vela that no specified commercial use has been declared by the petitioner.

Commissioner Kenton Peters asked why the intersection at 500 East and 900 South would be evaluated differently from the intersection of 900 East and 1300 South. Michael McNamee said that the “Central City Masterplan” is very specific in its reference to this type of conversion—changing low density housing to commercial or high-density housing.

Commissioner Babs De Lay said that she found the removal of housing “critical.” She also noted that the appearance of the property has changed with the replacement of the park strip with cement and a bench. She stated that the appearance was now more commercial, rather than residential, and she was, therefore, inclined to favor the applicant.

Chair Vela stated that as a resident of the area he had watched housing being “chipped away” and he found it “anathema.” He then stated that he understood Commissioner Peter’s point regarding the character of the intersection. He said that he could “be swayed either way” but would like to have known the nature of the commercial use.

Commissioner Peters alluded to another location that had converted from convenience store to tattoo parlor, later clarifying that the nature of the business is not within the purview of the Commission.

Commissioner De Lay said that the particular owner had done a “wonderful job” with the adjacent restaurant and butcher shop.

Commissioner De Lucia said that she needed more information because “it should be a pretty darn good restaurant or business” to justify taking away rental housing.

Planning Manager John Anderson added clarification to a barely audible discussion between Commissioners Peters and De Lay stating that the Central Community Masterplan does support existing commercial uses and “commercial nodes,” while seeking to avoid expansion of commercial use.

Rick Service, the applicant, addressed the Commission. He confirmed that he owns not only the petition property, but the two adjacent properties as well. Rick Service explained that the property immediately to the east of the butcher shop, number 517, is zoned CN even though it is used as a residence and the current occupants are the third generation of family owners and unlikely to move. He explained, in response to a comment made by Commissioner Peters regarding a potential for townhomes, that the rear of the property had been sold by a previous owner leaving the home on a very small lot with limited use options. Furthermore, the driveway for the home is used by the butcher shop, which has not proven to be a problem for the current tenant, who is an employee of the butcher shop, but would not be appropriate for other prospective tenants.

Commissioner De Lay then suggested that what he proposed was essentially making use of the

CN designation that had not been activated for the property at 517 East 900 South. She asked what the business purpose of the petitioned property would be, and the applicant stated that he did not know, but that he would return to the Commission after a tenant had been found.

Planning Division Director Nick Norris then responded to a comment made by Chair Vela that the primary charge of the Historic Landmarks Commission in the matter before them was to advise the Planning Commission. The primary matters to be considered were whether the proposal conforms with adopted policies, or whether there might be a compelling reason that those policies do not apply to the specific situation.

Commissioner De Lay asked Director Norris for code clarification regarding housing loss mitigation, however the response was not audible. Commissioner Peters called attention to the fact that no current landscape buffer exists along the lot line shared with the butcher shop, which also detracts from the desirability of continuing a residential use of the petition property. Director Norris explained that the landscape requirement was not triggered because there was no “expansion of the building” at the time the use of the former gas station was converted to a butcher shop.

Commissioner Carlton Getz said that he was in favor of supporting the zoning change saying that it would allow preservation of an historic building. He said that preserving housing stock is a Planning Commission decision. He quoted from the staff report “a property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building.” He stated that “at this point” there had been no suggestion that the defining characteristics of the building would change. Commissioner Getz also referred the report’s suggestion that because City plans “speak to converting commercial to residential” rather than the reverse, that doing the reverse would be in conflict with City plans. He disagreed citing his professional experience stating that the justification for converting a historic commercial building to residential use is to save a historic building that would otherwise be inadequate for its original purpose, or to provide economical housing. However, he also said that, in his experience, converting residential to commercial is more problematic.

Chair Vela referred to the staff report pointing out that a housing mitigation plan is an essential element of the process. Michael McNamee outlined the three options that he said had already been discussed with the applicant: build replacement housing; pay a fee to the City’s Housing Loss Mitigation Trust Fund [calculated using value and replacement value]; pay a flat fee justified by significant deterioration of the unit. He later added that the mitigation report had already been prepared for the Planning Commission.

Commissioner Michael Abrahamson characterized the basis for the request to rezone as the limited desirability of the property as a rental unit. He said he did not see that case as having been made. Commissioner Peters suggested that a possible precedent could be established that would encourage owners to degrade their properties in order to rezone.

## **OTHER BUSINESS**

### **Chair and Vice Chair Elections**

**Commissioner Kenton Peters moved to elect Commissioner Babs De Lay as the Chairperson of the Historic Landmarks Commission effective November of 2022.**

**Commissioner Carlton Getz seconded the motion**

**Vice-Chair Babs De Lay, Commissioners Kenton Peters, Carlton Getz, Michael Abrahamson, Amanda De Lucia, and Chair Michael Vela voted “aye.”**

**The motion passed unanimously.**

**Commissioner Carlton Getz moved to elect Commissioner John Ewanowski as Vice-Chairperson of the Historic Landmarks Commission effective November of 2022.**

**Vice-Chairperson Babs De Lay seconded the motion.**

**Vice-Chair Babs De Lay, Commissioners Kenton Peters, Carlton Getz, Michael Abrahamson, Amanda De Lucia, and Chair Michael Vela voted “aye.”**

**The motion passed unanimously.**

**The meeting adjourned at approximately 7:24 PM.**