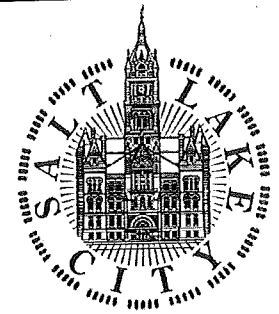


# PLANNING COMMISSION STAFF REPORT

## Local Historic District/Landmark Site Designation Process and Criteria Zoning Text Amendment PLNPCM2011-00723 January 11, 2012



Planning and Zoning  
Division  
Department of  
Community and  
Economic Development

**Applicant:** Mayor Ralph  
Becker

**Staff:**  
Joel Paterson (801) 535-6141  
joel.paterson@slcgov.com

**Master Plan Designation:**  
City-wide

**Council District:** City-wide

**Applicable Land Use  
Regulations:**

- 21A.50.050 Standards for  
General Amendments

**Notification:**

- Published in newspaper  
December 22, 2011
- Posted on City & County  
Websites December 23, 2011

**Attachments:**

- A. Draft Ordinance
- B. Public Comment

### ***Request***

Mayor Ralph Becker is requesting a Zoning Text Amendment to modify the process and adoption criteria for new local historic districts and new landmark sites in order to clarify who can initiate the process, define the types of designations, gauge property owner support and modify the list of approval criteria. As a legislative request, the recommendation of the Planning Commission will be forwarded to the City Council which has final decision making authority on Zoning Ordinance text amendments.

### ***Recommendation***

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the proposed text amendment generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council relating to this request.

### ***Potential Motions***

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report, testimony and proposed text amendment presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to modify the designation process and criteria for new local historic districts and landmark sites.

**Not Consistent with Staff Recommendation:** Based on the testimony, proposed text amendment as presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to this request to modify the designation process and criteria for new local historic districts and landmark sites.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

	<ol style="list-style-type: none"> <li>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</li> <li>3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and</li> <li>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</li> </ol>
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**Background**

**Project Description**

Mayor Becker initiated this petition on December 5, 2011 directing the Planning division to analyze the appropriateness of amending various sections of the Zoning Ordinance relating to the designation process and criteria for new local historic districts and landmark sites.

The Planning Division has been working with the City’s decision making bodies to make various changes to improve the Historic Preservation program. This includes the City Council’s adoption of a Preservation Philosophy at its November 22, 2011 meeting. Therefore, it is now appropriate to begin work to modify the adoption process and criteria for local historic district and landmark site designation, based on the Preservation Philosophy and to address issues that have been raised over the last several years relating to the adoption process.

As part of this review, the Planning Division will follow the City’s Zoning Ordinance text amendments process for proposals that affect historic preservation processes and the provisions of the Historic Preservation Overlay District regulations found in section 21A.34.020 of the Zoning Ordinance. This process will include citizen input and public hearings before the Historic Landmark Commission, Planning Commission and the City Council.

The existing process to designate new local historic districts and landmark sites can be improved to better define who may submit a petition and how the process progresses from initiation through implementation. The proposed designation process also includes provisions to assist gauging the level of support of property owners who would be affected by the creation of a new local historic district and focusing the preservation program on creating new local districts that preserve the best examples of an element of the City’s history, development patterns and architecture.

**Proposed Code Changes & Analysis**

The Salt Lake City Planning Division is processing specific amendments to the Zoning Ordinance relating to the designation process and criteria for local historic districts and landmark sites. The changes proposed are discussed below:

**Types of Designation:** The proposed ordinance amendments clarify the types of designations that can be approved:

1. Landmark Site: A landmark Site is a significant historic property. It may include an important historic structure, like the City & County Building or a site such as Liberty Park.

2. **Geographic-based Historic District:** A geographically definable area which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art that contribute to the historic preservation goals of Salt Lake City. An example would be the Avenues Historic District.
3. **Thematic-based Historic District:** A thematically definable group of historic resources not located in a specific geographic location which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art that contribute to the historic preservation goals of Salt Lake City. Thematic-based historic districts are defined by a specific theme that ties together the historic context and importance of the resources. An example could be a thematic designation of 1920 apartment buildings in Salt Lake City.

**Petition Initiation:** Currently, local designation is basically processed like a zoning map amendment. If it meets the local designation criteria, it can be processed for designation. Generally, a professional survey of the structures in the proposed area is completed first to determine if the area meets the criteria for designation. Usually the survey is completed at the request of people from the neighborhood proposed to be designated. Then, the Historical Landmark Commission determines if it should initiate the petition and makes a recommendation to the Planning Commission. Both bodies hold public hearings and make recommendations to the City Council for the final decision. Generally, the public hearing process is used to determine whether property owners are in support of the designation.

The proposed process would clarify who can initiate a petition to designate a new local historic district:

1. Mayor
2. Majority of City Council members
3. 40% of property owners from a proposed historic district
4. The property owner for a Landmark Site

Public comments have been received that suggest the standard requiring that 40% of property owners with in a proposed new historic district consent to the petition (see number 3 above) should be changed to a greater percentage. The proposed text amendment creating Character Conservation Districts has a similar provision but requires 50% consent. The Commission may wish to consider making this provision consistent with the Character Conservation District provision.

**Processing the Petition:**

1. Following the initiation of a petition, the Planning Director would do an initial screening of the petition and report to the Mayor and City Council, as to:
  - a. Whether the area generally merits local historic designation, (if a current historic survey has not be completed, it would need to be done);
  - b. Whether funding and staff resources are adequate to undertake the review process
    - The Mayor will determine the priority the petition will be assigned;
    - If financial resources are needed, the City Council will determine whether they will allocate specific funding for the request.

Once the Mayor has approved the priority of the project and / or the City Council has allocated funding (if needed), the Planning Director would assign the project for analysis and processing.

2. Informing property owners of proposed designation and determining property owner’s level of support: After the initiation of the petition and prior to beginning a formal review / adoption process with the Historic Landmark Commission, the Planning Division shall conduct a formal means of:
  - a. Informing property owners, subject to the proposed designation, about regulations and costs / benefits of a local historic district. This process is not to “sell” the idea of designating a new local

- historic district but to provide facts about the process and what impacts designation will have on property owners; and
- b. Determining property support for the proposed designation. The City will send out certified letters to every property owner within the boundaries of a proposed local historic district requesting that property owners return a ballot indicating whether or not they support the designation process. Property owners will be given thirty days to respond.
3. Formal Public Hearing Process: After the City has determined the level of property owner support, the formal process of public hearings would begin.
    - a. The Historic Landmark Commission would make a recommendation based on review of criteria for the designation of new local historic districts and landmark sites (21A.34.020.C.10);
    - b. The Planning Commission would make recommendation based on review of criteria for Zoning Map Amendments (21A.50.050); and
    - c. The City Council would make a decision based on review of the Historic Landmark Commission and Planning Commission recommendations, the documented level of property owner support for the designation and public comment.

**Current Criteria for Designation:** The existing criteria for local designation are very similar to the National Register of Historic Places criteria. The current criteria are:

1. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:
  - a. Events that have made significant contribution to the broad patterns of history, or
  - b. Lives of persons significant in the history of the city, region, state, or nation, or
  - c. The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or
  - d. Information important in the understanding of the prehistory or history of Salt Lake City; and
2. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the national park service for the National Register of Historic Places; and
3. The boundaries of a local historic district are appropriate and shall:
  - a. Contain documented historic or architectural resources;
  - b. Coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;
  - c. Coincide with logical physical or manmade features and reflect recognized neighborhood boundaries; and
  - d. Contain non-historic resources or vacant land only where necessary to create appropriate boundaries.
4. Boundaries of a proposed Landmark Site shall be drawn to ensure that historical associations, and/or those which best enhance the integrity of the site comprise the boundaries.

**Proposed Additional Criteria and Factors for Consideration for Designation:**

Additional criteria proposed as part of this petition include:

1. The proposed local or thematic historic district is listed, or is eligible to be listed on the National Register of Historic Places; and
2. The proposed local historic district contains notable examples of elements of the City's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City; and
3. The designation is generally consistent with adopted planning policies; and

4. The designation would be in the overall public interest; and
5. In addition to the criteria listed above, the City Council shall be required to achieve:
  - a. a simple majority vote to adopt an ordinance designating a new Landmark Site, local or thematic historic district if the calculated level of support established in 21A.34.020.C.6 is equal to or greater than fifty-one percent (51%).
  - b. a two-thirds (2/3) majority to adopt an ordinance designating a new Landmark Site, local or thematic historic district if the calculated level of support is less than fifty-one percent (51%),

In making its determination regarding the designation of a local historic district or a landmark site, the Historic Landmark Commission and City Council will consider the following factors which are not required to be met but will help further clarify the appropriateness of the proposed designation:

1. Sites should be of such an age which would allow insight into whether a property is sufficiently important in the overall history of the community. Typically this is at least 50 years but could be less if the property has exceptional importance, and
2. Whether the proposed historic district contains examples of elements of the City's history, development patterns and / or architecture that may not already be protected by other historic districts within the City.
3. Whether designation of the proposed historic district would add important knowledge that advances the understanding of the City's history, development patterns and / or architecture.
4. Whether approximately seventy-five percent (75%) of the structures within the proposed boundaries are rated as contributing structures by a recent historic survey.

## ***Public Participation***

### **Open House and Commission Briefings**

The Planning Division hosted a public open house on December 15, 2011 and briefings were held with the Planning Commission on December 14<sup>th</sup> and the Historic Landmark Commission on December 15<sup>th</sup>. Notice of these meetings was sent to Community Council chairs, and other groups and individuals whose names are on the Planning Division's List serve. Notice was also posted on the City and State website. Eleven people attended the open house and submitted four written comment sheets.

### **Public Comments**

As of January 5, 2012, the Open City Hall topic for this proposal had 306 visitors who left 18 comments. In addition, several e-mails were submitted to the project planner. The following is a summary of issues / concerns raised, specifically related to the proposed Zoning Ordinance text amendment, during the public input process prior to December 23<sup>rd</sup>:

- The City should conduct a reconnaissance level survey for the entire City to help identify potential local historic districts.
- Only property owners should be able to initiate a petition to create a new local historic district.
- A super-majority of City Council members should be required to approve a new local historic district.
- Need to better define the calculation of percentage of property owners in support of a new local historic district. A range of opinions were submitted regarding who should be able to vote – 1 vote per household, allow all listed property owners to vote (could be two or more votes for a single property), include a voting category for “abstain” to account for a property where two owners could cancel-out each other's vote. Some suggested that the 51% calculation should be based not on the number of properties involved but on the number of responses submitted.

- A range of opinions were expressed regarding the property owner percentages required for the initial evaluation of a proposed district (40%), City Council approval by majority vote (51%) and City Council approval by a super-majority (less than 51%). Most of these comments suggested that the percentages were too low. Some were concerned that a minority of residents could propose a new local historic district while 60% of the affected property owners might not favor the designation. Others commented that since the property owners would bear the financial costs, support of a super-majority of property owners should be required for local historic district designation. Others suggested that a 51% buy-in is an unrealistic standard that may not be achievable considering the experience in the Yalecrest neighborhood.
- Better define where in the process property owner support needs to be demonstrated.
- Boundaries of proposed local historic district should be based on development patterns and not political boundaries such as Community Council boundaries.
- Application fees should not be waived for local historic district designation. Applicants should pay the costs of review and notification.
- An opt-in vote of property owners should be required just prior to City Council consideration. The City Council should only be able to consider a designation request if a majority of residents is in favor of the application. The requirement for a majority or super-majority vote to approve a new local historic district should be determined on the percentage of property owners voting in favor of the designation.
- Designation criteria need to better reflect current property owner's needs, sustainability and energy conservation.
- Do not require that historic designation for landmark sites be limited to properties older than 50 years because importance of design and / or culturally significant buildings may not be age related.
- Designation of landmark sites should consider not only the individual site but also the wider context of neighboring properties, streetscape and the context of the entire historic district.
- The percentage of contributing structures within the proposed boundaries needs to be carefully considered. If it is a criterion for designation it may be too high. If the percentage of contributing structures is a consideration (not a strict standard) the percentage should be set high to ensure that the highest quality older areas of the city will be protected by designation as a new local historic district.
- Review of the designation criteria and the factors for consideration should be evaluated separately with the involvement of preservation professionals.
- The public outreach process needs to be better defined.
- Concern that financial impacts associated with historic designation will have a detrimental effect on property owners, especially in the current economic climate.

## **City Department Comments**

This petition proposes to amend a process that generally is not a concern of other City departments or divisions and no written comments have been received. The Planning Division has consulted with the City Attorney's Office, City Council and the Community and Economic Development Department. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

## ***Project Review***

Various versions of the proposed text amendment have been discussed by the Preservation Interpretation Review Team, Planning Staff and the City Departments listed above. The current draft reflects comments, direction and suggestions received from these groups, the public comment received and the comments received from the Historic Landmark and the Planning commissions during recent briefing sessions.

## ***Analysis and Findings***

### **Options**

There are two main options when considering this petition. The City could maintain its current process for the designation of local historic districts and landmark sites or adopt the proposed ordinance or an amended version of the proposed ordinance that clarifies the process and criteria for new local historic district designation. The current process does not have any requirements for public support and uses the same criteria for designation as the National Register of Historic Places.

Over the past couple of years, the City has heard from many citizens and other political entities that the designation process for a new local historic district should include some method of determining public support the proposal. Many have suggested that a designation includes the addition of significant regulation which should only be approved if some level of public support exists.

### **Findings**

#### **21A.50.050 Standards for General Amendments.**

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

- 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;**

**Analysis:** The community master plans and their land use policies generally outline neighborhood, community and regional uses of land and their characteristics. The purpose is to guide land use but not specifically address the level of detail as the zoning ordinance. Community master plans may suggest the designation of new local historic districts or landmark sites but they are not specific regarding the designation process.

**Finding:** The proposed text amendments provide additional refinement of the zoning regulations of the City's code by providing clarification of existing regulations and enhancement of processes. The proposed amendments will help ensure compatibility and consistency with goals, objectives and policies of the adopted master plans of the City. Maintenance and updating of the code is often necessary to increase consistency with goals, objectives and policies of Salt Lake City. The proposed text changes are consistent with adopted policy documents.

- 2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;**

**Analysis:** In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not substantially alter the various purpose statements of zoning districts.

**Finding:** The proposed text amendments are consistent with current planning practices and further the specific purpose statements found throughout the Zoning Ordinance.

3. **Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and**

**Analysis:** The proposed text amendments affect the H Historic Preservation Overlay district and will not impact the administration of other overlay districts. The proposed amendments are intended to clarify and improve the steps of the current designation process

**Finding:** The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards and do not significantly modify any intent or purpose of the existing City code.

4. **The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

**Analysis:** The proposed text amendments reflect current practices in urban planning and will clarify, update and enhance City's planning practices as it relates to the historic preservation Program.

**Finding:** The proposed fine tuning text amendments are consistent with the purpose of the Zoning Ordinance and implement best current and professional practices of urban planning and design.



**Attachment A**  
**Draft Ordinance**

## **Proposed Amendments to the Local Historic District Designation Process**

**Proposed additions to the text of this ordinance are indicated with underlined text.  
Proposed deletions to the text of this ordinance are indicated with ~~strikethrough~~ text**

### **21A.34.020 H Historic Preservation Overlay District**

21A.34.020.A Purpose Statement – No proposed amendments

#### **B. Definitions:**

1. H Historic Preservation Overlay District: A geographically or thematically definable area which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art, or a combination thereof, that contribute to the historic preservation goals of Salt Lake City.
2. Contributing Structure: A contributing structure is a structure or site within an H historic preservation overlay district that meets the criteria outlined in subsection 21A.34.020.10 ~~of this section~~ and is of moderate importance to the city, state, region or nation because it imparts artistic, historic or cultural values. A contributing structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.
3. Noncontributing Structure: A noncontributing structure is a structure within an H historic preservation overlay district that does not meet the criteria listed in subsection 21A.34.020.10 ~~of this section~~. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing structures also include those which are less than fifty (50) years old.
4. Landmark Site: A landmark site is any site included on the Salt Lake City register of cultural resources that meets the criteria outlined in subsection 21A.34.020.10 ~~of this section~~. Such sites are of exceptional importance to the city, state, region or nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.
5. New Construction: The building of a new principal structure on a lot or property within an H historic preservation overlay district or on a landmark site.
6. Demolition: Any act or process which destroys a structure, object or property within an H historic preservation overlay district or a landmark site. (See subsection B7 of this section.)
7. Demolition, Partial: Partial demolition includes any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure, and where the portion of the structure to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the historic period on any exterior

elevation exceeding twenty five percent (25%) when the demolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.

C. Designation Of A Landmark Site, Local Or Thematic Historic District, H Historic Preservation Overlay District:

1. Intent: Salt Lake City will consider the designation of a Landmark Site, local or thematic historic district in order to protect the best examples of historic resources which represent significant elements of the City's pre-history, history, development patterns or architecture. Designation of a local historic district must be in the best interest of the City and achieve a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage. The City Council shall determine that designation of a Landmark Site, local or thematic historic district is the best method of preserving a unique element of history important to understanding the pre-history or history of the area encompassed by the current Salt Lake City corporate boundaries.
2. City Council may Designate or Amend Landmark Sites, Local or Thematic Historic Districts: Pursuant to the procedures in this section and the standards for general amendments in 21A.50.050 the City Council may by ordinance apply the H Historic Preservation Overlay District and:
  - a. Designate as a landmark site an individual building, structure or feature or an integrated group of buildings, structures or features on a single lot or site having exceptional importance to the city, state, region or nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.
  - b. Designate as a local historic district a contiguous area containing a number of sites, buildings, structures or features that contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
  - c. Designate as a thematic historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value; and
  - d. Amend designations to add or remove features or property to or from a Landmark Site, local or thematic historic district.
3. Petition Initiation for Designation of a Landmark Site, Local or Thematic Historic District:
  - a. Petition Initiation for H Historic Preservation Overlay District – Landmark Site: Any owner of property proposed for a Landmark Site, the Mayor or the City Council, by majority vote, may initiate a petition to consider the designation of a Landmark Site.
  - b. Petition Initiation for H Historic Preservation Overlay District – Local or Thematic Historic District: A property owner demonstrating support of at least forty percent (40%) of the owners of property within the proposed boundaries of the H Historic Preservation Overlay District, the Mayor or the City Council, by a majority vote, may initiate a petition to consider designation of a local or thematic historic district.

- (1) For the purposes of this subsection, forty percent (40%) of the property owners are those who collectively own:
- (i) More than forty percent (40%) of the land, excluding streets and alleys, within the area of the request; and
  - (ii) More than forty percent (40%) of the building sites within the area of request.
- (2) For purposes of this subsection a parcel of real property may not be included in the calculation of the required percentage unless the application is signed by:
- (i) Except as provided in subsection (ii) below, owners representing a majority of ownership interest in that parcel; or
  - (ii) If the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel.
  - (iii) Each private real property may only be counted once towards the forty percent (40%) minimum, regardless of the number of signatures for that real property.

4. Planning Director Report to the City Council: Following the initiation of a petition to designate a Landmark Site or a local or thematic historic district, the Planning Director shall submit a report based on the following considerations to the City Council:
- a. Whether a current survey meeting the standards proscribed by the State Historic Preservation Office is available for the Landmark Site or the area proposed for a local or thematic historic district. If a suitable survey is not available, the report shall propose a strategy to gather the needed survey data.
  - b. The City Administration will determine the priority of the petition and determine whether there is sufficient funding and staff resources available to allow the Planning Division to complete a community outreach process, historic resource analysis and to provide on-going administration of the new Landmark Site, local or thematic historic district if the designation is approved by the City Council. If sufficient funding is not available, the report shall include a proposed a budget.
  - c. Whether the proposed designation is generally consistent with the purposes, goals, objectives and policies of the City as stated through its various adopted planning documents.
  - d. Whether the proposed designation would generally be in the public interest.
  - e. Whether there is probable cause to believe that the proposed Landmark Site, local or thematic historic district may be eligible for designation consistent with the purposes and designation criteria in 21A.34.020.C.10 and the Zoning Map amendment criteria in 21A.50.050 Standards for General Amendments.
5. Community Outreach Process: Following the submission of the Planning Director's report and acceptance of the report by the City Council, the Planning Division will conduct a community outreach process to inform the owners of property within the proposed boundaries of the proposed Landmark Site, local or thematic historic district about the following:

- a. The designation process, including determining the level of public support, the public hearing process and final decision making process by the City Council.
- b. Zoning Ordinance requirements affecting properties located within an H Historic Preservation Overlay District, adopted design guidelines, the design review process for alterations and new construction, the demolition process and the economic hardship process.

6. Determination – Level of Public Support

- a. Following the completion of the Community Outreach Process, the Planning Division will send by certified mail a ballot to all property owners of record within the boundary of the proposed Landmark Site, local or thematic historic district.
- b. Property owners of record will have thirty (30) days from the postmark date to submit a response to the Planning Division indicating the property owner’s support or non-support of the proposed designation.
- c. The level of support will be calculated by tallying the submitted responses following the thirty (30) day response period or an earlier date if 100 percent of property owners have submitted a response.

(1) Formula for Calculation: the level of support will be calculated using the formula:

$$PS = (a \div n) \times 100$$

Where:

PS = Public Support

a = number of respondents indicating support for the proposed designation

n = number of developable lots located within the boundary of the proposed Landmark Site, local or thematic historic district.

The level of public support will be measured in whole numbers and will not be rounded up from a fractional result to the next whole number. Only one vote per lot is allowed.

(2) If the calculated level of support is equal or greater than fifty-one percent (51%), the City Council may approve the Landmark Site, local or thematic historic district by an affirmative vote of a simple majority of Council members.

(3) If the calculated level of support is less than fifty-one percent (51%), the City Council shall only approve the Landmark Site, local or thematic historic district by an affirmative vote of at least two-thirds majority of City Council members.

7. Notification of Public Support Calculation Results: Following the calculation of the level of support for the proposed designation, the Planning Division will send mailed notice of the results to all property owners within the proposed Landmark Site, local or thematic historic district.

8. Public Hearing Process

- a. Historic Landmark Commission Consideration: Following the initiation of a petition to designate a Landmark Site or a local historic district, the Historic Landmark Commission shall hold a public hearing and review the request by applying the standards and factors for the Designation of an H Historic Preservation Overlay District, 21A.34.020.C.10. Following the public hearing, the Historic Landmark Commission shall recommend approval or denial of the proposed designation or the approval of some modification of the amendment and shall then submit its recommendation to the Planning Commission and the City Council.
- b. Planning Commission Consideration: Following action by the Historic Landmark Commission, the Planning Commission shall hold a public hearing and shall recommend approval or denial of the proposed amendment, based on the standards of Section 21A.50.050, Zoning Map Amendments, or the approval of some modification of the amendment and shall then submit its recommendation to the City Council
- c. City Council Consideration: Following the transmittal of the Historic Landmark Commission and the Planning Commission recommendations, the City Council may hold a public hearing to consider the designation of a Landmark Site, local or thematic historic district. If the City Council votes to designate a Landmark Site, local or thematic historic district, all of the property located within the boundaries of the H Historic Preservation Overlay District shall be subject to the provision of 21A.34.020. The zoning regulations will go into effect on the date of the publication of the ordinance unless otherwise noted on the adoption ordinance.
9. Notice of Designation: Within 30 days following the designation of a Landmark Site, local or thematic historic district, the City shall provide notice via US Mail of the action to all owners of property within the boundaries of the H Historic Preservation Overlay District. In addition, a notice shall be placed on the deed of all properties within an H Historic Preservation Overlay District and recorded at the Salt Lake County Recorder's Office.
10. Standards For the Designation of a Landmark Site, Local or Thematic Historic District: Each parcel of property within a proposed H historic preservation overlay district or the parcel of property associated with a landmark site shall be evaluated. In addition, individual parcels within a proposed district, the district as a whole, and Landmark Sites shall be evaluated according to the following:
- a. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:
- (1) Events that have made significant contribution to the important patterns of history, or
  - (2) Lives of persons significant in the history of the city, region, state, or nation, or
  - (3) The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or
  - (4) Information important in the understanding of the prehistory or history of Salt Lake City; and
- b. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the national park service for the National Register of Historic Places; and

- c. The proposed local or thematic historic district is listed, or is eligible to be listed on the National Register of Historic Places; and
- d. The proposed local historic district contains notable examples of elements of the City's history, development patterns or architecture not typically found in other local historic districts within Salt Lake City; and
- e. The designation is generally consistent with adopted planning policies; and
- f. The designation would be in the overall public interest; and
- g. In addition to the criteria listed above, the City Council shall be required to achieve:
  - (1) a simple majority vote to adopt an ordinance designating a new Landmark Site, local or thematic historic district if the calculated level of support established in 21A.34.020.C.6 is equal to or greater than fifty-one percent (51%).
  - (2) a two-thirds (2/3) majority to adopt an ordinance designating a new Landmark Site, local or thematic historic district if the calculated level of support is less than fifty-one percent (51%).

11. Factors to Consider: The following factors may be considered by the Historic Landmark Commission and the City Council to help determine whether the proposed designation of a Landmark Site, local or thematic historic district meets the criteria listed above:

- a. Sites should be of such an age which would allow insight into whether a property is sufficiently important in the overall history of the community. Typically this is at least 50 years but could be less if the property has exceptional importance, and
- b. Whether the proposed historic district contains examples of elements of the City's history, development patterns and / or architecture that may not already be protected by other historic districts within the City.
- c. Whether designation of the proposed historic district would add important knowledge that advances the understanding of the City's history, development patterns and / or architecture.
- d. Whether approximately seventy-five percent (75%) of the structures within the proposed boundaries are rated as contributing structures by a recent historic survey.

12. Boundaries Of A Proposed Landmark Site: When applying the evaluation criteria in 21A.34.020.C.10, the boundaries of a Landmark Site shall be drawn to ensure that historical associations, and/or those which best enhance the integrity of the site comprise the boundaries.

13. Boundaries Of A Proposed Local Historic District: When applying the evaluation criteria in 21A.34.020.C.10 of this section, the boundaries shall be drawn to ensure the local historic district:

- a. Contains a significant density of documented sites, buildings, structures or features rated as contributing structures in a recent historic survey;

- b. Coincides with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;
- c. Coincides with logical physical or manmade features and reflect recognized neighborhood boundaries; and
- d. Contains nonhistoric resources or vacant land only where necessary to create appropriate boundaries to meet the criteria of 21A.34.020.C.10 of this section.

14. Boundaries Of A Proposed Thematic Historic District: When applying the evaluation criteria in of this section, the boundaries shall be drawn to ensure the thematic historic district shall contain a collection of sites, buildings, structures, or features that are united together by historical, architectural, or aesthetic characteristics and contribute to the historic preservation goals of Salt Lake City by protecting historical, architectural, or aesthetic interest or value;

~~C. Establishment Of Overlay District:~~

- ~~1. Procedure For Establishment Of An H Historic Preservation Overlay District Or Landmark Site: An H historic preservation overlay district or landmark site shall be established pursuant to the procedures for amending the zoning map of this title in chapter 21A.50 of this title. An application for a map amendment to establish an H historic preservation overlay district or landmark site shall be prepared by the historic landmark commission and submitted to the planning commission. Any individual or organization can request that the historic landmark commission consider preparing an application of a landmark site or H historic preservation overlay district. The application shall contain information and recommendations concerning the areas, buildings and premises for areas included in the amendment application.~~
- ~~2. Criteria For Selection Of An H Historic Preservation Overlay District Or Landmark Site: The historic landmark commission shall evaluate each parcel of property within a proposed H historic preservation overlay district or the parcel of property associated with a landmark site. Individual parcels within a proposed district, the district as a whole, and landmark sites shall be evaluated according to the following:~~
  - ~~a. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:~~
    - ~~(1) Events that have made significant contribution to the broad patterns of history, or~~
    - ~~(2) Lives of persons significant in the history of the city, region, state, or nation, or~~
    - ~~(3) The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or~~
    - ~~(4) Information important in the understanding of the prehistory or history of Salt Lake City; and~~
  - ~~b. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the national park service for the National Register of Historic Places; and~~



~~e. The age of the site. Sites must be at least fifty (50) years old, or have achieved significance within the past fifty (50) years if the properties are of exceptional importance.~~

~~3. Boundaries Of A Proposed Historic Preservation Overlay District: When applying the evaluation criteria in subsection C2 of this section, the historic landmark commission shall recommend boundaries of a proposed H historic preservation overlay district to ensure that the boundaries:~~

~~a. Contain documented historic or architectural resources;~~

~~b. Coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;~~

~~c. Coincide with logical physical or manmade features and reflect recognized neighborhood boundaries; and~~

~~d. Contain nonhistoric resources or vacant land only where necessary to create appropriate boundaries to meet the criteria of subsection C2 of this section.~~

~~4. Boundaries Of A Proposed Landmark Site: When applying the evaluation criteria in subsection C2 of this section, the historic landmark commission shall draw the boundaries of a landmark site to ensure that historical associations, and/or those which best enhance the integrity of the site comprise the boundaries.~~

D. The Adjustment Of Boundaries Of An H Historic Preservation Overlay District And The Revocation Of The Designation Of Landmark Site:

1. Procedure: The procedure for the adjustment of boundaries of an H historic preservation overlay district and the revocation of the designation of a landmark site shall be the same as that outlined in 21A.34.020.C subsection C1 of this section.

2. Criteria For Adjusting The Boundaries Of An H Historic Preservation Overlay District: Criteria for adjusting the boundaries of an H historic preservation overlay district are as follows:

a. The properties have ceased to meet the criteria for inclusion within an H historic preservation overlay district because the qualities which caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the historic landmark commission recommendation and adoption of the district;

b. Additional information indicates that the properties do not comply with the criteria for selection of the H historic preservation overlay district as outlined in 21A.34.020.C.10 subsection C2 of this section; or

c. Additional information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the H historic preservation overlay district, provided they meet the standards outlined in 21A.34.020.C.10 subsection C2 of this section.

3. Criteria For The Revocation Of The Designation Of A Landmark Site: Criteria for the revocation of the designation of a landmark site are as follows:

- a. The property has ceased to meet the criteria for designation as a landmark site because the qualities that caused it to be originally designated have been lost or destroyed or the structure has been demolished.
- b. Additional information indicates that the landmark site does not comply with the criteria for selection of a landmark site as outlined in 21A.34.020.C.10 ~~subsection C2 of this section~~.
- c. Additional information indicates that the landmark site is not of exceptional importance to the city, state, region or nation.

L. Standards For Certificate Of Appropriateness For Demolition Of A Contributing Structure In An H Historic Preservation Overlay District: In considering an application for a certificate of appropriateness for demolition of a contributing structure, the historic landmark commission shall determine whether the project substantially complies with the following standards:

1. Standards For Approval Of A Certificate Of Appropriateness For Demolition:

- a. The physical integrity of the site as defined in subsection 21A.34.020.C.10.b ~~C.2.b~~ of this section is no longer evident;
- b. The streetscape within the context of the H historic preservation overlay district would not be negatively affected;
- c. The demolition would not adversely affect the H historic preservation overlay district due to the surrounding noncontributing structures;
- d. The base zoning of the site is incompatible with reuse of the structure;
- e. The reuse plan is consistent with the standards outlined in subsection H of this section;
- f. The site has not suffered from willful ~~wilful~~ neglect, as evidenced by the following:
  - (1) Willful ~~wilful~~ or negligent acts by the owner that deteriorates the structure,
  - (2) Failure to perform normal maintenance and repairs,
  - (3) Failure to diligently solicit and retain tenants, and
  - (4) Failure to secure and board the structure if vacant; and
- g. The denial of a certificate of appropriateness for demolition would cause an economic hardship as defined and determined pursuant to the provisions of subsection K of this section.

**Attachment B**  
**Public Input**

December 29, 2011  
Joel Paterson

Hi Joel:

I wanted to offer my opinions about the new LHD regulations which I hope will be included in the staff report.

1. Any individual member of the City Council – not a majority -- should be empowered to begin an historic district process. City Council members have been chosen in a fair election process. In the state legislature, you don't have to live in a particular part of the state to introduce bills that could impact other areas of the state – nor are you required to get a super majority of other legislators to join you in the legislative process before a bill is even entered into discussion. We seem to have lost our view of what it means to live in a democratic republic.
2. What is the rationale behind 40% of homeowners needed to start an LHD process? Why not 30%? Or 35%? I would wish to hear from the city about why this particular percentage was chosen.
3. Inserting the mayor into the LHD process could politicize the issue. We already see the enormous political clout and influence the real estate and construction industry has on the state legislature. Does this open the door to similar lobbying/backdoor deals at the city level?
4. In the proposed criteria, a simple majority of property owners who wish to express their opinions about an LHD petition should be sufficient to move the petition along – not 51% of all property owners in the affected area. Let me state the obvious – the city can not compel someone to vote or express an opinion.
5. We are not approving an amendment to the state constitution so requiring a vast majority of City Council members (two-thirds) to approve an LHD petition – instead of a simple majority – which is the way we've conducted political business in this country for 200+ years – not only seems extreme but may be illegal.
6. Why set 75% as the criteria for the percentage of contributing structures in the proposed petition? If 51% are contributing that should be sufficient. Step back and look at what a 75% standard would impose -- it would mean that on a block or subdivision or area where there are clearly important structures -- 55%, 60%, 65% even 70% – could be endangered by developers because this excessive standard wasn't met. When the MAJORITY of structures are deemed important, that should be sufficient as a criteria. Otherwise, it will encourage out-of-character development and erode the architectural balance of the neighborhood.

Respectfully submitted,

Jan Hemming  
1152 South 1900 East  
Yalecrest

From: kelly [kmarinan1@earthlink.net]  
Sent: Thursday, December 29, 2011 6:17 PM  
To: Paterson, Joel  
Subject: Proposed LHD process

Categories: Other

Joel,

Thanks for taking the time to talk to me during the Open House on Dec 15th.

As I mentioned to you, I believe very strongly City residents should be given the freedom to weigh in or not when it comes to LHD discussions. If they choose non-involvement, that should NOT hurt the efforts of those of us trying to preserve our City's history and protect our own property values from unscrupulous or insensitive development-related folks and the unaware newcomers.

Since I talked to you, I've looked at Open City Hall. I feel very disappointed in the tone taken by some residents. I can't encourage my neighbors to participate during the holidays because of that.

I think the idea of forcing a "super majority" is a bad idea. It's definitely one easy way for a minority to maintain its power. I also see it as an attempt to redefine how government and zoning work, and as a push towards unfriendly, confrontational neighborhood fights. Believe me, in Yalecrest many people are tired of the uncivil tone they've witnessed. Because of that I fear apathy trumping residents' courage to take a stand, or even listening with an open mind at this point.

I wanted to point out something interesting I noticed on Open City Hall. It was a line written by a long time resident, opposed to any sort of preservation, who is a member of the group owning the most rental homes in Yalecrest. It read, "I am comfortable with the current Yalecrest Historic Overlay which is in place." I found this comment particularly interesting because anyone paying attention should know there is no such thing called the "Yalecrest Historic Overlay." I also see it as a Freudian slip, a nod towards the Preservationists, because the author's words are finally acknowledging the historic nature of Yalecrest.

Thanks again for listening and talking with me.

Kelly Marinan  
Yalecrest

From: LYNN Pershing [lkpershing@gmail.com]  
Sent: Tuesday, December 20, 2011 4:21 PM  
To: Paterson, Joel  
Subject: CCD and LHD tools

Categories: Other

Dear Mr Paterson

Thank you for the opportunity to share my comments about the City's proposed CCD and LHD tools independent of the Open City Hall Forum. I am writing to you personally due to my disgust with some comments on Open City Hall on the subject. I have supported comments from other individuals on that site, but have opted to offer my comments to you personally about the same.

1. Majority votes on initiation and approval of a CCD or LHD submission Given that the voting turnout of eligible voters in District 6 generally ranges from 18-33% in any elections over the past 3-5 years, I support the use of 33% votes or to represent the MAJORITY residents required to INITIATE a CCD or LHD submission. Later after education on the subject, the MAJORITY vote by the Neighborhood should be set at a simple majority, 51%.

I'm a bit confused about OPT-IN in the voting for establishing the MAJORITY. Does OPT-IN designation support the use of only submitted votes in establishing the MAJORITY? It is my belief that the city will never get all the residents to vote due to apathy, fear, or lack of knowledge about the subject/or choices (typical of most elections).

Hence, the majority should be established using ONLY those votes submitted.

Further, Only homeowners are eligible to vote. Eligible voters should be limited to 1 total vote per household. This approach gives equal weight to those single and married residents. Dual tenants/homeowners (husband/wife) may both vote, but only 1 vote per household will be counted in the establishment of the MAJORITY. If the co-tenants vote in opposite directions, they cancel each others' vote.

I support a republic democracy. The City Council has the final vote on establishing the CCD and LHD. The City Council vote should also be a simple MAJORITY, 51%. Why should this ordinance require any more OPT-IN than any other issue that has influence on our lives?

Finally, If a CCD or LHD submission fails, a period of 1 yr from failed vote should be enforced before initiation of another submission.

2. The LHD and CCD documents need to emphasize that the codes developed for each CCD or LHD will reflect the particulars of architectural character including, mass, size, scale, style, materials, windows, height, garage, demolitions, etc of the original existing neighborhood and will be established by interacting with the neighborhood residents. This is not generally understood and has led to disinformation against LHD and CCD in YaleCrest. This gives each district the further opportunity to negotiate on those issues MOST important to the majority of the residents. Of course, that interaction must be limited to 1 year, so that the process is completed in a reasonable manner. In addition, during that interaction period, protection against demolition of existing homes must be in place, so that opportunistic builders/developers/residents

do not intentionally circumvent the integrity of an intended CCD or LHD.

3. Given the contentious nature of this discussion, I support the use of an independent panel to approve remodels, demolitions, rebuilds, and new builds according to the CCD or LHD established. I think the Historic Landmarks Committee is the most appropriate choice, as these individuals have the most experience. A citizen/resident panel from the neighborhood at this time will be fraught with corruption.

Thank you for the opportunity to express my thoughts and concerns on CCD and LHD. I applaud you and the other City Planning Committee for their diligence and intelligence in this matter and support your efforts.

--

Lynn K. Pershing, Ph.D.

1715 Laird Ave

YaleCrest

email: lkpershing@gmail.com From: JON DEWEY [jondewey@msn.com]

Sent: Monday, December 19, 2011 12:49 AM  
To: Paterson, Joel  
Cc: Jon Dewey  
Subject: LHD guideline revisions

Categories: Other

Joel,

Here is an item that was lost in the Yalecrest discussions and it could help citywide. If the option of 'addendums to' or 'additional guidelines to' the main packet of guidelines were more apparent or presented along with the original guidelines it could assuage concerns of those who saw the original guidelines as overreaching or overkill (based on the length alone).

Unfortunately this component was not disseminated enough throughout the Yalecrest discussions. Some in our neighborhood saw the guidelines as excessive and not applicable to the entire neighborhood or their block. What they may not have understood was that the guidelines are comprehensive enough (explaining the lengthiness of the document) and written so that they could indeed be applied to many different styles/types of homes. Now, because some of the objections were to the length of the original document, the driving force is to push to designate separate subdivisions and developing separate/smaller guidelines for each. This of course could be done in tandem with a LHD designation, but again this option was never really presented or explored.

The guidelines cover all those styles and can be applied to an entire area such as Yalecrest, however as mentioned above, the point that the guidelines can be amended or an addendum added for specific blocks or subdivisions needs to be made more obvious and prevalent, and that in doing this the neighborhood can evolve while maintaining its contributing structures.

Please include these comments in LHD revision discussions.

Thank you,  
Jon Dewey

From: Ben Winchester [bwinches@us.ibm.com]  
Sent: Monday, December 19, 2011 8:30 AM  
To: Ben Winchester  
Cc: Luke, Charlie - Forwarder; Love, Jill; Paterson, Joel  
Subject: Comments on LHD Designation Proposal

Categories: Other

Interested Parties,

Not sure if all of you are aware but the City is working on a proposal to define the process for designating an area a Local Historic District. It is in the draft stages and they are accepting public comment on Open City Hall. I encourage you to review the draft ordinance and give the city your feedback.

<http://www.slcgov.com/opencityhall/>

Overarching concerns seem to be around the following areas.

- 1) who can start the process
- 2) can the city council override
- 3) how to gauge support or opposition
- 4) what are the right levels of buy in

I posted the following comment this morning - It aligns with many of the comments posted to date.

*I am disappointed in the city's attempt to rectify issues in existing code regarding the process to designate a neighborhood as a Local Historic District. While it does outline a two tiered approval process for designation, that is where the creativity seems to stop.*

*First, the clip levels for support required and method of collecting and recording that support fall far short what is needed to ensure a measurable majority of property owners agree with historic designation.*

*I find it odd that the percentage to begin an LHD evaluation is 40%. This is lower than the 51% that would be required to begin the evaluation for a Character Conservation District "LHD Light" which the city defines as a more flexible and less restrictive preservation tool. It seems even odder that the city would then take a stance that only 51% of homeowners would have to approve the finalization of that LHD application. These clip levels actually allow for less support to be registered by residents in order to approve and LHD which contradicts statements published in the Salt Lake Tribune related to the future strategy for preservation within the city.*

*"Sommerkorn says a second change is on the horizon — limiting the scope of any new historic district in Utah's capital to rare cases. Conservation districts would fill that gap"*

*Second, the proposal is completely opened end on how support will be collected and validated. When I asked the question at a recent open house on the topic options could include a collection of signature buy supporters of the initiative. This is the exact process that came into question during the Yalecrest debate. It is not unbiased and cannot be validated.*



*Third, the ordinance also gives the City Council the ability to override property owners objections to an LHD with a 2/3 vote by sitting council members. This effectively negates the power of the councilmember within the proposed district from representing their constituents. It also allows the City Council to continue to support the underlying preservation strategy of our current Mayor with disregard for the property owners living in areas targeted for historic designation.*

*Fourth, changes to the LHD process are not aligned at all with the Character Conservation District Ordinance recently forward to the City Council from the Planning Commission. It seems the efficient way to implement preservation tools would be to leverage the same process for initiation and adoption.*

*I would hope that Planning would reassess these points and implement a 2 tiered process the requires a 50% opt in level of property owners support prior to evaluation of an LHD or Character Conservation District followed by a 2/3rds opt in level of support of property owners prior to the adoption of either preservation tool. An opt in process administered by the City would solve any validation issues not addressed in the current draft and align the process across ordinances. As far as the City Council's ability to act without a majority of property owners support, if included the entire credibility of the ordinance is compromised and begs the question is this effort and effort at all. If I were sitting City Council members I would worry the State Legislature may feel the same way.*

Thanks,  
Ben I. Winchester  
Office: 801-582-3568  
Mobile: 801-201-1198  
Internet: [bwinches@us.ibm.com](mailto:bwinches@us.ibm.com)

From: Kirk Huffaker [Kirk@utahheritagefoundation.org]

Sent: Friday, December 16, 2011 11:53 AM

To: Paterson, Joel

Subject: Local historic district proposal comments

Categories: Other

Hi Joel

Thanks for answering my questions last night at the open house. Here is a summary of my comments for consideration.

Section - What is local historic designation.

Add a sentence at the end regarding how the decisions on individual properties that come through the Landmarks process are not only considered for that individual property, but also within the larger context of affect to neighboring properties, streetscape, and context of historic district.

Section - Informing property owners

I am pleased to hear that the city is giving some serious consideration as to the process elements of how the level of support by property owners will be determined and by whom. This should be further defined in at least an internal policy document if not by ordinance in order to maintain consistency with respect to communicating the process to the public. This should be defined as to who does the work, how, what information is acceptable, is it checked and against what, how long the collection period lasts, etc. for both the initiation of the process (to get the 40%) and for the public hearing process (to get the 51%). Lastly, it might be good to define at what point in the process the 51% support is required to be gathered - before the HLC hearing and/or Planning Commission hearing and/or City Council hearing. Thus, do all the appointed bodies need to see the support or only city council as that is their purview to consider?

Section - Factors for consideration by HLC in making its determination Letter (f). Initially the 75% threshold for contributing structures within a proposed district seemed like a high bar to reach. As I mentioned, I don't think the Avenues even meets that threshold today and most people agree that the Avenues should be a local district. However, if this remains as a "consideration" for HLC and not a "requirement" within the criteria, it seems that the bar should be set high so as to protect the highest quality older areas of the city with local district regulations.

Section - Can properties be designated without property owner support?

I would encourage the inclusion of the 40% threshold of property owner support within this section as well as the 51%. Its inclusion would clearly communicate that a historic district will not proceed under any circumstance with less than 40% support. And then further clarifies that the local district can be designated with less than 51% but only by 2/3 vote of the city council.

Kirk

From: JON DEWEY [jondewey@msn.com]  
Sent: Tuesday, December 13, 2011 7:01 PM  
To: Paterson, Joel  
Subject: Dec. 15 Open House

Categories: Other

Joel,

I will be out of town during the open house on Dec. 15th.

I understand the need for property owners to register their preference in the process of becoming a Local Historic District, and the impetus that instigated this. However I have a concern specifically regarding the Yalecrest neighborhood designation. Because of the past year and a half and the fallout from all the misinformation/state intervention and legislation/intimidation and such I don't believe a 51% number (of all residents) can be attained with any clarity or certainty either way. Every resident cannot be forced to 'vote'. I know residents who would not chime in due to the volatility of the past. If there is going to be any sort of percentage it should be made a percentage of those that take the time and make the effort to 'vote'. Therefore the 51% should be of 'votes recieved' and should be 50% +1. Otherwise I believe nothing will be accomplished and I don't believe that is in the best interest of the City.

If the City and City Council is serious about preservation, and I believe they are, noting the fact that the Citywide Preservation Plan (with all the time and money put into it) should be adopted soon, the threshold cannot be set so high as to fail in those efforts. Just looking at the 33% total voter turnout in district six (which was above average and the highest of all districts) in the last election is proof that a 51% threshold for just one side of a position is unrealistic. Why would preservation be pursued when the bar to achieve it is unattainable?

Jon Dewey  
1724 E. Princeton  
SLC

## Paterson, Joel

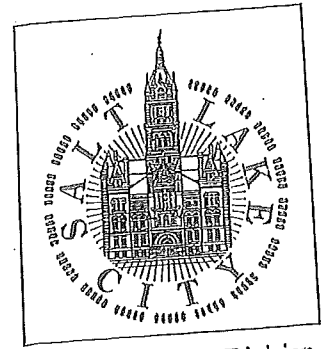
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**From:** Jim Bennion [jbennion@landdynamics.com]  
**Sent:** Wednesday, January 04, 2012 9:20 AM  
**To:** Paterson, Joel  
**Subject:** Historic degignation Process

Joel  
Please put me on record that a 2/3rds Majority vote of the owners in the proposed district be part of the requirements to create a historic district. I find it extremely interesting that many of those proposing these districts have already modified there homes. Now they want to hinder regulate or stop others from doing what they did without the extra costs and requirements placed on them.

Thanks  
James Bennion

OPEN HOUSE  
PUBLIC COMMENT FORM  
December 15, 2011  
Historic District Designation Process  
PLNPCM2011-00723



Planning and Zoning Division  
Department of Community and  
Economic Development

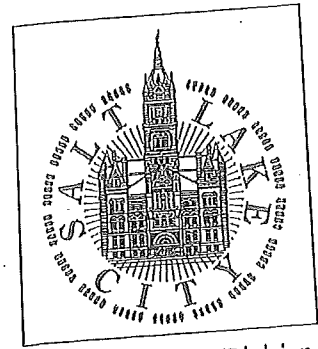
NAME BEN WINCHESTER  
ADDRESS 1450 PRINCETON AVE  
SLE, UT  
ZIP CODE 84105  
E-Mail BWINCHES@US.BRUCOM

20 FOR EVAL TOOL LOW  
70 FOR ADOPTION TOOL LOW  
NOT ALIGNED WITH CONSERVATION  
DISTRICT PROCESS AND 70

SEEMS EASIER TO GET  
LHD OVER CONSERVATION  
WHEN IT IS MORE  
RESTRICTIVE POTENTIALLY

You may submit your comments via e-mail to [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com) or via mail at the following address: Joel Paterson, Salt Lake City Planning Division, P. O. Box 145480, Salt Lake City, UT 84114-5480. Please submit comments prior to December 23, 2011.

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Planning and Zoning Division  
Department of Community and  
Economic Development

NAME Kelly White

ADDRESS 1068 SO 1700E

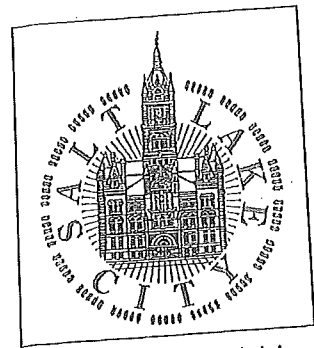
ZIP CODE 84108

E-Mail Kellym.white@comcast.net

I think that the new regulations appear to be reasonable, under informing; determining support I think it is important that the city educate people with accurate information and corrects any mistruths that tend to get spread by opponents. In section C - criteria for designation the 5/100 should be of the homeowners that bother to get out and voice an opinion not counting people that voice no opinion. I also think that under process section B it is good that petitions can be initiated by the Mayor or city council or other groups since the city needs to protect its existing housing stock that has cultural, historical significance areas such as Yalecrest, Colmer Park, Federal Heights, etc.

You may submit your comments via e-mail to [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com) or via mail at the following address: Joel Paterson, Salt Lake City Planning Division, P. O. Box 145480, Salt Lake City, UT 84114-5480. Please submit comments prior to December 23, 2011.

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Planning and Zoning Division  
Department of Community and  
Economic Development

NAME KAREN MORGAN  
ADDRESS 1529 YALE AVE  
ZIP CODE 84105  
E-Mail kbmyale@msn.com

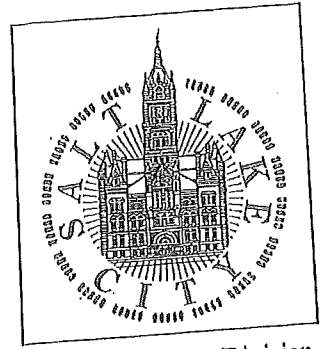
Does SI ? allow for people who  
purposely "opt-out" ? or, in  
other words, is an ~~unwilling~~ unwillingness  
to vote (or no desire) going to be  
counted as "yes" or "no" ?

Otherwise, I am glad and agree with  
much of the process criteria the city  
is proposing.

Thank you City!!!

You may submit your comments via e-mail to [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com) or via mail at the following address: Joel Paterson, Salt Lake City Planning Division, P. O. Box 145480, Salt Lake City, UT 84114-5480. Please submit comments prior to December 23, 2011.

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Planning and Zoning Division  
Department of Community and  
Economic Development

NAME Nathan J. Morgan  
ADDRESS 1529 Yale Avenue  
ZIP CODE 84105  
E-Mail nmorgan@cbankus.com

I believe and support historic preservation and would again ask that the SL City Council vote to designate some part of the Yalecrest Community as a local historic district.

I support any action on the part of the SL City Council that is supportive of creating Historic District Designations.

I suggest the SL City Council ~~initiate~~ <sup>initiate (majority vote)</sup> a LHD for Harvard and Yale from 1300 E. to 1600 E. <sup>geographic</sup> and approve it with a 2/3 Council majority vote.  
I support the proposed process for creating an LHD.

You may submit your comments via e-mail to [joel.paterson@slogov.com](mailto:joel.paterson@slogov.com) or via mail at the following address: Joel Paterson, Salt Lake City Planning Division, P. O. Box 145480, Salt Lake City, UT 84114-5480. Please submit comments prior to December 23, 2011.



# Local Historic District Designation Regulations

*What are your opinions on the proposed changes to local historic designation process and criteria?*

Public comments as of January 5, 2012, 8:57 AM

All Participants around Salt Lake City



*As with any public comment process, participation in Open City Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.*

# Local Historic District Designation Regulations

*What are your opinions on the proposed changes to local historic designation process and criteria?*

## Introduction

The Planning Commission will be hearing this item on January 11, 2012. If you have additional comments please email or contact the staff planner noted in the topic.

Salt Lake City is looking to modify how new local historic districts are designated. In November, the City Council adopted a new "Preservation Philosophy" that clarifies and promotes how we achieve historic preservation goals in the City. At the same time, the City has been working to create other types of tools that will help with the preservation of neighborhood character and stabilization which will allow the focus for new local historic districts to be more specific to history. In addition, during the 2011 General Session, the Utah State Legislature placed a moratorium on all new local historic districts in Salt Lake City, as well as other cities in the State, hoping to encourage cities to address issues relating to the process and criteria used for local historic designation.

The proposed changes to the process and criteria for designating new local historic districts include clarifying who can initiate the process, gauging property owner support, and ensuring that the focus of the proposed historic districts is to preserve the best examples of an element of the City's history, development patterns and architecture.

# Local Historic District Designation Regulations

*What are your opinions on the proposed changes to local historic designation process and criteria?*

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As of January 5, 2012, 8:57 AM, this forum had:

Attendees:	306
Participants around Salt Lake City:	23
Hours of Public Comment:	1.2

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Name not shown in District 4

January 3, 2012, 6:25 PM

With the dramatic drop in propert values and many people underwater on their mortgages you need to be careful on how much finacial impact you put on residents. I am all for the preservation of almost all historic structures and have sacrificed near finacial ruin restoring one of the more historic homes in Salt Lake. I would recomend the city put together a volenteer program to help finacially strapped residents preserve their historic properties. Especially the elderly. If someone in a historic district needs to update windows or repair delapidated porch and can't afford the extra expense to repair to historic requirments it can be negleted and make it more difficult to restore in the future. Just take this into consideration when designating a new district.

Name not shown in District 3

December 20, 2011, 5:51 PM

It is good public policy for Salt Lake City to preserve its heritage and it is in the public interest to protect our City\_ history, development patterns and architecture and to avoid potential loss of important historic resources. But the decision to do this should not be a popularity contest with a simple majority rule.

And it would make sense for the Mayor to conduct--using volunteers if need be-- a baseline reconnaissance level survey of the entire city to determine the historical status of our city today, in 10 years, in 50 years. The assessment could map the current ages of all homes--identifying those 40 years old and 50 years and older; those that have significance (historical events, associated with important people, significant architecture or importance in understanding history); and those that have physical integrity (the retention of physical characteristics which enables a property to illustrate the significant aspects of its past).

With the assessment map in hand the city would identify current historic district areas, imminent districts and future districts. And then buyers be aware.

I have lived in the Avenues for almost 40 years. I have owned a home and renovated a home within the historic district. I now own a home, over 70 years old, outside the historic district and would like the City to expand the existing or create a new district to include my home.

I want to do this because not only is there economic benefit to me--low-interest/no-interest rennovation loans, higher resale value, greater zoning/building permit protection for me and my neighbors but because it improves my quality of life knowing I have preserved a home and neighborhood that was home to some of our great residents. I want to do this without having to win a popularity contest. I already voted for a Mayor and a City Council and have put my trust in them to make decisions based on good public policy not on popularity contests.

Craig DeMordaunt in District 6

December 19, 2011, 3:49 PM

It was almost 2 years ago that a LHD was presented for the Yalecrest and Westmoreland neighborhoods. At that time, the proposal was being pushed and presented from our City Officials. As we all know, the Yalecrest LHD was not supported by a majority of the residents. The Wesrmoreland neighborhood supported it because a super majority of the neighbors wanted to live

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with the restrictions of an LHD.

I am baffled why we have not learned from the recent past and want to follow a similar process. (Initiated proposals from the Mayor, and/or city council, and less than a majority) Albert Einstein said the definition of Insanity is "doing the same thing over and over again and expecting different results"

The proposed changes are following the same processes and we can expect the same results in the Yalecrest Neighborhood: arguing neighbors, wasted time in meetings, endless emails to city officials, wasted public money. Any application should only be started by a resident or group of residents within the impacted area. City officials should stay out of the initial application process. I am supportive of the comments listed in this forum that require a super majority of the residents behind a designation or application. As well as a defined structure or vote to know that a super majority support an LHD.

Why don't we learn from the past? What worked and did not work for the Yalecrest and Wesmoreland Neighborhood proposals. The process steps should be reflective of such successes and failures. Please City, don't waste our time, public money, and "sanity" doing the same thing and expecting a different result.

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Name not shown in District 6

December 19, 2011, 8:59 AM

I understand this is a citywide ordinance and it's not all about Yalecrest. I have thought much about this in the last few years. I support the proposal, but with some changes:

I strongly believe the percentage required to begin the formal review process should be altered to more strongly reflect the properties that actually "vote."

I say this for a few reasons:

1) In the case of joint-ownership, I think forcing only one person's voice to count, tends to favor one gender in our culture. I know households where the husband and wife were split when it came to Yalecrest. I think conflicting households should be able to honor their differing opinions. They could do this by choosing an "abstain option" allowing them to effectively cancel out each other's "vote." That should be a valid option for them to discuss.

2) Absentee landlords can be a problem trying to reach and educate. Outside interests that are buying up an area for its land, don't have the same connection to community/neighbors as those living within it. But of course, their vote must count too. I see a problem if landlords are unreachable or don't respond because it disproportionately harms one side. (I think there is a tendency right now for landlords to respond in a selfish way, so I like that the people living there can be empowered by appealing to the City Council.)

3) I think it's un-American to force anyone to "vote." If someone doesn't want to make a decision and are fine going along with whatever, then that should be allowed. People sometimes forget that our

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"right to vote" also gives us the right NOT to vote. District 6 had the highest voter turnout, yet only 33% voted. We live in a democratic republic. I love and respect that-- even when my elected officials don't always see eye-to-eye with me. (Considering how low voter turnout is, I believe the 51% requirement is too high in the proposal as written.)

I could add a 4th point, but it would be for Yalecrest only. The push to preserve Yalecrest has been going on for many years. Some felt letdown recently because their "vote" via a petition was made public (despite their explicit disapproval for such action). My opinion is this has resulted in some government distrust. Some people might not want to "vote" for fear of the same public outing. Thus, another reason for an "abstain option."

I think "not voting"/abstaining should be a legitimate choice. In all except the first case, I think this should be viewed like opting in and allowing the discussion/process to proceed. People that feel they don't have enough information to decide now or simply choose not to be involved can always change their mind and get involved later during the public hearing at the City Council level.

I do like the process outlined. It's clear and easy to understand. I also support the new wording on who can initiate a petition. I think it's in the City's best interest to protect its history and cherished neighborhoods and to give its residents a means to do so. I appreciate the work that's been done on this proposal.

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Allison & Kenn Dayton in District 6

December 19, 2011, 8:41 AM

I cannot believe that an LHD policy which cannot get true citizen support behind it is able to reincarnate itself so many different times. Each homeowner is responsible for the financial costs incurred by this kind of designation and so each of us must have a vote. Anything short of a vote will not have adequate support to be sustainable.

I do not think an LHD is supported or necessary in our beautiful neighborhood.

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Ben Winchester in District 5

December 19, 2011, 8:09 AM

I am disappointed in the city's attempt to rectify issues in existing code regarding the process to designate a neighborhood as a Local Historic District. While it does outline a two tiered approval process for designation, that is where the creativity seems to stop.

First, the clip levels for support required and method of collecting and recording that support fall far short of what is needed to ensure a measurable majority of property owners agree with historic designation.

I find it odd that the percentage to begin an LHD evaluation is 40%. This is lower than the 51% that would be required to begin the evaluation for a Character Conservation District "LHD Light" which the city defines as a more flexible and less restrictive preservation tool. It seems even odder that the city would then take a stance that only 51% of homeowners would have to approve the finalization of that LHD application. These clip levels actually allow for less support to be registered by residents in

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order to approve and LHD which contradicts statements published in the Salt Lake Tribune related to the future strategy for preservation within the city.

“Sommerkorn says a second change is on the horizon — limiting the scope of any new historic district in Utah’s capital to rare cases. Conservation districts would fill that gap”

Second, the proposal is completely opened end on how support will be collected and validated. When I asked the question at a recent open house on the topic options could include a collection of signature buy supporters of the initiative. This is the exact process that came into question during the Yalecrest debate. It is not unbiased and cannot be validated.

Third, the ordinance also gives the City Council the ability to override property owners objections to an LHD with a 2/3 vote by sitting council members. This effectively negates the power of the councilmember within the proposed district from representing their constituents. It also allows the City Council to continue to support the underlying preservation strategy of our current Mayor with disregard for the property owners living in areas targeted for historic designation.

Fourth, changes to the LHD process are not aligned at all with the Character Conservation District Ordinance recently forward to the City Council from the Planning Commission. It seems the efficient way to implement preservation tools would be to leverage the same process for initiation and adoption.

I would hope that Planning would reassess these points and implement a 2 tiered process the requires a 50% opt in level of property owners support prior to evaluation of an LHD or Character Conservation District followed by a 2/3rds opt in level of support of property owners prior to the adoption of either preservation tool. An opt in process administered by the City would solve any validation issues not addressed in the current draft and align the process across ordinances. As far as the City Council’s ability to act without a majority of property owners support, if included the entire credibility of the ordinance is compromised and begs the question is this effort and effort at all. If I were sitting City Council members I would worry the State Legislature may feel the same way.

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Name not shown in District 5

December 15, 2011, 1:07 PM

Why is it that these Yalecrest people think that everything is always about them.? This is a city wide proposal not just about your little neighborhood. Get off your mighty high horses and quit thinking that the city should bow down to you.

I support this ordinance as part of the citywide preservation plan. There are many neighborhoods in the city that should be preserved. If you don’t want the maintenance and work that comes with an old home then you should buy a new home that is larger and accomodates your needs. There are plenty of those in Sandy and Draper.

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Emoli Kearns in District 1

December 15, 2011, 12:51 PM

Preserving the integrity of mature neighborhoods maintains property values and stable tax base.

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When we look the areas that have been preserved through historical district designation, they are beautiful, prestigious places to live, not for the traffic pattern or the easy parking, but for the mature trees and distinctive homes. These attributes are irreplaceable, like old growth forests need to be protected.

Stewardship of old buildings is great responsibility, for some it is a passion, for others a chore. If you don't want to live by these guidelines, you should find a neighborhood that is not rooted in tradition. You don't have to drive far to find a neighborhood more in line with your wants and needs. There are plenty of places where you can have a giant garage. Just because you want a bigger house doesn't mean your whole neighborhood should suffer.

Those who oppose regulation, or just like things the way they are could easily face erosion of quality of life at the hands of developers and speculators. Tear downs should be discouraged. The Sugar House sugar bowl is a prime example of what can happen when developers have their way. Some of the contemporary infill in the Avenues, and the Yale crest area stick out like a sore thumb, whether it's a gas station, or a four-plex shoe -horned into a lot, it stinks up the whole block. The zoning and landmark guidelines protect community assets and property values. The rules are simple; maintain the façade of your building with out changing its original character.

Governments incentivize conscientious maintenance in historic districts with low interest loans, tax credits because it is good for the economy, to build property value by protecting appearance of a community. This financial assistance supports local businesses. My family has been in the historic window restoration business for 23 years.

Common sense suggests that it is less expensive to repair than replace. Just because you are told that a product is maintenance free, does not mean that it can be maintained. There are a lot of misconceptions regarding the return on investment and energy savings particularly regarding windows.

Only great things age, preserving the embodied energy in something built to last, surpasses any plastic energy saving device with built in obsolescence. A single glazed wood window with a storm window compares favorably to any dual glazed vinyl product in terms of insulating and aesthetic value.

Saving energy is important, but it doesn't come from bigger houses. Compatible additions are the exception, not the rule. I am happy to assist home owners in weatherizing their windows, often simple steps can ensure another lifetime of happy service. The service is affordable, the advice is free.

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Matt Janke in District 6

December 15, 2011, 11:10 AM

As a Yalecrest resident who has attended nearly every meeting concerning the LHD proposal in Yalecrest, and having observed the results of the two latest LHD petitions (Westmoreland and Yalecrest), I've come to the conclusion that there are two key elements, in addition to the physical



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elements present which would merit consideration for a LHD, which must be present for the LHD designation (or any other preservation tool) to be viable in an area which is largely or entirely residential. The first is that the area under consideration must be based on a boundary based on development patterns, like a platted subdivision, rather than a political boundary such as a neighborhood council or a voting district. The second and perhaps more important element is that there has to be support among residents of the subject area for the designation. Westmoreland worked and Yalecrest didn't because the Westmoreland district correlated with an existing defined area and the residents there were united in their support for the designation. Yalecrest encompasses over twenty platted subdivisions, includes a great diversity of architectural styles and sizes of homes, and clearly is not nearly as united in support of the designation.

I have a few concerns about the proposed changes, both for Yalecrest and the City as a whole, as they pertain to LHDs in residential areas. For reasons related to resident support I have concerns about requiring only 40% of residents to support initiating a petition, and greater concerns about requiring only 51% of resident support required to approve the petition, particularly if it will be permissible for the Mayor or City Council to initiate it. I would like to see the resident approval number closer to 60 or 65% and I'm opposed to the provision that a 2/3 majority of the City Council (on a 7 member Council, is that 4 or 5?) can override resident approval without clearly defined criteria to justify such an override (as opposed to citing factors to be considered, as the current proposal does). I'd also like to see resident approval defined as households. Last, 'overall public interest' needs to be defined in a way that justifies this as a criteria for approval over potential resident objections (beyond the example given that this typically occurs with individual structures), and 'boundaries are appropriate' should be defined further to exclude political boundaries. Again, indicating that these are factors to be considered is not the same as defining them as required criteria.

While I don't think LHDs are appropriate for all areas of Yalecrest, or the City, I will support them if a clear majority of residents within a proposed district support it. I'm suspicious of a process in which a vaguely defined 'overall public interest' can trump a potential lack of support; a LHD clearly imposes a set of restrictions and processes on an area that don't currently exist, and as such those residents directly impacted should have the strongest voice in determining whether to adopt them.

Margaret Tennant in District 6

December 15, 2011, 10:06 AM

Well here we go again. I actually have better things to do than attend multiple 2-hour meetings to get my two minutes to speak where the committees/panels won't really listen or care what I have to say.

We need a super majority of home owners in the affected areas to want a LHD designation in order to start this all over again for Yalecrest or any other Salt Lake area. Do the math. If you have 100 residents voting and 49 of those owners are against and 51 are in favor, then, in all reality ONE person has decided for the other 99. It should take more than one vote to decide the fate of how you can or cannot remodel your home. I am not interested in hearing the "benefits" of a LHD. I have educated myself on the rules and don't find anything to be beneficial.

In addition, I believe that the homeowners alone should decide the historic designation of any neighborhood. I don't want the Mayor starting this process, I don't want the majority of City Council

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members starting this process. It is fine with me if the property owner for a specific site receive this designation for their particular home.

The City is heading down the wrong path with the proposed changes to the historic designation process. Homeowners in other areas of Salt Lake should also care. From my experience, once the LHD ball starts rolling, it is very hard to stop.

Margaret Tennant  
Yalecrest

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Scott Brown in District 6

December 15, 2011, 9:45 AM

It is amazing that it has taken the City so long to develop this recent proposal. Since the initial push to create a LHD in the Yalecrest area, property owners have requested a clear process, with a verifiable vote, be developed by the City. It is only after the legislature passed the current moratorium has the City listened. However, it has taken almost a year for the City to create this proposal.

On its face, the recent proposal seems to address the critical issues. However, after a careful reading, the proposal fails to address the issues raised by property owners. I see at least five problems with the current proposal. First, the process to create a LHD can be initiated by less than a majority of property owners being affected (i.e., 40%). Second, there is no fee provisions for those initiating the petition for a LHD. Third, it only takes a bare majority of property owners (i.e., 51%) for the LHD to be supported. Fourth, despite the fact that the affected owners may not support the LHD, the City council has the ability to override the property owners' opposition to the intrusion of their property rights. Fifth, there is no rest period or moratorium if the petition for a LHD fails.

I support Roger Little's proposal as to the process for the creation of a LHD. A petition to initiate a LHD should be supported by at least a majority of the property owners being affected. Ultimately, only a verifiable super majority vote of at least 67% of the property owners should be required. As stated above, a rest period or moratorium should be required. I would propose a rest period or moratorium of at least five years before another petition can be initiated.

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Susan and Flint Porter in District 6

December 15, 2011, 7:21 AM

I have been a longtime resident and property owner in the Yalecrest area for 48 years.... I agree with the proposed statement of Roger Little. It seems reasonable and justified that a super majority vote should be in place ... should a neighborhood want a more restrictive historic district.

The proposed document that is being reviewed and initiated for Local Historic Districts continues to compromise property owners rights. I believe that there should at the very least be a super majority, and that the City Council should not have the ability to override a neighborhood vote with the 2/3rd majority (which is written in the document.) The City Council does not pay property taxes and the cost

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of the home improvements of my home...as such they should not have the ability to veto what the majority of my neighborhood should want. For me personally, I am comfortable with the current Yalecrest Historic Overlay which is in place.

I have attended countless hours of meetings over the past year. During this time, requesting a clear process that incorporates a super majority has been requested by many. It was not until the Legislature became involved that the City scrambled to incorporate any type of majority vote into their documents. However, it is not a super majority, and the document continues to provide an avenue where the city can initiate (as they have done for months despite clear opposition) that they can veto anything and can implement "what they believe is best for me." I hope that the legislature is monitoring this process....because it has been incredible frustrating to me as a member of the community. I believe unless clear process (incorporating a super majority) is in place....this will be an ongoing problem for neighborhoods across the State....not just within Yalecrest. It seems like it could be such a simple solution to a contentious problem....implement a democratic vote...and forego the City Council a 2/3rd veto option (especially when the majority do not live in the affected neighborhoods)....whether its an Local Historic District, an Amendment to the YCO, or simply nothing. A clear democratic vote would represent what truly "the people want."

Susan Hansen Porter  
Yalecrest Resident

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Roger Little in District 6

December 14, 2011, 10:17 PM

The people of Salt Lake and specifically those in the Yalecrest neighborhood will stand shoulder to shoulder with each other, even when a decision goes against their personal views, if it is representative of desires of the majority of those impacted. An LHD in itself is not bad, but it should not be thrust on a neighborhood that is not united for it. I was amazed that the city would be willing to start the review process with up to 60% of the residences in opposition.

I would propose the following:

1 – Application should only be started by a resident or group of residents within the impacted area. Those outside of the area should stay out of the discussion. An application should only be entertained if there is a signed opt-in by greater than 50% of the impacted residents. A fee to cover costs to go through the process would be assessed here. (Some guidelines may need to be developed on how large an area should be considered for an LHD)

2 – City goes through its review process. Public hearings to gather feedback as outlined in the proposal. One of the reasons this became so heated last time was that the city was trying to sell the proposal rather than just present the facts. The city needs to present that facts and let the residences determine what they want.

3 – If the city after its review determines that it should proceed, a simple vote is taken by those impacted. This could be accomplished by a simple postcard vote to the registered property owners of

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the impacted neighborhood. This would be paid for by those filing the application for a change in classification. The property owners would have a reasonable time to respond to the vote. The reason for a vote after the city review is to make sure that changes that occur during the city review process still reflect the desires of the neighborhood. Last time we saw the proposal change significantly several times during the planning and landmark process. This is very important, participation at a planning meeting and counting comments is not the way to gauge support, it has to be a vote. A vote is simple and there is little chance of a misunderstanding. No one is standing on your porch trying to talk you into a particular point of view. It becomes very non-threatening.

4 – If the vote by those that returned a postcard was less than 50% favorable - the proposal would not go to the city council. If the vote was between 51% – 66% favorable, then the city council would need to have a super majority to pass the ordinance. If the vote was greater than 67% in favor, then only a simple majority of the city council would be required for the ordinance to pass.

This allows us to proceed in a united fashion. The emotion is put on the back burner because everyone knows what the rules are, participation is measured in a verifiable way and we can then have a constructive conversation about the Pro's or Con's of each application.

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Name not shown in District 3

December 13, 2011, 9:20 PM

As a current resident of the Avenues, I have mixed views on historic districts in general. While I appreciate the unique and historic architecture that makes up the majority of my neighborhood, the simple fact is that not every dwelling in this neighborhood has historical value, and yet we are all blanketed into this historic neighborhood designation. My block houses the Ronald McDonald house, a small business building and 2 apartment buildings in addition to homes. It is a mix of modern and old. Does it really matter if there are vinyl windows facing the backyard?

My home is 102 years old, and it is showing it. Just before Thanksgiving, we experienced a break in a large, single-paned window in our front room. There are 2 such windows and they are not at all energy efficient. Because of where I live, I must first get a permit to fix my broken window, which I was willing to do. However, I did not anticipate that it would take me 2 days of leaving voice-mails (all left unanswered) before finally getting somebody in the office to take my call. Once I finally did get through to that person, I was told that they could not answer my questions and was re-directed to the wrong office and was eventually disconnected. When I called back, I got the voice-mail again. This DOES NOT make it very easy for a resident to do the right thing and seek prior permission for necessary, time-sensitive repairs.

In the meantime, I had to block off the entire window from my two children and rambunctious dog for fear that it could break and cause serious harm to anyone of them. While venting to my neighbor, I learned that two of the companies she called to replace her own window will no longer service homes in the Avenues because of the hassle. This is a problem.

My suggestion is to fix the system prior to adding new neighborhoods! Not everybody in an historic neighborhood is going to be able to afford fancy, wood-framed windows or the increased heat/cooling

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costs that come along with outdated windows. Take energy efficiency into real consideration, ease up on homes that are perhaps not as historically relevant as others and answer the phone during business hours!

For the record I was eventually put in touch with Thomas Carter in the historic landmark commission who was prompt in contacting me and very helpful. His help really was the only positive this entire experience.

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Butch Adams in District 6

December 13, 2011, 8:58 AM

Round 3 eh'?

I am very under-impressed with the criteria changes that our City officials have posted. First I have to ask how you plan to poll the neighborhood to arrive at the majority number? Dan Jones's pile of teenage workers surveying the neighborhood for information that will result in another inaccurate count? Or is it 51% of the people that happen to show up at the City Council Meeting? The democratic process needs to be present in these decisions about personal property--one vote per household!

I read that the city will explain the benefits of having your home or neighborhood deemed historic. I didn't see anything about the negative impact it will have on your home.

No government body should have the power to significantly alter the property rights of a neighborhood or sections of a city without the consent of the majority of the inhabitants.

The bottom line is that these regulations are archaic. They need to be rewritten with today's lifestyle needs in mind, including sustainable, energy efficient building options like solar panels that may be visible from the street, affordable windows, alternate siding options etc.

Rewrite the 1865 regulations.  
Put it to a vote.

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Ashley Eddington Hoopes in District 6

December 12, 2011, 6:47 PM

Thank you City Council...what a great early Christmas present, to get to start talking about Local Historic Districts again! I've really missed these fun conversations. Santa knew just what I wanted ;).

Let me state the obvious- first off- there should be a super majority of the neighbors (not 51%) that

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approve any changes that would affect private property owners. Second, that super majority (at least 66%) needs to have an official vote taken by the City and paid for by those that are bringing the proposal forward. Third...well, I don't really have a third, other than to say that "LHD" is a new curse word in our home.

If people have a cool home that they think is worthy of preserving, let them put it on the historic register themselves. A city block of Harvard/Yale bungalows is not worthy of being in an LHD unless every single block of bungalows in the state is worthy of an LHD (which is a ridiculous idea). Let's save ourselves a lot of time, energy, and money and stop throwing good money after bad when it comes to this issue of the LHD. Let it die already..

I am rushing to get my house plans ready to submit so that I can start my construction project for my tasteful 2nd story addition to my tudor style house, before this LHD crud surfaces again.

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William Littig in District 3

December 12, 2011, 5:51 PM

Important design and culturally significant buildings might not be fifty years old and still valuable, "Bill and Nada's" for example. We need to support good design and cultural significance of all eras and ages.

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Tyson Carbaugh-Mason in District 3

December 12, 2011, 4:46 PM

I believe these changes are necessary in order for the city and it's citizenry to have the necessary tools o preserve our communities and neighborhoods. The more review an oversight which is build into the process can only serve to add legitimacy to the process and to that end I applaud the new rules proposal.

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