

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION MEETING
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111
Thursday, July 14, 2022**

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

Present for the Historic Landmark Commission meeting were: Chairperson Michael Vela and Vice-Chair Babs De Lay; Commissioners Kenton Peters, Amanda De Lucia, John Ewanowski, and Aiden Lillie. Commissioners Robert Hyde, Michael Abrahamson, and Carlton Getz were absent from the meeting.

Staff members present at the meeting were: Planning Manager Kelsey Lindquist, Planning Manager Wayne Mills, Senior City Attorney Paul Neilson, Senior Planner Lex Traugher, Principal Planner Brooke Olson, and Administrative Assistant Aubrey Clark.

APPROVAL OF JUNE 1, 2022 MEETING MINUTES

Commissioner Kenton Peters moved to approve the June 1, 2022 meeting minutes. Vice Chair Babs De Lay seconded the motion. Char Vela, Vice-Chair Babs De Lay, Commissioners Kenton Peters, Amanda De Lucia, and Aiden Lillie voted “aye”. Commissioner John Ewanowski abstained due to absence. The motion passed.

REPORT OF THE CHAIR AND VICE-CHAIR

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

REPORT OF THE DIRECTOR

Planning Manager Kelsey Lindquist reported that the consultants conducting the “Thriving in Place” study recently briefed the City Council about phase one of the study. Kelsey Lindquist encouraged the Commission and audience to review the very detailed report—which focuses on the displacement effects of gentrification—using the website ThrivinginPlaceSLC.org.

PUBLIC COMMENTS

The Chair then opened the meeting to public comments not pertaining to agenda items. Hearing none, he closed the meeting.

PUBLIC HEARINGS

New Construction for Station 424 Multifamily Residential Development-Kaleb Larsen of Envision Architectural Group, representing the property owner, WDG Seventh East, LLC, is proposing a 249-unit multi-family residential development at approximately 424, 436, & 438 S 700 East, and 445 S Green Street. The property is zoned TSA-UN-C (Transit Station Area -Urban Neighborhood – Core). The proposed development will include multiple unit types (consisting of studio, 1-, 2- and 3-bedroom units) within a single building on the site. The building is proposed to be approximately 80 feet tall at its highest point. The subject property is located within City Council District 4, represented by Ana Valdemoros. (Staff Contact: Lex Traugher at 801-535-6184 or lex.traugher@slcgov.com) **Case number PLNHLC2022-00233**

Senior Planner Lex Traugher reviewed the request as outlined in the Staff Report. He stated that staff recommends approval of the request. He stated that the first of three key considerations, character of surrounding development, is satisfied because the block has only three remaining contributing structures and this development is a considerable distance from any of them. Demolition of non-contributing structures to accommodate new construction has already been approved. The second key consideration, implementation of city goals and policies found in the masterplan, is met, particularly because the developer demonstrated that this project meets an extremely high standard on the Transit Station Score Sheet, and the third key consideration, compliance with zoning policies, is met because the plans comply with all 86 design standards related to multi-family structures. Lex Traugher reported having received a total of three written comments from the public, each of which has been communicated to the Commission, either in the main report, or using the drop box.

Commissioner Ewanowski asked what the proposed height of the building would be, given that a high TSA score allows for additional height beyond the zoned 75 feet. Lex Traugher said the highest point on the building is 80 feet but added that the project received a TSA score of 183 points. An increase of 10 feet, or one story, is allowed for a score exceeding 125. Commissioner Ewanowski also asked for confirmation that no variance is sought. Lex Traugher confirmed that no variance is sought by the developer.

Chair Vela asked if there were any consideration for access from 7th east into the parking garage. He later clarified that it appeared that the two access points are segregated for visitors and residents. Lex Traugher stated that the two access points are Green Street

and Fuller Avenue, side street of 700 East, but he would defer to the applicant for clarification of how they could be used.

Vice Chair De Lay asked for further clarification: questioning the location, and future use of the streets in question. Lex Traugher disclosed that one existing private street with limited access is actually owned by the developer and will become part of the project.

Kaleb Larsen of Envision Architecture, stated on behalf of the applicant, that the project meets the design standards, “supports the masterplan,” and is “respectful to the character of the surrounding developments.” He stated that the vehicular access points were carefully considered because 700 East is a major thoroughfare, and the project is located at a major intersection. It is anticipated that the volume of traffic through each entrance would be almost equal. Kaleb Larsen clarified that each access point leads a vehicle through visitor parking and, to the secured gate of the parking facility. He then described elements of the design that reflect elements of a historic district including a lower (three story) height and wider set back on the elevation facing the contributing structures. Also, the structure has a brick façade, The project reaches its highest point at its center.

Commissioner De Lucia asked for clarification about the height along the Green Street access elevation relative to existing residences. Kaleb Larsen responded that he was aware of the public comment that generated the question. He said that the project is at its maximum allowed height as it faces the townhomes, which are not contributing structures, but he explained that the entire project is built with variation in massing to balance its impact. Kaleb Larsen stated that the building would be roughly 70 feet wide along then Green Street side, and that it “only overlaps the townhomes in question by twelve feet or so.” Variation in height and massing of the building at the intersection of 700 East and 400 South to avoid a “giant wall effect.”

Commissioner Lillie asked for review of an elevation of the southeastern portion of the 700 East intersection and asked for a description of the scaling. Kaleb Larsen stated that the height is one story lower then scaled up "as we get farther away.”

Chair Vela opened the public hearing.

PUBLIC HEARING

- Cindy Cromer – Requested the project be tabled until more information could be gathered. She stated that his project abuts two historic structures and is close to a third on the same block face, each of which she named. She cited three examples of similar nearby development projects that received work session reviews. She said that a work session was also appropriate for this project and stated that the

renderings did not adequately reflect historic structures.

- Tom Segura – Spoke in support and in opposition of the project. He is the owner of the McCarthy Building. He stated that he was unaware, until Wright Development did their due diligence on the property, that his building was designated as historically significant. He quoted from the 2013 RLS to challenge the designation of the historic district. He advised the Commission that he is currently suing the developer because an increase in traffic combined with his loss of access to Fuller Avenue will prove to be a burden to his business.

Commissioner De Lay asked Mr. Segura if he knew why his building holds the designation of “historically significant.” Mr. Segura said that he did not know the answer but added that his next-door neighbor was built in the 1800’s and that MacArthur house was built in 1961 from cinderblock and steel and he thought that it is one of many such buildings. Attorney Paul Neilson said that Planning staff would answer questions after public comment period is concluded.

- Steve Murdock – Manor House Property Owner at 444 S. 700 E. - Stated Opposition. Mr. Murdock stated that his property was built in approximately 1880 or 1890 and that he is actively making efforts to maintain the property. He stated that the traffic at the Green Street access point will be a burden to his business and that demolition of the Modern Display property and subsequent construction work would be a threat to the structure of his building.
- Danelle Murdock – Manor House Property Owner at 444 S. 700 E. - In opposition of the petition. Ms. Murdock cited loss of mountain views that were once a key feature of the house, and the significant investment in the property that is both a home, and a business. She also stated that existing traffic conditions are dangerous and that she expects that adding 4,000 residents to the block will increase that problem. She also said that construction of the nearby apartment complex Liberty Square caused the Manor House to shake badly, and she wondered whether the foundation for this project would be at a similar depth.
- Chris Zarek –Representing the 79 residents of Liberty Square - said that concerns could be solved by retaining public access to Fuller Avenue, adding that Green Street is too narrow to handle a significant increase in traffic, and that many Liberty Square apartments face Green Street with negligible setback.

Chair Vela then closed the public hearing and asked the Commission whether they had questions for staff based upon issues raised by the public hearing.

Commissioner Babs DeLay asked why the McCarthy Building had been designated an historic structure. Lex Traugber stated that the City contracts with qualified people to determine the appropriate designation for buildings in each district. He said that the

McCarthy Building designation is drawn from the 2013 area survey conducted by Sherri Ellis of Certis who also conducted the most recent University District survey. Planning Manager Kelsey Lindquist added that mid-century modern structures were eligible for historic structure designation in the 2012-2013 round of contracted surveys. In response to Commissioner DeLay's follow-up question regarding removing the designation from a structure, Kelsey Lindquist stated that there is a process which may take up to a year to complete, because a review of the district, and multiple notifications are involved. A direct challenge to the right to demolish based upon an argument that the structure does not contribute to the district is also possible.

Chair Vela then asked for a rebuttal on the part of the applicant.

Kaleb Larsen stated that there were efforts made to respect the styling of neighboring structures including the coloring, and some midcentury features of the MacArthur House, which is the closest neighboring historic structure. He also noted that the remaining structures will have greater distance from the new structure than they had had from the original structures.

Various Commissioners expressed concerns related to traffic including the pending lawsuit regarding Fuller Avenue and the loss of a direct link from the Trader Joe's Parking area to 700 East. Commissioner Lillie asked which entrance would be defined as the primary entrance. Kaleb Larsen stated that the leasing office is located next to Fuller Avenue. In response to a question from Chair Vela, Kaleb Larsen stated that City Traffic and Engineering had reviewed the plans and that changes had been made to address their concerns.

EXECUTIVE SESSION

Chair Vela asked Senior City Attorney Paul Neilson to explain public access rights. Attorney Neilson explained that the City makes a presumption that County records are accurate, however "claims of prescriptive rights and public use dedication" made in the meeting must be settled in court. The matter is "complicated" by the fact that three different sections of Fuller Avenue have different owners. He stated that even though litigation has been initiated, there has not been an attempt "to halt *these* proceedings."

Chair Vela asked whether all requirements for which the Commission has oversight had been met. Senior Attorney Neilson responded that he would defer to staff on those issues. Chair Vela asked whether lighting and landscaping plans had been completed and Lex Traugher stated that they had.

Commissioner Lillie asked if conditions were met to prominently identify the entrance and also asked how the mechanical equipment would be screened. Lex Traugher stated that

the 700 East entrance meets design guidelines and that the mechanical equipment would be on the roof.

Commissioner De Lucia asked what the parameters are for scheduling a work session. Lex Traugher said that work sessions are not based on the size of the project but, rather, whether the applicant and staff can work through disagreements. He said that staff request a work session to ask the Commission to address specific unresolved issues. Planning manager Kelsey Lindquist added that applicants can also request a work session.

Commissioner Kenton Peters stated that, in his opinion, the only outstanding issue was the traffic based on a right of access beyond the purview of the Commission. He stated that judging on design merit “they’ve done a fine job.” Commissioner DeLay said “I abhor this traffic issue” but stated that she agreed with Commissioner Peters.

Commissioner John Ewonowski stated that traffic issues could be used to make decisions and he cited design guidelines in code referring to “historic street patterns” and “public and private rights-of-way” that “should be maintained and reinforced.” Commissioner Peters stated that while an excellent point had been made, he did not think that the design guidelines should be applied to the block in question because the character of the block has not reflected the character of the existing historic structures “for 50 years or more.” Commissioner DeLay asked, “What protection do we offer an historic mansion in the midst of a commercialized few blocks in an historic district? We just blocked their views north, south, east, and west, but it’s still historic.”

Chair Vela stated that he had discussed the issue of Commission purview of public with the director in anticipation of the meeting. With the exception of Commissioner Ewonowski’s information, which pertained to the character of side streets and alley ways, Chair Vela stated that it was his understanding that the Commission did not have oversight.

The chair then called for a motion.

MOTION

Commissioner Kenton Peters stated, “Based on the analysis and findings in the staff report that the standards for approval of a Certificate of Appropriateness involving new construction in a local historic district have been substantially met, testimony and the proposal presented, I move that the Historic Landmark

Commission approve the request for new construction located at approximately 424, 436, & 438 S. 700 East, and 445 S. Green Street.”

Seeing no second, the chair called for discussion.

Commissioner Amanda De Lucia stated that she is “torn” because she recognizes that staff has reviewed the project carefully, but Commissioner Ewanowski has raised that point that the interior character of the block should be considered. She said that she did not feel comfortable ignoring the traffic problems.

Commissioner Babs De Lay stated that she seconded the motion in order to force a vote and move on.

Commissioner Aiden Lillie voted “yes.”

Commissioners John Ewanowski, Kenton Peters, Amanda De Lucia, voted no.

Vice-chair DeLay abstained from the vote without giving a reason.

Chair Vela stated that the motion failed.

Commissioner Peters then explained his vote by stating that the solution appeared to be a recommendation that the applicant return with a solution to the traffic problem. He voted “no” in order to allow for more discussion time.

Commissioner Ewanowski commented that the staff report was excellent, but he respected the positions taken by property owners. Commissioners Peters and Lillie stated that Fuller Avenue does not currently allow public access. Chair Vela pointed out that there is a pending Court case to determine the status of the street. However, what is within the purview of the Commission is the petition. Additional appeals are possible.

Senior City Attorney Neilson then added that “as of this moment” the street is private property. Rights are presumed unless the Court states otherwise, however, a recent case has affirmed private ownership of part of the street.

Chair Vela then called for a motion

Commissioner Kenton Peters stated, “With respect to PLNHLC2022-00233 Station 424 Multifamily Residential Development, based on the analysis and findings in the staff report that the standards for approval of a Certificate of Appropriateness involving new construction in a local historic district have been substantially met, testimony and the proposal presented, I move that the Historic Landmark

Commission approve the request for new construction located at approximately 424, 436, & 438 S. 700 East, and 445 S. Green Street.”

Commissioner Aiden Lillie seconded the motion.

Commissioners John Ewanowski, Aiden Lillie, Kenton Peters, Amanda De Lucia voted “yes.”

Vice-chair Babs DeLay abstained without giving a reason.

The motion passed.

Senior City Attorney Neilson made a concluding comment that the applicant is aware that litigation poses a risk to proceeding with the project.

Minor Alteration for a Vinyl Fence and Trellis at approximately 665 S 600 E- Kari Gardner, the property owner, is requesting approval from the City to construct a 4’ tall vinyl fence and 8’, 8” tall vinyl trellis in the front yard of the property, visible from the public way. The property is located in the RMF-30, Low Density Multi-Family Residential Zoning District and the Central City Local Historic District. This type of request must be reviewed as a Historic Preservation Minor Alteration. The property is in noncompliance with Salt Lake City regulations as a portion of the proposed vinyl fence was installed without a fence permit and Certificate of Appropriateness required for the work. The subject property is within Council District 4, represented by Ana Valdemoros. (Staff Contact: Brooke Olson at 801-535-7118 or brooke.olson@slcgov.com) **Case number PLNHLC2021-01283**

Principal Planner Brooke Olson reviewed the petition as outlined in the staff report, noting that the project is currently “under enforcement” because work was started without a permit or Certificate of Appropriateness. She stated that Staff recommends denial of the request because it is in front of a house that is a contributing structure and the proposed fence visible from the public way and is out of the character of the street and area. A pre-existing painted, wood picket fence with trellis were removed to accommodate the vinyl fence. That pre-existing fencing was not consistent with the earliest available pictures of the dwelling; however, it was historically consistent with other fencing of the period. Simple metal such as wrought iron, or wire, would also be appropriate. Vinyl fencing visible from the street is specifically mentioned in design guidelines as inappropriate.

In answer to Chair Vela’s question, Brooke Olson confirmed that the acceptable fencing materials would be wrought iron, wood picket and wire.

Commissioner Peters asked for a history of the project. Principal Planner Brooke Olson stated that the work was started without a permit, or certificate of appropriateness, and

so a stop-work order was placed on the property. The applicant has been working with planning staff, however, since the proposal does not meet design standards, staff cannot approve it administratively and so it is referred to the Historic Landmark Commission for a determination.

The applicant Kari Gardner stated that she is very fond of her 600 East neighborhood and has lived in the area previously. She shared slides of her present home in disrepair at the time that she purchased it and described the extensive foundation work required to restore the house after damage from tree roots. Ms. Gardner described the personal trials of owning the home including the 2020 earthquake, and a burglary. She stated that she did not understand the need for a fence permit, but that she had done her best to replicate the style of the fencing that she was replacing, adding that her street has another vinyl fence. Ms. Gardner outlined the expense she had gone to in order to have an attractive, durable fence. She also stated that the fence is a security measure, given multiple issues with the homeless population in the area. Ms. Gardner read a portion of Utah Code pertaining to the character of the block face and stated that she felt her fence met the purpose of the code.

Chair Vela asked Ms. Gardner whether she hired a contractor to install the fence. The applicant stated she hired a disabled man who does fences and because she has put in fences on other properties, she is well aware of standards for structural soundness.

Vice Chair De Lay asked what the person installing the fence knew about the process. Ms. Gardiner said that she had hired the installer through Craig's List and did some labor herself.

Chair Vela opened the public hearing.

PUBLIC HEARING

- Cindy Cromer – stated opposition. She called attention to a durable man-made material approved by the Commission “quite some time ago,” that would have been very appropriate. She urged support of the staff report.
- Robert Torres – in favor of the applicant. Neighbor from across the street. He stated that Ms. Gardiner has contributed to the neighborhood by improving her property. He urged the Commission to focus on the code language “character of the neighborhood.”

Commissioner Peters asked how long vinyl has been prohibited in the ordinance pertaining to historic districts. Kelsey Lindquist stated while she could not say precisely, it has been “decades.”

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

EXECUTIVE SESSION

Chair Vela said the question to be considered is, “regardless of how we feel,” whether or not the application meets the standards.

Vice Chair De Lay said, “There’s really not much of a discussion.” Commissioner Lillie stated her agreement that “vinyl is inappropriate.”

Commissioner De Lucia said that she was curious about the “alternate material” mentioned in the public comments. She described a previous meeting in which roofing material functioning as solar panels was approved based on the fact that it lost its sheen with age and so was considered compatible with the neighborhood. She said that she would like more information about the synthetic wood mentioned. Commissioner Lillie agreed saying that it was approved as a trial and the Commission could ask staff to review a code change.

Commissioner Peters commented that cement products might be considered. Commissioner De Lay agreed that “Hardy Board” or fax wood should be considered. She then asked whether it would be allowed. Kelsey Lindquist stated that it would not be typically appropriate for a front yard. She said that there would be more flexibility with metal fencing.

Commissioner Peters commented that a building permit would be required in any district to build a fence. Had that step been taken other problems would have been avoided.

Chair Vela called for a motion.

MOTION

Commissioner Amanda De Lucia stated, “I’m making a motion for the vinyl fence and trellis at approximately 665 South 600 East PLNHLC2021-01283 based on the findings in the staff report, the information presented and input received during the public hearing, I move that the Historic Landmark Commission deny the minor alteration petition PLNHLC2021-01283 as proposed, because evidence has not

been presented that demonstrates that the petition complies with the following standards listed.”

Commissioner Aiden Lillie seconded the motion.

Commissioners John Ewanowski, Aiden Lillie, Kenton Peters, Amanda De Lucia, and Vice Chair Babs De Lay all voted “yes.”

The motion passed. The application was denied.

The meeting adjourned by the chair at approximately 7:15 PM.