

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 4, 2009

BOARD MEMBERS IN ATTENDANCE: Roger Durst, Ken Martz, David McFawn, Brian Guyer, David White

EX OFFICIO: Thomas Eddington, Brooks Robinson, Mark Harrington, Patricia Abdullah

WORK SESSION

Discussion regarding auctioned properties; 632 Deer Valley Loop, 622 Rossi Hill Drive, 652 Rossi Hill Drive, 660 Rossi Hill Drive – Presented by Roger Durst

Chair Durst expressed his concern regarding the mentioned properties along Deer Valley Drive, directly across from the LeClerc property, which received grant money in order to sustain and preserve that property. Chair Durst felt this collection of properties represented a unique historic punctuation that exists between the contemporary rustic mountain complexes throughout the Deer Valley area and the historic section of town. This includes the affordable housing units and several condominium projects along Deer Valley Drive.

Chair Durst understood from the Utah Historic Society that these properties are on the National Registry of Historic Places. Secondly, the buildings are privately owned but reside on BLM Land, and the BLM is currently under a federal mandate to divest themselves of these properties. Chair Durst stated that he spoke with Dale Earl with the BLM and indicated that he was curious about the schedule for auctioning off those lands. Chair Durst understood that the mandate requires the BLM to divest itself before the end of the year. Mr. Earl stated that a staff member had been working on that; however, the ownership situation was so convoluted they were unable to come up with the terms of the auction. As soon as that is resolved, Mr. Earl would contact Chair Durst.

Chair Durst stated that having participated in the vision session sponsored by the City, he believes the community has identified the historic value of those properties. In addition, the Planning Staff has suggested that there is a historic imperative on these sites that should be retained.

Chair Durst had drafted a letter to the Staff suggesting that the Historic Preservation Board could possibly recommend to the Planning Commission and the City Council that a caveat be attached to auctioning off the properties to apprise a developer or purchaser that the City has a historic interest in the site. He was not suggesting that the City preclude the acquisition of that property or discourage the acquisition for development purposes. He believes a developer would appreciate knowing that there is a historic precedent in the community and many who want it preserved. Chair Durst read the letter he had drafted that outlined his proposal. If the other Board members shared his sentiment, he requested that the HPB forward a similar recommendation to the City Council for the City to identify to the BLM that Park City has a special concern for those properties.

Board Member Martz stated that over the years those properties have existed and pictures show that they are original. He was unsure if they stayed that way because of

their status or because they could not be resold. He recalled that in the 1990's the City considered these properties and wondered what could be done with them. They are now listed on the Historic Sites Inventory as contributory structures. Board Member Martz remarked that this area has been an ongoing concern and he endorsed the idea of bringing this to the attention of the City Council and for the Council to be involved in the process.

Board Member White also remembered when those properties were looked at in the 1990's. However, he was not aware that the buildings were located on BLM property and not private property. The fact that it is BLM land and the structures are to be auctioned, Board Member White felt this was a good opportunity to move forward with Chair Durst's suggestion.

Board Member Martz asked if Chair Durst had spoken with the people who live in the buildings. Board Member White asked about the ownership situation and if the residents own the buildings but not the land. Chair Durst was unsure of the exact ownership but he understood that the property owners have been paying property taxes on the building. If the land is sold out from under them, they would have the first option to relocate their building. If a developer was not inclined to accept that option, the structures could be torn down. Board Member White wanted to know if a structure could still be demolished if it was designated as historically significant. Chair Durst remarked that the structures are on the NRHP, but that does not insure any legal right to preserve those units.

Planning Director, Thomas Eddington, stated that based on information from Dina Blaes, one family owns 622 Rossi Hill, 652 Rossi Hill and 660 Rossi Hill and they would have first right of refusal if the transaction goes through. He noted that a separate person owns 632 Deer Valley Loop. The dwelling units on Rossi Hill Drive are on the National Register of Historic Places. All three are landmark sites on the Park City Historic Sites Inventory. The structure at 632 Deer Valley Loop is designated as a significant site on the local HIS, but not on the NRHP. Director Eddington stated that pursuant to Chair Durst's request, Dina Blaes had done preliminary research with regard to the transfer of BLM Land. He remarked that there are still issues with regard to the title application and other issues in terms of how the transfer would occur. Ms. Blaes tried to obtain additional information and requested a case number and a copy of the field report regarding the title. She had not received that information prior to this meeting.

Board Member Martz asked if the owner of the Rossi Hill properties owns the buildings or the property.

City Attorney, Mark Harrington, explained that the owners claim ownership to the improvements. However, to his knowledge, they have been unsuccessful in establishing ownership of the property. They went through an administrative process through the Department of Interior and he believed they were denied. Mr. Harrington stated that the City has been extremely involved in trying to protect these properties. The City was successful in obtaining the parcel across the street as open space, and settled the mining claims to that parcel in conjunction with issues going all the way back to Air Force dealings. The City tried to obtain title to these parcels as well as part of that settlement, but they were not successful. Mr. Harrington believed the likely outcome was that the auctions would proceed and the City has the opportunity to obtain them. Mr. Harrington preferred not to post the property for third parties. He was confident that

the title report should identify the historic designations and he offered to verify that to make sure. Mr. Harrington stated that when there are economic dealings in the works, the City typically does not get involved, since it could be perceived by the BLM as interfering with the process. He stated that the City supports the auction in the sense that it clears up title to the property and resolves the issues. Currently the City has no jurisdiction because the buildings are on Federal property.

David McFawn agreed that the three properties listed on the National Registry should show up in a title search. However, he questioned whether the property on Deer Valley Loop that is only listed on the Park City HSI would show up on a title search. He felt that property was the greatest risk. Mr. Harrington believed both lists would show up on a title search and he offered to verify that as well.

Board Member Martz asked if the Federal process applied to the Park City Inventory. Mr. Harrington stated that none of Park City zoning applies to State or Federal property, including the inventory. However, since the claims are under private ownership, the City has always argued that it falls under their purview.

Chair Durst asked for a clarification of posting of the property. Mr. Harrington stated that his comment related to Mr. Durst's request to put some type of notice on the property to alert a developer. Mr. Durst clarified that his suggestion was to include a notice so when the building goes up for auction, a perspective bidder would understand that there is a historic caveat. Mr. Harrington remarked that the developer has the due diligence to investigate those types of things. The City does not have an obligation to inform a perspective buyer. Mr. Harrington felt it was reasonable from a reach out opportunity to make sure the City has everything in place so when the developer does his due diligence all the information is there. He felt it was appropriate for Chair Durst to raise this concern because it is outside the normal Historic District. He suggested having Dina Blaes and the Staff follow up to make sure the historic designation is showing up on the due diligence title report, as opposed to posting something with the City Recorder on a 3rd party property.

Chair Durst closed the work session.

REGULAR MEETING

ROLL CALL

Chair Durst called the meeting to order and noted that all Board Members were present except for Sara Werbelow and Adam Opalek, who were excused.

ADOPTION OF MINUTES – October 7, 2009

MOTION: Board Member Durst moved to adopt the minutes of October 7, 2009. Board Member McFawn seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBER COMMUNICATIONS AND DISCLOSURES

Director Eddington announced that the Planning Commission was doing a Treasure Hill site visit the next morning and the HPB was invited to join them. Anyone interested should meet at the bottom of the Town Lift at 8:30 a.m.

Chair Durst understood that Patricia Abdullah was continuing to work on providing the HPB with the updated design guidelines and the Historic Sites Inventory. He remarked that all the Board members should have received copies of the updated LMC.

CONTINUATION

100 Marsac Avenue – Appeal of Design Review

Director Eddington stated that the Staff had hoped to obtain additional information and have meetings prior to this meeting, however that had not occurred. Both the applicant and the appellant were comfortable continuing this item to the December 2nd meeting.

Chair Durst noted that all the Board Members had visited the site with the exception of Brian Guyer. Board Member Guyer stated that he had not had the opportunity but he would visit the site before the next meeting.

MOTION: Board Member White moved to CONTINUE 100 Marsac Avenue to December 2, 2009. Board Member Martz seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC HEARING/DISCUSSION ITEMS

1049 Park Avenue – Grant

Planner Brooks Robinson reviewed the application for a grant at 1049 Park Avenue to restore eight degraded double hung windows. As the City adopted a new inventory and new design guidelines, the Staff looked to the Secretary of Interior Standards for rehabilitation, rather than an easy fix of just replacing the windows. Planner Robinson stated that various estimates showed that it was more cost effective to replace the windows; however, under the new design guidelines, they are now bound to the Secretary of Interior Standards for rehabilitation, which is to reconstruct the window in its historic style.

The Staff recommended that the Board provide a grant for half of the total cost, which amounts to \$4,792.50. Funding would be from the Lower Park Avenue RDA which currently has substantial funds available.

Board Member McFawn disclosed that he knows the applicant socially but he does not have a financial interest in the property.

Wesley Garrett, the applicant, stated that Planner Jacquy Mauer had sent him a copy of the guidelines. He also spoke with American Heritage Restoration, who looked at the windows and determined that in some cases the windows were not worth saving. American Heritage Restoration would do what they could to reconstruct the windows as best as possible.

Mr. Garrett understood that the intent for the guideline was to save the glass and the appearance as much as possible. The person from American Heritage Restoration was concerned that the windows had deteriorated to a point that the glass could not be saved and much of the glass had already been broken. He has owned the house for five years. Some of the glass was broken prior to his purchase and some has been broken over the last five year.

Mr. Garrett pointed out that based on comments from American Heritage Restoration, many of the windows would have to be completely rebuilt. From the standpoint of a cost effective solution, Mr. Garrett thought it was worth looking at each window individually. The four windows on the front are in better condition than the side windows that are more exposed to the sun. He suggested doing a historic rebuild of the front windows and a close proximity of the windows on the side. Mr. Garrett pointed out that the house is on Park Avenue where there is a lot of noise. The old windows are single pane and it is difficult to mitigate sound with a single pane window. American Heritage Restoration has suggested building storm windows on the outside of the window, which in his opinion does not keep the same aesthetic look as a double pane window.

Board Member Martz asked if the grant amount only reflected the restoration from American Heritage. Mr. Garrett stated that it was submitted to the committee as a full restoration of all the windows. The cost was to remove all the windows, take out the glass, rebuild the windows with the same glass and reinstall the windows.

Chair Durst asked if the storm windows would be mounted on the interior or exterior. Mr. Garrett understood that there was plaster up to the window sills on the inside so there is no choice but to put them on the outside. Chair Durst asked if the storm windows would have the same divisions that are indicated by the historic building. Mr. Garrett was unsure.

Board Member White pointed out that a storm window is a single piece of glass in a wood frame and you would be able to see the historic window behind it. Mr. Garrett replied that this was correct. Mr. Garrett stated that some of the seals on the side windows would need to be rebuilt.

Board Member McFawn asked if there was an option of doing double plane glass right in the windows. Mr. Garrett stated that another other option was to do the same divisions and have double hung wooden windows that would look almost identical and have better insulation. All the windows would be wood. Mr. Garrett stated that all the bids he obtained matched the historic definition.

Board Member Martz asked if the Planning Department had a preference. Planner Robinson remarked that the Interior Standards of Rehabilitation changed what was done in the past, which was to allow the commercial manufacturing of a window with wood exterior and interior that matches the opening and the divisions based on historic photos. In this case there are 8 degraded windows and reconstruction is basically the same as getting a manufactured window; whereas, in other cases windows can be rehabilitated rather than replacing the entire window. Planner Robinson felt this was a policy issue for the HPB.

Chair Durst opened the public hearing.

There was not comment.

Chair Durst closed the public hearing.

Board Member Martz felt it was hard to make a determination without seeing the windows. He wondered if it was possible for American Heritage Restoration to assess each window and replace the window where necessary. If an assessment is done by an expert, the Board could leave the grant open-ended and finalize it once the job is completed.

Planner Robinson pointed out that the grant is an up-to-amount. Based on direction from the Board, the Staff could work with the applicant and American Heritage and hopefully the cost for both the City and the applicant could go down.

Board Member Martz preferred that approach and ask the Staff to come back with a minor update. Board Member McFawn understood that the HPB could approve the grant today and the amount would be left open-ended. Planner Robinson remarked that the HPB could approve the grant to the highest level, recognizing that the amount may be lower based on direction from the Board to have reconstruction, but not through a painstaking process of reconstructing some of the windows, as long as the Board is comfortable with custom manufactured windows.

Board Member Martz was in favor of recommending the grant as listed. If the final cost is a lesser amount that satisfies both sides, that could be finalized when the job is completed.

Director Eddington clarified that the reconstruction would be with single pane windows and the manufactured windows with wood would be double pane. Planner Robinson replied that this was correct. Board Member White believed the sustainability of the building would be better off with new windows. Mr. Garrett explained that the window needs to be removed and taken to their facility to be rebuilt. Therefore, the storm window is a replacement window that fits in and the house can still be habitable while the window is being rebuilt.

Board Member Martz understood that the storm window would still meet the National Standard, even though it might detract visually. Chair Durst asked about screens on the windows. Mr. Garrett replied that most of the windows are painted shut. Two windows upstairs open but they do not have screens. Both the reconstructed windows and the manufactured windows have screens.

MOTION: Board Member Martz made a motion to grant \$4,792.50 to Wesley Garret, the owner of the property at 1049 Park Avenue, with the caveat that he will consult with American Heritage Restoration to evaluate the restoration of the windows or replacement of the windows. Board Member Guyer seconded the motion.

VOTE: The motion passed unanimously.

Mr. Garrett asked if he needed to submit a report to the HPB after he consults with the person from America Heritage Restoration. Board Member Martz stated that he should submit a report to the Planning Department.

Using the front windows as an example, Board Member White stated that if two windows could be reconstructed and two could not, he was concerned about the windows looking the same. He remarked that all the windows should look the same and he felt that should be specified in the motion. He was unsure if the Board was allowed to amend the motion.

City Attorney, Mark Harrington stated that it was appropriate to amend the motion.

MOTION: Board Member McFawn amended the motion to include the comment from Board Member White that the windows should look the same. Board Member White seconded the motion.

VOTE: The amended motion passed unanimously.

Board Member Martz suggested that the Planning Department keep the name of American Heritage Restoration as a resource for planning in the future, since very few companies will do that type of restoration work. Mr. Garrett stated that Planner Jacquy Mauer had given him their name and contact information.

Chair Durst stated that after the HPB adjourns the Board Members would be socializing at a local Bistro and the public was invited to join them. The Board agreed to meet at the Spur or Butchers if the Spur was closed.

The meeting adjourned at 5:47 p.m.

Approved by _____
Roger Durst, Chair
Historic Preservation Board