

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
SEPTEMBER 2, 2009

BOARD MEMBERS IN ATTENDANCE: Roger Durst, Brian Guyer, Ken Martz, Adam Opalek, Sara Werbelow, David White

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

WORK SESSION

The Work Session was called to order at 6:05 p.m.

Policy discussion regarding Administrative Policies

Planner Kayla Sintz remarked that the Staff felt it was appropriate to initiate a policy discussion to update the new Board members and to address recent policy questions. Items for discussion were outlined in the Staff report.

Planner Sintz stated that the first item was the historic grant program and a discussion regarding maintenance items. She noted that the grant application currently states that, "Maintenance items such as exterior painting and new roofing are the responsibility of the homeowner, but may be considered under specific circumstances". A second issue was the timing for submitting an application. Planner Sintz remarked that the Staff would like to modify the application form to provide clearer direction to applicants who apply to the grant program. She asked if the Board Members were interested in outlining special or specific circumstances that might allow maintenance items, or if they would prefer to delete that sentence from the application.

Planner Sintz commented on possible scenarios the Staff had brainstormed for allowing exterior paint and roofing. These included disasters, landmark only structures, or Historic Register structures. She noted that approximately 57 properties in the thematic district would fall into those categories, as well as 52 properties in the Main Street district. Another suggestion would be a one-time only consideration.

Board Member Martz offered the scenario of a one-time allowance if it is connected with other eligible preservation improvements where the paint might be disturbed. In connection with comments expressed during the last public hearing, Board Member Martz thought extra consideration should be given to individual homeowners who actually live in their historic home. He suggested that income should also be a factor. He knows people who would like to apply for a grant, but the 50% match level does not allow them to do the work because their income is too low. He would like to see a lesser percentage for owner-occupied structures to create a more feasible restoration project. An owner would have to provide a financial statement to demonstrate additional need. A reduced percentage would not be offered to businesses.

Board Member Durst agreed with Board Member Martz; however, if they allow exterior painting, it should only be considered for wood. He could not think of another appropriate material to be painted. Secondly, one criteria should be that the wood is the preservation element and the first barrier against weather. In addition, proper

preparation would be a key element. If they qualify painting as an eligible grant item, a complimentary portion of the repairs or restoration would need to be done by the owner. He wanted to make sure they would not be granting for paint being placed on an unprepared surface.

Board Member Opalek agreed with the Planning Department suggestion to allow painting for landmark structures and National Historic Register structures. He believed it would help provide an incentive for people who could not otherwise afford a preservation project.

Board Member Werbelow asked if the grant program currently applies only to landmark or historic register structures. Planner Sintz stated that grants are available for historic residential or commercial structures in Park City. However, eligible structures must be on the Historic Sites Inventory in order to apply for a grant. Planning Director Eddington clarified that the HSI has two levels of designation; landmark and significant. Planner Sintz pointed out that the HSI clarification should be included in the updated document.

Board Member Durst asked if any of the 109 historic structures had received grants in the past. Planner Sintz was unsure and offered to research that information. Board Member Werbelow asked about the original intent of "special circumstances". She felt it was a vague statement that needed to be clarified. Board Member Werbelow believed the three suggestions offered by Board Member Martz should be incorporated into the concept for the grant program. Firming up the timing for an application and the qualifications would help tighten the standards for the community in general. She like the idea of requiring additional preservation work and for giving consideration based on income and primary residence.

Board Member White thought they should consider exterior painting and roofing for natural disasters such as fire or flood. In addition, if someone applies for a construction grant and the construction requires painting on portions adjacent to the original structure, he felt that painting should be considered eligible for the grant. He also favored the owner-occupied concept as suggested. Board Member White agreed with the comment that wood is the acceptable material to be painted and that it should be prepared properly prior to painting.

Planner Sintz noted that Board Member White had mentioned roofing. She asked if roofing would only be eligible if it piggy backed with a corresponding construction project. Board Member White replied that new construction or a natural disaster could make roofing eligible for a grant.

Planner Sintz summarized that the Board was in agreement with 1) one-time application for paint and roofing if it is part of a landmark or National Historic Register structure; 2) that there would be flexibility to modify the matching 50% to accommodate specific incomes or circumstance; 3) that exterior painting over wood and roofing would be considered if it is part of a larger construction project; 4) that prior to painting the wood should be properly prepared; 5) that special consideration and assistance would be given to owner/occupied structures.

Board Member Martz clarified that matching 50% should still be the main percentage in the grant process. He was only suggesting flexibility for owner/occupied structures based on financial need upon submission of a financial statement. Board Member

Werbelow reiterated her comment to replace “special circumstances” with specific stipulations and interpretation of the grant policy. She did not recall that any of the Board members had suggested a one-time only limit.

Board Member Opalek was uncomfortable with a one-time limit and suggested once every ten years. Board Member White agreed.

Director Eddington asked if landmark or National Register structures would be an additional stipulation or special circumstance, or if it would be combined. Board Member Opalek thought that it would be combined. Planner Sintz stated that she would incorporate their comments into a format for the Board to review at the next meeting.

Planner Sintz moved to the issue of application timing. She noted that this issue was raised on a project that was heard by the HPB last month. The Staff would like to modify the application based on HPB discussion of whether or not grant applications should be accepted once a building permit has been issued.

Board Member Martz stated that since new design guidelines were adopted and they now have a Design Review Team, he would like a box that the DRT could check to indicate that they communicated the grant process to the applicant during the pre-application process. This would eliminate any misunderstanding. Board Member Opalek agreed and thought it should be the number one item on the list.

Planner Sintz clarified that the HPB was not interested in considering grant applications once a building permit has been issued. Board Member Martz agreed in general. However, circumstances may arise on major projects that cannot be anticipated before the project is started. Those would be special circumstances that could be addressed by the Design Review Team.

Board Member White suggested adding language indicating that special consideration may be given for specific items under unforeseen circumstances, but not the entire project. He did not support allowing grant applications on a major project once a building permit has been issued.

Director Eddington summarized that the HPB wanted the Staff to codify in the grant application the policy of not accepting an application after construction has started. In addition, the Board would like a line item added to the design review application that can be checked off once the applicant is informed that a grant is available.

Board Member Durst asked if it was possible for a member of the HPB to be present during the design review on projects where there is intent to apply for a grant. This would help the Board understand the portion of the project they would be considering when the grant application comes before them. Director Eddington pointed out that currently the LMC does not have an HPB member on the Design Review Team. The Staff could provide an informal report to the HPB on projects where the applicant indicated an interest in the grant program.

Based on a conversation with the City Budget Officer, Brett Howser, in August, Planner Sintz asked if the HPB would like to invite the Council liaison to attend a meeting to discuss annual grant funding. Board Member Martz recalled from the last meeting that

the Board wanted to be part of the process to know how much money is left and what might still be needed.

Planner Sintz referred to comments at the last meeting about moving to a more formal application schedule, where the HPB would award a grant based on a pool of applications reviewed at one time. This would allow them to prioritize how much would be given to each application based on a set amount.

Board Member Werbelow was unsure how that could be done because it is hard to arbitrarily encourage applications within a certain time frame. She suggested the possibility of identifying a specific period of time before the City Council works on their budget for a call to action to the community to encourage people to voice their potential needs for grant funds. This would give the City Council better information to help analyze specific needs within the budget.

City Attorney Mark Harrington explained that the City Council picks special topics annually for a series of hearings that they have on the budget. These topics range from employee pay plans to specific capital projects. Mr. Harrington stated that when the City Council does special service contracts, which are community grants, it would be appropriate for the HPB to request that the City Council also bullet point historic preservation grants on that hearing. This would be a way to hear community feedback and prioritization in terms of the annual amount.

Board Member Martz remarked that with the Design Review Team it would be hard to quantify a group of grants and he was unsure how they could handle adequately distributing the funds. City Council Liaison, Liza Simpson, noted that going back to a one-time, once a year rush of applications would give the HPB the benefit of weighing applications against each other. They do not have that ability with the current process. She believed it was important to have a continued discussion about funding and funding needs in the future. Grants are significantly different and they change as the town becomes more sophisticated. Ms. Simpson suggested that the HPB should have a robust discussion about which application process is most effective and provides the most "bang for the buck"; while at the same time, trying to fold that into the new design review process.

The Board felt this discussion should be a topic for the visioning session. Director Eddington stated that the Staff would proceed with grant applications on an as received basis until further discussion. He agreed with City Attorney Harrington that an HPB representative should petition the City Council at the time of budgeting to look at the grant process for historic grants.

A third item for discussion was application and project updates. She requested input from the Board on how they would like to be notified on applications and pending projects. She suggested that the Staff provide a list of approved Historic District Design Review projects and a list of pending applications by address.

Board Member Durst requested the list as suggested by Planner Sintz to be provided at each HPB meeting. Board Member White asked if they should be informed of these applications before they are approved. Board Member Durst preferred to know the status of the application and where it is in the process.

Director Eddington pointed out that the Staff would be limited on the amount of information they could provide since the HPB is the appeal body in the event an application is appealed.

Board Member Opalek asked if the update needed to be included with the Staff report or if the Board members could be updated more frequently in an email. City Attorney Harrington stated that because the update is only informational, the HPB could choose the preferred way to receive it. Board Member Opalek preferred a weekly email. Board Member Durst suggested that the Staff include a City map with the properties identified on the map and attach it to the update at each meeting.

Board Member Martz commented on three buildings on Main Street. One is the Old Claim Jumper building, which is up for auction and has been sitting vacant for two years. He noted that this building is not secured and anyone can walk in. He remembered when the old Coalition Building caught fire and he had the same concerns for this building. Board Member Martz stated that a second structure of concern is the Centennial Building, which was flooded several years ago and the base of the structure is rotting away. The third structure was the Imperial Hotel. It has been gutted and he was certain that the fire sprinklers were off. Board Member Martz stated that these are three of the most significant buildings on Main Street and all three are a potential for disaster. It is important for the Planning Department to monitor this issue and for the public to understand if the City has plans to move in a direction that keeps these buildings safe, secure and hopefully occupied in the near future. Board Member Martz believed these buildings should be part of the ongoing updates to the HPB.

Director Eddington reported that the Building Department is working on a process to protect structures that are not currently occupied. He would provide information in the updates as it becomes available.

Planner Sintz asked if the Board would consider changing their meeting time to 5:00 p.m., which is more in line with the starting time for other boards and commissions. The Board concurred with starting the HPB meetings at 5:00 p.m.

The Board discussed dates for the next visioning session. Board Member Durst felt it would be appropriate to schedule their visioning in conjunction with the visioning that has been contracted by the City. He would like the opportunity to have a discussion with that group. Board Member Martz preferred to schedule visioning sessions bi-annually. Board Member Werbelow agreed and suggested choosing a date. She also liked the idea of incorporating the community visioning findings because the Historic District was a major topic.

Director Eddington stated that the Staff would provide dates for consideration at the next meeting.

Board Member Durst stated that he had acquired a book from the State of Virginia that talks about design review and historic district. He requested that the Staff research the book and look at the applications that were applied. He believed it was critical to the sustained quality and character of Park City. Board Member Durst requested to work with Staff on that topic.

Election of Chair and Vice-Chair

Prior to the regular meeting, the Board elected a new chair and vice-chair.

MOTION: Board Member Werbelow nominated Roger Durst as the HPB Chair. Board Member Martz seconded the nomination.

Board Member Durst accepted the nomination.

VOTE: The motion passed unanimously.

MOTION: Board Member White nominated Ken Martz as the HPB Vice-Chair. Board Member Opalek seconded the nomination.

Board Member Martz accepted the nomination.

VOTE: The motion passed unanimously.

REGULAR MEETING

ROLL CALL

Chair Durst opened the regular meeting and noted that all Board members were present with the exception of Dave McFawn, who was excused.

Chair Durst asked Brian Guyer, a new Board member, to provide a description of his background. Brian Guyer stated that he has lived in Park City for three years. He is the Director for the United Way of Salt Lake. His experience is working in public policy and advocacy in Salt Lake; however, he wanted an opportunity to get involved with Park City and the planning involved with maintaining the nature of the City. Mr. Guyer stated that typically he would not be interested in serving on a historic preservation board, but Park City has a deep historic past and the HPB serves a good purpose. This is his first experience with City politics and he is excited to learn as much as possible. Mr. Guyer stated that he does not live in the historic district but he owns a home in Park City.

PUBLIC COMMUNICATIONS

John Stafsholt, a resident at 633 Woodside commented on the work session discussion and felt the HPB had raised good points. In addition to the three buildings Board Member Martz raised as concerns, Mr. Stafsholt suggested that they also look at the first house on Upper Woodside that the City owns, which is right behind the Distillery. That house has been vacant for two years. Because the City owns it, he felt they should set a better example. Mr. Stafsholt favored the idea to consider awarding an additional percentage of grant money for owner/occupied structures. Roofing is very expensive and it is the number one item that allows a house to obtain demolition by neglect. A leaking roof on a historic house can lead to many other problems. He believed that painting also protects a house from outside elements and he supported the requirement for proper preparation prior to painting. Mr. Stafsholt remarked that allowing exterior painting would help reduce more significant problems on historic houses.

Ruth Meintsma, a resident at 305 Woodside, echoed Mr. Stafsholt. She recalled a previous application for a home on Daly that was not granted money for painting because it was an ineligible item. She felt that home could have used help with painting in terms of preservation. Ms. Meintsma completely agreed with their suggestion for

owner/occupied homes and hardship cases. She pointed out other opportunities homeowners have for hardship cases in terms of painting. She noted that sometimes the Rotary is willing to paint houses. Also, the Museum Zions Bank often offers to paint historic houses for hardship cases. Ms. Meintsma was glad that the HPB was considering similar opportunities and she felt they were thinking in the right direction.

STAFF/BOARD COMMUNICATIONS

City Attorney Mark Harrington stated that there would be a training session with the Legal Department for the new Chair and Vice-Chair elected this evening, as well as the new members. The purpose of the training session is to review ethics and meeting procedures and to answer questions. Current members were invited to attend if they would like a refresher course. They should notify Mr. Harrington via email if they plan to attend. Mr. Harrington would provide a list of potential training dates prior to the next meeting.

Planner Sintz reported that the next HPB meeting was scheduled for October 7th and it would be held in the Marsac Building.

Chair Durst asked if Patricia Abdullah had email and contact information for all the Board members and if that information was available to the Board members. Ms. Abdullah replied that it was available.

CONTINUATION TO DATE CERTAIN

Determination of Historical Significance and Inclusion on the Historic Sites Inventory for 175 Snow's Lane, 205 Snow's Lane, 115 Woodside Avenue, and Mining Related Sites on Park City Mountain Resort

Planner Sintz requested that the Board open the public hearing for the above item and continue it to the October 7th meeting.

Chair Durst opened the public hearing.

There was no comment.

Chair Durst closed the public hearing.

MOTION: Board Member White moved to CONTINUE the above item to October 7, 2009. Board Member Opalek seconded the motion.

VOTE: The motion passed unanimously.

REGULAR MEETING DISCUSSION/PUBLIC HEARING/ACTION ITEMS

424 Park Avenue, Blue Church - Grant

Chair Durst opened the public hearing.

There was no comment.

Planner Sintz reviewed the application for exterior paint and preservation work to the wood structure at 424 Park Avenue. The applicant was Louise Wismer. This item was on the agenda due to timing and because the applicant wishes to do work prior to inclement weather. Planner Sintz requested that the HPB discuss this item and consider a continuation based on the direction given during work session regarding exterior paint. Planner Sintz noted that the structure is on the National Historic Register and it received money for paint in 2002 under the Historic District Commission.

Planner Sintz remarked that the HIS was erroneously deleted from the Staff report. However, the Staff report contained an exterior photograph submitted by the applicant, as well as a letter explaining the background of the structure. The Staff report also included an email from Wismer regarding special circumstances.

Board Member Opalek noted that the application was for 424 Park Avenue and the townhouses at 421 Park Avenue. He clarified that the townhouses are not historic and should not be included in the application. Board Member Opalek assumed the estimates provided included both the Church and the townhouses. He asked if Ms. Wismer had cost estimates for only the historic Church.

Ms. Wismer stated that the \$1,000 for the townhouse was for the bottom portion of the townhouse, as well as the stairs going up to the top deck. Planner Sintz stated that deducting that amount would reduce the eligible improvements to 12,000.

Board Member Martz understood that the Church is broken into condominiums and he asked if the units were individually owned. Ms. Wismer answered yes. Board Member Martz asked if the owners are charged a maintenance fee or homeowners dues for maintenance. Ms. Wismer replied that the owners are charged \$1,000 annually for a total of \$12,000 each year. They have had a lot of leaking and heat tape problems on the roof and that was included in the application. Ms. Wismer remarked that the maintenance fund last year was used to re-pipe the plumbing. She explained that that the primary concern is the restoration of the wood on the building. It is cracking and peeling and just painting over it would not suffice. She would like grant funds to help restore the wood and prepare it properly before applying the paint.

Chair Durst wanted to know the source of the estimate. Planner Sintz noted that the applicant had provided estimates from four painting companies. All the estimates included surface preparation and coating applications. Ms. Wismer stated that the contractor she chose has previously worked on older structures in Park City. Chair Durst asked if the amount presented in the grant application indicated the lowest bidder on the project and whether there was much disparity between the four bids. Ms. Wismer replied that the bids were fairly close. The contractor she chose was thorough and appeared to be more knowledgeable about restoring the wood.

Board Member Werbelow pointed out that the structure is a landmark site. She asked if the special circumstance related strictly to restoring the wood. Ms. Wismer replied that wood restoration is the primary objective. However, they had roofing problems and the heat tape was no longer working. The contractor she chose would concentrate more on the wood restoration.

Chair Durst asked if the roofing problems had been rectified. Ms. Wismer replied that the roof was fixed after the neighbors complained that the icicles were breaking windows

and causing problems. Heat tape was placed throughout the entire north side of the building.

Board Member White believed the Blue Church was considered a commercial structure. Although it is a landmark site, he raised the question of possibly assessing the tenants to help pay for the work. Board Member White felt the matter needed further discussion.

Board Member Opalek agreed with Board Member White and stated that limited funding would also affect his decision. Board Member Werbelow asked if the units are individually owned or rented. Ms. Wismer stated that the use is nightly lodging and the units are individually owned. There are seven units in the lodge and four units across the street. There is also a large lobby, a spa area, and a game room in the lodge.

In response to questions regarding an HOA, Ms. Wismer replied that there is an HOA and their annual meeting occurred in August. She noted that most of the funds were depleted on the roof, the heat tape and the leaks within the building. Board Member Opalek asked what the owners had concluded if this grant was not awarded. Ms. Wismer replied that they would probably just paint the front of the building and not the north and south sides. The front is the most heavily damaged area.

Planner Sintz asked if any of the condominium units are occupied by the owners year round. Ms. Wismer stated that the units are owner occupied year round. Some do occupy their units two or three months in the summer.

Chair Durst opened the public hearing.

Ruth Meintsma remarked that because the RDA funds are limited, everything needs to be prioritized. Under the current regulations, painting is not an eligible grant item. She understood that the HPB might consider changing the policy to include painting when it would directly help preserve a structure. Ms. Meintsma thought it would be best if the owners could find a way to fund the painting without the grant. She cautioned the Board members to be careful about making sure that grant money for painting is only awarded in situations where there is no other option for preserving the structure. Ms. Meintsma did not believe this application was that type of situation. Her concern was based on the fact that there is so little money and so much to be done.

Chair Durst closed the public hearing.

Board Member White remarked that if the units are owned and rented as nightly rentals, the owners could possibly afford to pay for the painting. He agreed that a landmark structure needs to be protected, but he questioned whether a grant was reasonable in this situation.

Board Member Werbelow stated that the Board had consensus during the work session for verifying special circumstances. Landmark structures were one part of the analysis. The rest of the analysis was to allow painting in conjunction with other elements of preservation, primary residence and income specific considerations. She did not believe this request for painting fit those criteria. Board Member Werbelow suggested that the Board ask the homeowners to find other means to fund the painting. Board Member Opalek agreed.

MOTION: Board Member Opalek made a motion to deny the request. Board Member White seconded the motion.

VOTE: The motion passed unanimously.

100 Marsac Avenue – Appeal of Design Review

Planner Brooks Robinson stated that the previous day the Staff received word from the appellants, the Edison and Thomas families, and the applicants, Talisker United Park City Mines, requesting that both parties have the opportunity to meet with the Staff in an effort to come to some resolution prior to HPB action on the appeal of the design review.

Planner Robinson noted that the next regular meeting for the HPB on September 16th has been cancelled to due a special meeting scheduled for the Planning Commission that evening. If the appellants and the applicants cannot come to some resolution, the Staff would look for another date prior to the October 7th meeting to hear the appeal.

Director Eddington noted that all the Wednesdays in September were occupied and he asked if the HPB could meet on Monday, September 21st or Tuesday September 22nd, if necessary. Chair Durst clarified that the meeting would be an official public hearing on the appeal. Planner Robinson replied that this was correct, but only if the involved parties could not find resolution.

City Attorney Harrington stated that he had been in contact with the various parties and it appears that waiting until October 7th was acceptable. He still needed to confirm that with the appellants, but they both had previously said they would be available on October 7th.

MOTION: Board Member Werbelow moved to CONTINUE the Appeal for 100 Marsac Avenue to October 7, 2009. Board Member Opalek seconded the motion.

VOTE: The motion passed unanimously.

Chair Durst requested that the staff arrange for a noon time site visit prior to October 7th, at which time he would like to see the full scale graphics that are available for the proposed design. This would give the Board members a sense of what is being proposed before hearing the appeal. City Attorney Harrington suggested September 21st or 22nd. Director Eddington stated that he would coordinate a site visit and notice it accordingly.

Board Member Martz requested to see a streetscape and Planner Robinson offered to include one. He noted that with the Steep Slope CUP, the applicants had presented a fly through simulation and he would ask them to provide some screenshots for the HPB.

The meeting adjourned at 7:21 p.m.

Approved by _____

Todd Ford, Chair
Historic Preservation Board