

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF DECEMBER 5, 2012

BOARD MEMBERS IN ATTENDANCE: Dave McFawn, Puggy Holmgren, Marian Crosby, John Kenworthy, Judy McKie, David White.

EX OFFICIO: Thomas Eddington, Katie Cattan, Anya Grahn, Matt Evans, Polly Samuels McLean, Patricia Abdullah

WORK SESSION

General Plan – Discussion and review of draft Core Values for ‘Historic Character’

Planner Katie Cattan stated that the rewrite of the General Plan was based on the Visioning document. In 2009 extensive Visioning was done in Park City with hundreds of residents and public participation in the form of interviews and visual exercises and documentation. After compiling all the input from the community, four core values were identified as Sense of Community, Natural Setting, Small Town, and Historic Character. Planner Cattan remarked that in order to “keep Park City Park City” these core values need to be preserved. The unique qualities that make Park City unique and set it apart from other communities can evolve and change over time. For example, world-class skiing has been a main focus since the late 1960’s. Prior to that time mining history would have been the primary focus. Planner Cattan stated that influential levers are the elements that should be considered when assessing projects, such as environmental impacts, quality of life, social equity, and economics.

Planner Cattan summarized that the Core Values would not change, the unique attributes would evolve and change, and the measurables were the influence levers.

Planner Cattan reported that the General Plan process has included a Staff review and a task force review of Historic Character. The HPB would have the opportunity this evening to provide their input on Historic Character. Planner Cattan noted that the Planning Commission had already discussed the first three Core Values, and they would address Historic Character on December 11th.

Planner Cattan reviewed a slide presentation. Historic Character is the mining history of Park City which began in 1872. It is the 400 sites that have been found locally, and it is also the two National Register Historic Districts, which is the Main Street Historic and the mining boom era Resident Thematic District.

The Board members were given key pads to vote on specific questions related to Historic Character.

The first goal for historic preservation is to preserve the integrity, scale and historic fabric of the locally designated historic resources and districts for future generations. Planner Cattan noted that the question was raised during a City Council meeting as to why it was only locally designated historic resources. She explained that the local resources were

actually broader than the National Historic District. They utilized that language to capture more of the historic resources within town.

The HPB was asked to vote on the following question: Is the beginning of the ski industry part of our historic character. The Board members voted and the response was 100% yes.

Planner Cattan noted that there was an action strategy within the General Plan that states, "Expand the existing historic district to include the onset of the ski industry in Park City and preserve the unique built structures representative of this area". She asked if the HPB agreed with the strategy to expand the historic districts to include the ski industry. Director Eddington remarked that the historic era ends around 1931 to 1938 at the decline of the mining era. The proposed action strategy would extend the historic era to the 1950's or early 1960's. It would be the ski industry/ski recreation era and include A-frame structures and early ski era buildings. He noted that it was not part of the current General Plan and the Staff was asking for input on whether it should be considered.

The Board members voted and the response was 100% yes.

Board member Holmgren stated that for a long time she has thought the early ski era should be included.

Planner Cattan stated that another strategy is to conduct annual training related to historic preservation and design regulations for Staff, boards, design professionals, commissions, and the public. It would be an annual session to discuss how to apply historic guidelines and identify the rules and regulations of the Historic District. The envisioned format would be an open house with structures presentations to teach people about historic preservation. She pointed out that it would be a cost to the City and asked if the HPB would see it as a priority to move forward.

The Board members voted and the response was 100% yes.

Planner Cattan stated that the next set of questions would relate to prioritizing. She explained that currently there is a matching grant program. The City was looking into a revolving loan fund for historic structures and once it is paid back, the money would be available to someone else. A third idea was tax abatement for historic structures.

The Board Members were asked to vote 1, 2, 3 based on their first, second and third priority.

The Board members voted and the response was 1) 36% and 2) 36%.

The HPB was asked to prioritize the following implementation strategies. The first was the Historic District Public Outreach Program to promote preservation incentives. The second was Preservation Training for Staff, boards and the public. The third was self-guided walking tours of Landmark Structures.

The Board members voted and the response was 1) 33%; 2) 35% and 3) 32%. Planner Cattan noted that based on their vote, education was the top priority.

Planner Cattan stated that Goal 15 is to maintain Main Street as the heart of the City for cultural tourism and visitors and residents alike. She noted that the function of Main Street has changed over time and she wanted the HPB to brainstorm their thoughts on the current role of Main Street in Park City.

Board Member White stated that Main Street is primarily where visitors and tourists come first. It is the part of their historic heritage that people see first before dispersing to other places. Board Member White believed that Main Street was the most important area at this point.

Board Member McKie stated that Main Street sets the tone for the identity of the town and it provides entertainment and cultural values.

Board Member Crosby felt that Main Street was the core or central focus of Park City and it provides a unifying core district where people can gather.

Board Member Kenworthy stated that Main Street is critical to Park City in many ways; both economically and culturally. He lived at the top of Woodside and when his nephew came to Park City he would always wanted to drive up Main Street. Main Street has an emotional effect on children as well as adults and it is important to make sure that magic continues to exist.

Planner Cattan stated that in the current General Plan, the focus was on tourism on Main Street. However, the draft of the updated General Plan makes Main Street a place for locals as well as tourists.

A question for the HPB was whether the General Plan should call for more locals on Main Street. Board Member Holmgren stated that she is on the HPCA and a strong emphasis has been to get more locals back to Main Street. Board Member Holmgren remarked that Main Street is a fun place and it should be fun for everyone.

The Board Members voted and the response was 100% yes.

Planner Cattan requested that the Board discuss ideas on how to achieve local attraction to Main Street. Director Eddington asked if the Board thought Main Street was an entertainment corridor or just downtown.

Board Member McKie thinks of it as an entertainment corridor.

Director Eddington asked if it should be more of a downtown environment. The Planning Commission and City Council have discussed what Main Street is and is not, and it was pointed out that people could not buy underwear, diapers or other basic needs on Main Street, and that presents a challenge. Those items are typically found in a downtown environment rather than an entertainment corridor. However, based on the comments this evening, Director Eddington assumed it should be both and include more day to day things for locals.

He noted that the Staff was working on trying to stem the exodus of primary home owners from Old Town. Over the past decade Old Town has gone from a primary residential area to a secondary residential area, and helps lead the way to an entertainment corridor for visitors. Secondary residents look at Main Street as a place to recreate, dine and shop. One method to change Main Street would be to encourage primary residents to move into the area. He asked if the Board had other ideas for targeting the locals.

Board Member Kenworthy believed that sustainability was an important element, which goes back to walkability to keep people engaged. For example, the Post Office is a place that gathers the community more than an entertainment district. Board Member Kenworthy agreed that Main Street was trending towards being an entertainment district.

Board Member McKie stated that it would be nice to have a little market to walk to where people could pick up small items without having to use their car. She previously lived in big cities and there were always corner markets. Board Member Holmgren remarked that there used to be a market on Main Street down by the Silver Queen. Board Member White noted that at one time Main Street also had a hardware store.

Planner Cattan stated that she would be adding annual awards as a strategy in the General Plan. She asked if the Board had other thoughts on strategies or anything else they would like to see added.

Board Member McKie recalled a discussion at the last visioning session regarding the preservation award. That fell by the wayside this year and she hoped that the HPB would continue with it next year.

Planner Cattan encouraged the Board members to send her an email if they have further thoughts or ideas.

REGULAR AGENDA

Chair Dave McFawn called the Regular meeting to order at 5:01 p.m.

ROLL CALL

All Board Members were present except Katherine Matsumoto-Gray, who was excused.

ADOPTION OF MINUTES – November 7, 2012.

MOTION: Board Member Holmgren moved to ADOPT the minutes of November 7, 2012 as written. Board Member McKie seconded the motion.

VOTE: The motion passed unanimously. Board Member White abstained since he was recused from the items discussed.

PUBLIC COMMUNICATIONS

There was no input.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Director Eddington noted that Judy McKie was leaving Park City and moving to Hawaii with her family. He thanked her for her time and commitment to the Historic Preservation Board. She will be missed.

ACTION ITEMS – Discussion, Public Hearing and Action

Annual Historic Preservation Award Program

Planner Anya Grahn reviewed the annual historic preservation award and urged the Board Members to consider a recipient. She recalled that the Board was established in 2011 and the HPB chose a subcommittee to choose a recipient property and to interview artists. At that time the High West Distillery was chosen for the award and an artist was commissioned to create an oil painting of the High West Distillery that hangs outside the Engineering Department in City Hall.

Planner Grahn understood that the HPB has been deliberating on a new recipient since July 2012, at which time they were favoring the Washington School Inn at 543 Park Avenue. At the time the Washington School Inn was not in compliance with prior approvals; however, they have since come into compliance and the building is now eligible for consideration. Planner Grahn encouraged the Board to approve the Washington School Inn as the recipient so they could move forward with the award. The Staff report also outlined other potential nominations that were considered earlier in the summer.

Board Member McKie stated that the subcommittee had met earlier that day and recommended approving the Washington School Inn as the recipient for the Historic Preservation Award.

Chair McFawn asked if they also needed to make a recommendation on an artist. Board Member McKie stated that the plan is to submit a proposal letter to a group of artists and setting up an interview process for the artists who were interested. Director Eddington remarked that the 6 or 8 artists on file were recommended by the City Arts Board.

MOTION: Puggy Holmgren moved to APPROVE the Washington School Inn as the recipient for the Historic Preservation Award. Board Member White seconded the motion.

VOTE: The motion passed unanimously.

Chair McFawn noted that the subcommittee consists of three people. Their goal is to review potential nominees and make recommendations to the Board for an annual recipient. David White, Kathryn Matsumoto-Gray and Judy McKie were the current subcommittee members. With Ms. McKie leaving, the Board needed to appoint another member. Board Member Holmgren volunteered to sit on the subcommittee.

Board Member McKie suggested that the Board revisit the DRT meetings and appoint a member to represent the HPB.

205 Main Street – Appeal of Historic District Design Review

(Application PL-12-01710)

Planner Matt Evans reported that this item was an appeal of the Staff's determination of compliance with design guidelines for historic sites in Historic Districts for 205 Main Street. On October 29, 2012, the Staff approved an application for a Historic District Design Review for 205 Main, which is a six unit residential building located in the Historic Commercial District. The Staff reviewed the proposal and found that it met all the pertinent criteria as listed in the original Staff report, marked as Exhibit C in the packet. On November 5, 2012 the Staff received an appeal of the Staff approval of the HDDR for 205 Main Street.

Planner Evans noted that the details of the appeal were outlined in the Appeals section of the Staff report. The appellant was specifically requesting review on five items; 1) building height at the rear lot line; 2) parking; 3) screening of mechanical equipment; 4) snow storage; 5) concerns regarding construction mitigation issues and monitoring related to the adjacent Jefferson House building. Planner Evans reported that the appellant was the Jefferson House Homeowners Association.

Planner Evans noted that the original applicant, the Elliott Work Group, had submitted documents pertaining to some of the issues raised by the appellant. He passed around the full size drawings for the Board. Planner Evans stated that the drawings address the height issue at the rear property line and the parking issues. He believed the remaining issues were well-detailed in the Staff report. The original applicant was comfortable with the Staff's assessment of those issues.

Planner Evans clarified that the HPB would review this de novo, and the burden of proof is on the appellant to show that the Staff erred in the original approval of the HDDR.

William Cranston, a resident at 206 Park Avenue stated that he was the president of the Jefferson Homeowners Association and he was representing the homeowners this evening. He assumed the Board had read their appeal and were familiar with the concerns. Mr. Cranstone had particular concerns with the snow load on the flat roof. There is an 8-foot lot line between the two buildings and both have flat roofs. He was unsure where the snow would go in the event of snow removal. Two units would become caves. Mr. Cranston was also concerned about structural issues. Jefferson House is the one of the oldest buildings in Park City, and in his opinion, having a 6.5 foot building eight feet away could pose a problem for the structural integrity of the Jefferson House. Mr. Cranston stated that he had not seen the drawings Elliott Work Group had submitted, and he thought they might help clear up some of his concerns.

Planner Evans stated that the wrong scale was identified in the Staff report. The drawing submitted by the Elliott Work Group showed the correct scale and that the parking meets the standards. Planner Evans remarked that the Staff was always confident that the parking could be achieved in the parking garage because of the size. Additional storage was being proposed in the garage and that could be removed if necessary to achieve the proper parking widths and drive aisle widths. The applicant had noted that as drawn, they would meet the standards for the two spaces per unit. Planner Evans clarified that currently the Code requires three spaces per unit because each unit exceeds 2500 square feet. The HCB zone allows the applicant to pay a fee-in-

lieu. Another issue is that recent LMC changes, which are pending legislation with the City Council, reduces the parking standards for residential units above 2500 square feet to two parking spaces. If the City Council chooses to ratify the LMC changes and the applicant pulls a permit after that, the three parking spaces per unit would be a moot issue. If the City Council does not ratify the changes, the applicant would have to pay a fee-in-lieu.

Chair McFawn clarified that the Staff did not feel strongly about the concern for snow removal with the flat roof and felt there would be adequate room to remove snow off the back end of the building without causing damage to the Jefferson House. Mr. Cranstone remarked that both buildings have flat roofs. Their snow removal goes to the east side of the building which is between the two properties. He reiterated that two units on that end would eventually be caved by the snow shed without light or view. Another concern is where the snow would drain.

Board member White asked if the applicant had shown a drainage plan. Mr. Cranstone had not seen a drainage plan. Board Member White explained that during the building permit approval process, drainage would definitely be addressed. He noticed on the rear elevations that there were windows and doors. Board member White agreed that there would have to be snow maintenance within a 10-foot space. He was unsure if the applicant was planning to use heat and have it drain out to Main Street or if there was another plan. He was not too concerned because those issues would be addressed by the Building Department. Board member White was also not concerned about snow on the flat roof because that is a structural consideration. Mr. Cranstone explained that his concern with the flat roof was primarily falling snow in a heavy snow year. Board member White asked Mr. Cranstone if the HOA shovels snow off their flat roof. Mr. Cranstone replied that during a heavy snow year it is shoveled approximately twice. He noted that the building was built in 1902. Board member White stated that he, too, would want to shovel snow off of a building that old. He was certain that the new building was designed to structurally withstand the maximum snow load and he would be surprised if that roof would be shoveled.

Mr. Cranstone was sure Mr. Elliott would design a structurally sound building. He reiterated that his main concern was the snow between the two buildings, drainage and how it would all be addressed. Board member White suggested that the Board should make a statement that snow and drainage issues need to be resolved before any approvals.

Michael Stoker, the architect representing the Jefferson House HOA, commented on the height issue. Mr. Stoker resides at 1733 Sidewinder and he has been an architect in Park City for over 20 years. He clarified that neither he nor the Board of the Jefferson House HOA had issues with the appearance of the building. Mr. Stoker stated that he was asked by the HOA to look at the drawings that were submitted to the Planning Department to see if there were any concerns that might impact their investment. Mr. Stoker stated that when their structural engineer visited the site, many of his concerns can and should be addressed when this project goes to the Building Department. He had not seen the drawing presented this evening and he hoped some of the issues were addressed in that drawing. Mr. Stoker pointed out that along the west property, which is adjacent to Jefferson House, there would be an excess of a 35' cut along the back

property, which would impact the structural integrity of the Jefferson House. However, he believed that could be addressed further in the building process. Mr. Stoker referred to five section drawings in the Staff report and felt the applicant had done a good job stepping the building back and designing it for Main Street. He noted that sections in the LMC talk about adjacent properties and a lot of attention is given on this project to the two adjacent properties. In this case it happens to be the Grappa Restaurant and the Imperial Hotel. Mr. Stoker stated that the adjacent property on the rear of the project never seems to get enough attention or consideration. He was unsure if it was a result of the Code or because the façade on Main Street is the primary focus.

Mr. Stoker noted that the front elevation goes up a certain height and back to 45 degrees. On the rear, it shows the height just going into space as the 45' line goes up the hillside. The building abuts a residential historic district and there is a 27' height limit in the district of the Jefferson House. Therefore, on the rear property line it goes up 27' and then goes back towards Main Street at a 45 degree angle until it hits the line coming up from Main Street. Mr. Stoker had heard that the building was 25' tall in the back, but he thought it looked like it might be off finished grade rather than existing grade. His advice to Mr. Cranstone was to make sure they get the 45 degree angle on the backside as well.

Chair McFawn remarked that one of the drawings provided this evening showed the 45 degree view. Mr. Stoker pointed out that it was hard to give Mr. Cranstone advice when the Jefferson House was not shown on any of the drawings. It would be nice to know how the views are affected, where the sun angles comes in, etc. Regarding snow removal or snow shed, Mr. Stoker remarked that Jefferson House is a flat roof but it has a mansard roof on top of the stone. A certain amount of snow would shed onto this project's property and he believed there should be a legal snow agreement between the two parties.

Mr. Stoker hoped the parking issue had been resolved in the drawings because the parking spaces were not the correct size as shown.

Chair McFawn asked Planner Evans to provide Mr. Stoker with copies of the drawing submitted this evening for his review.

Mr. Stoker pointed out discrepancies in the findings of fact regarding a five-story structure versus a four-story structure. He clarified that it is a four-story building the reference to five-stories was incorrect. Mr. Stoker stated that building envelopes and height are the basic first steps and when the Planning Department is presented with sections that do not show the building envelope, he was unsure how they could determine that it complies and fits in with the surrounding buildings, when the surrounding building is not show on the drawing. Mr. Stoker believed more design development was needed to make a more accurate determination and to show the City and the neighbors would know what to expect.

Barry Weliber, a structure engineer, stated that Mr. Cranstone asked him to look at the structural considerations of Jefferson House with regard to the proximity of the excavation of the new structure. Mr. Weliber noted that in consideration of the proposed project, the two basic concerns were the height of the excavation and its potential

influence on the foundation of the Jefferson House, as well as the construction process. By nature of the height of the excavation at 30-35 feet and the fact that the foundation of the Jefferson House is not that nearly that deep, the excavation would have an influence. Mr. Weliber stated that from a design/construction standpoint he would expect the impacts to the Jefferson House to be addressed during the building permit process. He explained that the excavation process is done through shoring and that can be accomplished in various ways. In terms of basic considerations when dealing with a fragile neighboring building, Mr. Weliber encouraged the City to do whatever was necessary to make sure the Jefferson House structure is protected during construction.

Board member White asked about the structural engineer for the new building. Planner Evans replied that the Planning Department had not received any engineered drawings at this point. Board member White stated that Mr. Weliber had raised valid concerns. He has personally done a lot of building in Old Town and a lot of shoring. It can be done, but if the Jefferson House is a historic structure, the City definitely needs to make sure that whoever monitors the design takes those concerns into consideration.

Planner Evans pointed out that the Staff had recommended 19 conditions of approval for 205 Main Street. He believed Condition #1 addressed the issues related to the construction mitigation for the building.

Chair McFawn thought Condition #9 was also applicable. He noted that the HPB addresses some issues and other issues are left to the Building Department and the City Engineer. The condition lists 19 issues related to soils, public improvements, drainage and flood plan and construction mitigation that must be addressed prior to building permit approval.

Mr. Weliber also recommended a pre-existing survey of the Jefferson House prior to building permit issuance. It is relatively easy to accomplish, but very important because it is a historic building.

Mr. Cranstone asked if the Code would allow the units to be subdivided, and if so, how many. Planner Evans had addressed that issue in the Staff report. At some point in the future the units could be subdivided with a condominium mechanism. There would be limiting factors to the density, such as on-site parking. However, it was more than six units they would have the ability to pay into the parking program. Planner Evans pointed out that the project was being design as six units. He believed the sewer would be the biggest limiting factor for additional units because an individual lateral would be required for each unit. The building is not proposed to be subdivided at this time and there is only one sewer main and one master meter for the entire project. Individual laterals would be difficult to achieve if the building is broken into separate units on each floor.

Chair McFawn reiterated that the Board could only address the issues before them this evening. They could not hypothesize about things that may occur in the future. However, if plans change in the future, it would still need to meet all City Codes and it may not be financially viable. Planner Evans pointed out that a subdivision would require review by the Planning Commission and the City Council would have the final decision. If a subdivision was approved, it would have its own set of conditions.

Board member White referred to the section drawing submitted this evening and noted that the 27' was shown from the existing grade line and that it does come up above the roof as shown. He believed that addressed Mr. Stoker's concern. Board member White agreed with the recommendation for a pre-existing survey of the Jefferson House. He believed it was important enough for the HPB to make it a requirement because it is a historic structure.

Board member McKie pointed out that the Imperial Hotel was also a historic building and something they should be mindful about. Board member Holmgren noted that the Imperial Hotel is a Landmark structure.

Joe Ronan, representing the applicant, appreciated how polite the appellants were when making their comments and how they appeared to be open-minded and offered suggestions. Mr. Ronan thought it was important to remember that this was simply a review of the Staff's decision. The Staff approved the plan and the question was whether they did something wrong. He clarified that if they determine that the Staff was wrong, it needs to be identified clearly and the burden of proof is on the appellant.

Mr. Ronan stated that the arguments made by Mr. Cranstone and others were legitimate concerns, but the crux of those arguments are issues that are address at the building permit phase. When the applicant seeks a building permit, the technicians who are charged with the responsibility of insuring that the LMC is complied with thoroughly scrutinize the design and the structural integrity of the building. They would address all the issues raised this evening.

Mr. Ronan addressed the concern of whether the drawings presented showed the relationship of the Jefferson House with the new building. He referred to HDDR003, the aerial photograph on page 78 of the Staff report; and HDDR006, an overhead drawing on page 81 that showed the project. He noted that the existing wood and brick building behind the project was the Jefferson House. Mr. Ronan pointed out that the new project is set back ten-feet from the property line and the Jefferson House is set back about 8-feet from the property line, resulting in nearly 20-feet between the buildings.

Regarding the comment about how the project would look from Park Avenue as opposed to Main Street, Mr. Ronan referred to HDDR013, which showed a depiction of Main Street on the bottom. He stated that the upper photo on HDDR-013 was the view from Park Avenue. Mr. Ronan clarified that the building was designed to front on to Park Avenue and that would be the front door.

Mr. Cranstone remarked that the rendering on HDDR0013 would not be seen from Park Avenue.

Mr. Ronan addressed the specific concerns set forth in the appeal. He noted that one of the arguments in the appeal related to building height on the Park Avenue side. He clarified that the law actually says that the building could go right up to the property line and be 27' high. The proposed building is set ten feet back from the property line and is only 25 feet high. In his opinion, the height is under what was allowed and the Staff did not err. Mr. Ronan stated that this issues related to mechanical equipment would be

addressed at the building permit phase. He addressed the parking concern and referred to LMC 15-2.6-9. Whenever there is inadequate parking, the Code sets forth a solution. The Staff has the right to make the finding that to the extent more parking is needed it could be dealt with through a fee. Therefore, the Staff could not err on that issue. With regard to snow shedding, Mr. Ronan referred to Board member White's comment that commercial buildings with flat roofs are designed to carry the snow load. He pointed out that a sloped roof would actually shed snow into the areas between the building, which would be a less desirable than the current design.

Mr. Ronan noted that construction mitigation issues would be addressed with the building permit application process. He felt it was appropriate for the owners at Jefferson House to be concerned that construction of the new building would not harm their building. They would have that same ability to represent their interests when the applicant comes forward with the actual building plans.

In terms of the subdivision issues, Mr. Ronan stated that it would be illegal for the HPB to impose a restriction prohibiting subdivision. In reality, he did not believe it would be practical to further subdivide the properties because the legal hurdles would be impossible to overcome. However, any person who owns property has the right to engage in the public process.

Mr. Ronan concluded that the Staff did not commit any error. The HPB is tasked with making a finding to support or deny the appeal.

Planner Evans reiterated that the Staff report contained 31 Findings of Fact and 19 Conditions of Approval recommended by Staff. Planner Evans informed the applicant and the appellant this afternoon that if they wanted to appeal the HPB decision, they could pursue two avenues. Assistant City Attorney McLean explained that regardless of the decision this evening, as part of the Order, the Staff was recommending to include language stating that, "Any appeal of this order shall go to a court of competent jurisdiction pursuant to Utah Code Annotate 10-9a-801, unless both parties consent to have the appeal be heard by the Board of Adjustment pursuant to LMC 15-1-18". She stated that because the public process for an HDDR is a little flux, particularly with the Code changes, this language provides another mechanism. Assistant City Attorney McLean clarified that the City did not have a preference, they were only saying that if there is an appeal either both parties need to consent to go before the Board of Adjustment, or if one party does not consent, it would then go to District Court.

Mr. Ronan was comfortable with the recommended language to the Order.

Chair McFawn opened the public hearing.

There were no comments.

Chair McFawn closed the public hearing.

Board Member White stated that at this point he did not feel that the Staff made an error. He understood that there were important concerns, and he had confidence that those concerns would be address through the process.

Chair McFawn concurred. He had read the Conditions of Approval extensively and suggested adding a condition to make sure that the Staff or the Building Department makes sure the construction mitigation plan is provided to the current appellant when it is submitted. He believed it was an important effort to show good faith and to keep open the lines of communication. He had confidence in the expertise of the Building Department, but everything possible needed to be done to protect Jefferson House.

Board Member Kenworthy asked Planner Evans to identify the lot line in relationship to the Jefferson House. Planner Evans stated that the Jefferson House is built on the property. The proposed 205 Main Street building has a ten foot setback. There are no setback requirements in the HCB but the applicant has proposed a ten foot separation. Board Member Crosby understood that the applicant would have the ability to build to the lot line. Planner Evans replied that this was correct. However, the rear setback would be limited to a 27-foot height and they would have to have a 45 degree angle where they could step up the building at that point. As proposed, there would be a 10 foot setback and a building height of 25 feet.

Board Member McKie stated that she sees the Imperial Hotel on one side and the Grappa on the other side and Jefferson House behind it. To her eye, the proposed building does not fit with the historic district. She understood the HPB was not addressing that issue this evening, but it still was a source of conflict in her mind. She was concerned about the historic homes being delisted from the HSI because the surrounding buildings make them irrelevant.

Director Eddington clarified that this area was outside of the National Register District Boundary. He noted that this is always a concern for the staff, particularly as they move forward with the National District re-examination. Board Member McKie pointed out that it was still surrounded by historic structures and asked outlying and not in a District. Director Eddington explained that they were Landmark structures that are National Register eligible, but they are located just outside the District.

Chair McFawn had the same thoughts as Board Member McKie and recognized the challenges associated with allowing a property owner to develop their property in an area surrounded by historic structures. Director Eddington provided a quick overview of work that was done with Dina Blaes, the Historic Preservation Consultant and the Design Review Team. He stated that when the design guidelines were updated in 2009, it was determined that that new buildings should not try to replicate or imitate fabric. In some cases, new construction allows a landmark or historic structure to show more prominent. The guidelines do not allow new development to mimic old development.

Board Member McKie stated that size and scale were still factors and she did not believe the proposed structure fits within that realm.

Mr. Cranstone clarified for the record that he liked the proposed design of the building. He believed it should be different and broken-up from the National Historic District.

Director Eddington noted that the appellants had recommended the type of shoring and that it should be stiff not flexible, and that a pre-condition survey be required. He

suggested that it could be incorporated into the construction mitigation plan, and asked if the Board wanted to add that to Condition of Approval 1 or 9.

Patricia Abdullah noted that the Imperial Hotel was also a landmark site. Director Eddington stated that a Landmark structure is National Register eligible. Board Member McKie asked if Dina Blaes had evaluated the impacts on the Imperial Hotel with regard to the proposed building; and how it would impact the eligibility of the Imperial Hotel if is built. Planner Evans stated that the new building would not change the designation of the Imperial Hotel. He noted that the HCB anticipates that building would be built adjacent to other buildings. It is the reality of the zoning. Planner Evans could not recall a discussion by Ms. Blaes regarding impacts to the side view of the Imperial Hotel. He noted that there were building code issues relative to egress out of the windows, and the applicant is aware of those issues.

Patricia noted that the Grappa is also eligible for the National Register but not listed. The Imperial Hotel was listed on October 22, 1984.

Board Member Holmgren suggested that the condition for checking the foundation for the Jefferson House should also include the Imperial Hotel.

Board Member Kenworthy was comfortable approving the project because it is important to have cooperation between landmark owners and new developers. He had faith that the Building Department and Staff would continue to do their job to resolve the issues. He believed this goes to the sustainability discussion they had earlier about Main Street. They do need the locals and residents to be within walking distance of the assets of Old Town because it will help maintain the community. Board Member Kenworthy felt the cooperation between this developer and the neighbors was admirable based on what they saw this evening.

Board Member Crosby concurred with Board Member Kenworthy.

Board Member McKie agreed with Board Member Kenworthy, but she did not agree that this project would attract locals. It would attract second homeowners, which counters their earlier discussion on the General Plan and the goal to encourage more primary ownership in Old Town. For all her reasons stated, she would not vote to approve.

Board Member White felt his earlier comments had been reiterated by others. He agreed with the approval, but felt they should add the caveats for the construction mitigation plan to be provided to the appellant, as well as shoring and a pre-existing review of the Jefferson House and the Imperial Hotel, and the added language to the Order regarding options for the appeal as previously stated by the Assistant City Attorney.

Board Member Holmgren agreed with all comments. She shared Board Member McKie's concerns, but at the same time she had good feeling about the property being developed. Board Member Holmgren emphasized the importance of making sure the historic buildings are protected.

Chair McFawn asked if the Board was prepared to vote on a motion to approve the project based on the findings of fact, conclusions of law and conditions of approval with the amendments to the conditions and the additional language to the Order.

Planner Evans clarified that the HPB was not actually approving the project because it had already been approved. The motion should be to deny the appeal and incorporate the conditions of approval as amended during the discussion.

MOTION: Board Member Kenworthy made a motion to Uphold the Staff's Determination based on the Findings of Fact, Conclusions of Law and the Conditions of Approval as amended per the discussion, and with the recommended language to the Order. Board Member White seconded the motion.

VOTE: The motion passed 4-1. Board Members McFawn, Holmgren, White, Crosby and Kenworthy voted in favor of the motion. Board Member McKie was opposed.

Findings of Fact

1. The property is located at 205 Main Street, more specifically Parcel 1 of the Park Place on Main Street Plat Amendment which originally consisted of five (5) full Old Town lots.

2. The parcel is approximately 9,148 square feet in size. The minimum lot size in the Historic Commercial Business (HBC) District is 1,250 square feet.

3. The property is located in the HCB District.

4. Multi-Unit dwellings are a permitted use in the HCB District.

5. This is a vacant parcel not identified on the City's Historic Sites Inventory and is not designed as a Historically Significant or Landmark Site.

6. The proposed building is a four (4) story structure with a parking garage at the main level and three (3) stories of residential above.

7. The maximum building height allowed in the HCB District is forty-five feet (45') feet measured from the natural grade. Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.

8. The proposed building is approximately thirteen feet (13') tall at the front-yard setback (property line) with a maximum height of forty-five feet (45') at the highest point from the natural grade and twenty-five feet (25') tall at the rear yard setback.

9. There are no required setbacks in the HCB District; however, the applicant is proposing a ten-foot (10') rear yard setback.

10. The proposed building meets the minimum requirements of Section 15-2.6-5(A) and (d) – Maximum Building Volume and Height of the LMC.

11. The applicant is required to provide three parking spaces per dwelling unit. The plans only show two spaces per unit. Section 15-3-6(A) Parking Ration Requirements for Specific Land Use Categories – Residential Uses, requires three parking spaces for all residential dwellings (apartment or condominium) over 2,500 square feet. Section 15-2.6-9 Parking Regulations (in the HCB District) requires that the required off-street parking either be provided on-site, or that a fee established by the City be paid in lieu of the required parking and multiplied by the required spaces.

12. Applicant is required to have eighteen (18) parking spaces. They propose twelve (12) parking spaces on site, and must either provide the six (6) additional spaces within the garage or pay the required fee as calculated by the City unless the LMC is amended to require only two (2) parking spaces per unit prior to the issuance of the building permit for the building.

13. The HDDR plans submitted showing the parking stalls within the garage did not appear to meet the minimum parking standards set forth in Section 15-3-3(F) Parking Space Dimensions, which requires that each stall have a minimum of nine-feet (9') in with by eighteen-feet (18') long. The applicant has indicated that the plans showed the incorrect scale and that the garage was designed to accommodate twelve parking spaces that meet and/or exceed the minimum standards. Applicant will submit revised plans to Staff prior to the scheduled HPB Meeting.

14. The proposed building design complies with the Universal Guideline #1 for New Construction in that the proposed building uses simple building forms, unadorned materials, and restrained ornamentation.

15. The proposed building complies with Universal Guideline #2 for new construction because it does not directly imitate existing historic structures located on surrounding properties or within the Historic District.

16. The proposed building complies with Universal Guideline #3 due to the fact that the architecture of the proposed building is designed in a manner consistent with a contemporary interpretation of its chosen style and that the stylistic elements are not simply applied to the exterior. The building does not replicate a style that never appeared in Park City and does not radically conflict with the character of Park City's Historic Sites.

17. The proposed building complies with Universal Guideline #4 because the proposed building and site design respect the existing topography, character, and site defining features. There are a limited numbers of existing trees or vegetation on the site, and cuts, fill, and retaining walls will not be visible to the public as the building will be constructed to follow the contour of the existing hillside.

18. The proposed building complies with Universal Guideline #5 as the proposed exterior elements of the building, including roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc., are to be of human scale and are designed to be compatible with neighboring Historic Sites, including the adjacent Imperial Hotel and Grappa restaurant building.
19. The proposed building complies with Universal Guideline #6 because the scale and height of the proposed structure follows the predominant pattern of the neighborhood with special consideration given to Historic Sites, including the aforementioned buildings.
20. The proposed building complies with Universal Guideline #7 due to the fact that the size and mass of the structure will be compatible with the size of the property Lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood, including most of the surrounding sites.
21. The proposed building complies with Universal Guideline #8 as the construction of said building will not physically damage nearby Historic Sites. The applicant will be required to submit a construction mitigation plan, including a plan to mitigate potential damage to surrounding buildings as part of the building permit submittals.
22. The proposed building complies with Specific Guideline A1. Building Setbacks & Orientation in that the location of the structure on the site is proposed in a manner that follows the predominant pattern of historic buildings along Main Street, maintaining traditional setbacks, orientation of entrances, and alignment along Main Street. The proposed building avoids a design that will cause snow shedding onto adjacent properties due to the fact that the building will have a flat roof. The applicant also has a ten-foot (10') setback between the building and the property line for additional snow shedding if necessary.
23. The proposed building complies with Specific Guideline A2. Lot Coverage; in that the proposed coverage is in fact compatible with the surrounding Historic Sites. Most of the adjacent sites have lot coverage equal to 90-100%. The applicant is proposing a rear yard setback to provide for an open space area between the proposed building and the adjacent Jefferson House Condominium. The proposed building footprint takes up approximately 70% of the total lot.
24. The proposed building complies with Specific Guideline A.4. Site Grading and Steep Slope Issues. The proposed building and site design respond to the natural contour of the property. The proposed structure steps down the hill to follow the existing contours slopes, and building scale is minimized in the rearyard as the building is designed to limit/limiting the height to twenty-five feet (25') so as not to tower over the adjacent Jefferson House Condominiums. The building design minimizes cuts into the hillside, respect the sites natural slope. There is no fill proposed and the proposed retaining wall will be the rear of the building visible from only the interior of the parking garage. The proposed excavation will not exceed one-story in depth.

25. The proposed building complies with Specific Guideline A.5 Landscaping. The landscape plans propose planters in front and rear that will have water efficient drip irrigation with seasonal plant materials. Because the building is proposed to have a zero-lot setback in the front, there is no other landscaping proposed. The proposed landscape treatment adjacent to the sidewalk is part of a comprehensive, complementary and integrated design. Adjacent buildings provide no landscaping between Main Street and the buildings and, this proposal will offer visual relief between the street and the building. Rear landscaping will also be planters which will be placed in the rear yard setback area and will include the planting of trees and shrubs between the proposed structure and the Jefferson House Condominium.

26. The proposed building complies with Specific Guideline B.1. Mass, Scale and Height. The building will have a mass that is visually compatible with the surrounding Historic Sites along Main Street. The proposed building will have articulation in the wall plane and roof heights for each unit to help diminish the visual impact of the overall building mass, form, and scale. The proposed variations in roof height and vertical element will break up the form, mass, and scale of the overall structure. The building is designed not to tower over the adjacent building to the rear, and a twenty-five foot (25') height and has a ten foot (10') rear setback which will allow for light and air into the adjacent building. The proposed structure is not stepped up the side of the hill to maintain a constant height or to appear as a building that "crawls" up the side of the hill. The proposed building is not significantly taller or shorter than surrounding historic buildings along Main Street. The proposed structure maintains a similar height as the adjacent Imperial Hotel and Grappa restaurant building. All windows, balconies and decks are oriented towards Main Street in order to respect the existing conditions of adjacent neighboring properties to the rear and sides. The primary façade of the proposed building is compatible with the width of surrounding historic buildings and the structure is set back significantly from the plane of the primary façade, not only for design consideration, but for functionality of the front porch as well.

27. The proposed building complies with Specific Guideline B.2 Key Building Elements, including compliance with Foundations, Roofs, Materials, Windows and Doors, Porches, Paint & Color, Mechanical and Utility Systems and Service Equipment. The proposed flat roof is compatible with surrounding Historic sites and a majority of roof forms in Old Town. Windows and doors are compatible with surrounding historic buildings and proportional to the scale and style of the building. The Porches have been incorporated into the initial construction of the building and are compatible with the building style, scale and proportion, Paint and Colors are opaque and there are no transparent painted surfaces proposed. Mechanical and Utility Systems and Service Equipment is proposed to be screened from public view.

28. The proposed building complies with Specific Guideline D. off Street Parking Areas. The structure includes an at-grade parking structure on the main floor that is completely enclosed and screened from public view. The applicant is required to provide three (3) parking spaces per unit, has shown a total of twelve

(12) parking spaces on-site, and will be required to pay a fee in lieu of for the remaining six (6) spaces needed.

29. Per LMC § 15-1-18(G) the appellant has the burden of proving that Staff erred in its approval of HDDR for 205 Main Street.

30. No specific Historic District Design Guideline Criteria were appealed.

31. The discussion in the Analysis section of this Staff Report is incorporated herein.

Conclusions of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Commercial Business (HCB) District (lot size, setbacks, etc.).
3. Multi-Unit Dwellings are an Allowed Use in the HCB District per Section 15-2.5-2(A)(2) of the LMC.
4. The proposed building meets the applicable Historic District Design Guidelines for New Construction, as well as applicable Universal Design Guidelines..

Order:

1. The appeal is denied in whole and the Staff's determination is upheld. Any appeal of this order shall go to a court of competent jurisdiction pursuant to Utah Code Annotate 10-9a-801, unless both parties consent to have the appeal be heard by the Board of Adjustment pursuant to LMC 15-1-18.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing adjacent structures (Jefferson House Condominiums, Imperial Hotel, and the Grappa restaurant building (et al), and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on August 28, 2012, redlined and approved by the Planning Department on October 29, 2012 (with a new sheet showing correct scale for parking lot). Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction

drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

4. All standard conditions of approval shall apply (see attached).
5. If a building permit has not been obtained by December 5, 2013 this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
6. Any area disturbed during construction surrounding the proposed work shall be brought back to its original state prior to issuance of a Certificate of Occupancy.
7. Construction waste should be diverted from the landfill and recycled when possible.
8. Exterior lighting is not approved. Cut sheets and locations shall be submitted to the Planning Department for review and approval prior to installation. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.
9. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance. Furthermore, the applicant shall submit a soils test and proving engineering drawings and opinions demonstrating that that the excavation will not in any negative way impact the foundation of the Jefferson House building when the construction mitigation plan is provided with the Building Permit application. A copy of which shall be submitted to the Jefferson House HOA Representative prior to the submission to the Building Department, for review.
10. All electrical service equipment and sub-panels as well as all mechanical equipment, except those owned and maintained by public utility companies, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Mechanical equipment shall be located within the garage as shown on the original plans. Exterior mechanical equipment shall require additional review through the HDDR process and shall be consistent with LMC § 2.6-10 and Specific Guideline B.2.15.
11. Water Department – Street pressure is about 60 psi, the highest fixtures and fire sprinklers in that building will sit at about 35 – 40 psi static. The water system for the building shall be required to be design with these figures in mind.

12. Questar Gas – The natural gas line is on the east side of Main Street and at the time of building we will have to cut the asphalt road to install a service line to this new building. There will be costs incurred for this, and Questar will need city approval to cut the road. The applicant shall contact Jeff Hundley at 435-654-6186 or at Jeff.Hundley@questar.com prior to the connection of the gas line.

13. Snyderville Basin Water Reclamation District – Sewer service will have one master line. If future plans are to subdivide each unit, a separate sewer service would be required for each. The applicant may want to consider this up-front to avoid issues in the future.

14. Engineering – The property is located in the Soils Ordinance boundaries. All soil removed from the property will have to be properly disposed of at a hazardous waste facility that can accept contaminated soils.

15. Building Department – the conditions of approval for the previously approved project regarding window egress on the north side of the proposed building next to the Imperial Hotel shall apply. Specific language will be included in the final action letter.

16. Transportation - Only one curb cut will be allowed onto Main Street. The location of the existing curb cut is proposed to stay and is the preferred location.

17. Unless the LMC is amended to require only two parking spaces per unit prior to the issuance of the building permit, a fee in lieu of on-site parking for six (6) additional parking spaces shall be required, and payment of the fee shall be required prior to the issuance of the building permit for the six-unit residential building.

18. The parking garage lot layout shall be re-designed to meet the LMC requirements of Section 15-3-3(F) of the LMC, and updated drawing with the correct scale shall be submitted by the applicant prior to the acceptance of a building permit application for the six-unit residential building.

19. Approval of this HDDR was noticed on October 26, 2012, and any approval is subject to a 10 day appeal period.

The meeting adjourned at 6:46 p.m.

Approved by _____
Dave McFawn, Chair
Historic Preservation Board