

**PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT**

1255 Park Avenue, Park City Library Room 101

January 17, 2017



AGENDA

MEETING CALLED TO ORDER - 5:00 PM

ROLL CALL

ADOPTION OF MINUTES OF October 18, 2016

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

REGULAR AGENDA – *Discussion, possible public hearing, and possible action as outlined below*

227 Main Street (Star Hotel)—Appeal of Historic Preservation Board's Determination that the structure should be designated as "Significant" on the City's Historic Sites Inventory (HSI).

Public hearing and continuation to date uncertain

PL-16-03330 33
*Planner
Grah*

WORK SESSION

Open and Public Meeting Act Training

*Assistant City
Attorney Samuels
McLean*

ADJOURN

A majority of Board of Adjustment members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF OCTOBER 18, 2016

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Jennifer Franklin, David Robinson, Mary Wintzer

EX OFFICIO: Planning Director Bruce Erickson, Anya Grahn, Planner; Polly Samuels McLean, Louis Rodriguez

ROLL CALL

Chair Gezelius called the meeting to order at 5:01 p.m. and noted that the Board did have a quorum.

ADOPTION OF MINUTES OF JUNE 22, 2016.

Board Member Franklin noted that the minutes had auto corrected Mary Wintzer's name to reflect Mary **Winter** and it needed to be changed to **Wintzer**.

MOTION: Board Member Hans Fuegi moved to APPROVE the minutes of June 22, 2016 as amended. Board Member David Robinson seconded the motion.

VOTE: The motion passed. Jennifer Franklin abstained from the vote since she was absent from the June 22nd meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

There were no reports or comments.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

638 Park Avenue – Appeal of Staff's Approval of a Historic District Design Review for the Historic Kimball Garage. (Application PL-16-03106)

Planner Anya Grahn apologized for forgetting to include the action letter for the Historic District Design Review approval in the Staff report. She had it available this evening if the Board needed it.

Planner Grahn reported on public comment she had received earlier that day from Sanford Melville. She provided copies of his letter to the Board.

Planner Grahn explained why the Board of Adjustment was reviewing an appeal of the Staff determination on Design Guideline compliance since that is typically heard by the Historic Preservation Board. She reminded the Board that in December 2015 the LMC was amended to give the Historic Preservation Board more responsibilities regarding material deconstructions. When that change was made, the Board of Adjustment became the appeal body so there were no conflicts of interest. Therefore, the Board of Adjustment was the first body to appeal this application.

Planner Grahn stated that the BOA was reviewing this de Novo. She thought the Staff report was descriptive regarding the overall development of the site. However, she reminded everyone that the building was built in 1929 as the Kimball garage. It was built during Park City's mature mining era, which lasted from 1894 to 1930. The Staff report outlined the changes that have occurred as the site was developed between a gas station and into the Kimball Art Center. The site is listed as Contributory on the 1979 National Register Nomination for the Park City Main Street Historic District. The site is also listed as a Landmark on the Historic Sites Inventory, which is the highest historic designation. Landmark means the structure is National Register eligible because it retains such a high level of historic integrity.

The Staff found that the proposal complied with the LMC and Design Guidelines on June 20th, and it was appealed by the Park City Museum on June 30th. Planner Grahn stated that the Appellant primarily based their objections to the project based on the Secretary of the Interior Standards. She pointed out that the standards are set by the Federal Government and the National Park Service. The Standards are a series of concepts about maintaining, repairing, and replacing historic materials. However, the Staff does not enforce the Secretary of the Interior Standards. The Design Guidelines are Park City's interpretation of those standards; particularly the Universal Guidelines. The Design Guidelines were approved by the City Council in 2009.

The Staff found that the Appellant had four major objections to the proposal. The first is the loss of one of the barrel vaulted roof forms. Planner Grahn presented a photo showing how the Kimball garage looks now. The Staff found that overall the character defining features of the site were the horizontality of the architecture. When this building was constructed in 1929 they did not have the engineering and structural abilities of today. To have a flat roof would have been impossible to construction, which is why they designed the barrel vaults. Planner Grahn noted that the barrel vaults were designed with a flat bottom edge, which helps them to hide and disappear behind the parapet, which is another character defining feature of the site. Planner Grahn stated that other character defining features that the Staff thought related to the horizontality were the long horizontal bays that are divided by vertical columns, the coping above the cornice line, and other features outlined in the Staff report. The Staff found that the rooftop deck as proposed would remove one of the barrel vaults, but because the barrels were

designed to be hidden and were meant to disappear behind the parapet, the Staff felt the addition was appropriate. The Staff also determined that the cantilever in the deck was inappropriate because it would have more of an impact on the historic character of the building and detract from the historic building.

Planner Grahn reported that the Appellant was also objecting to an addition of a new door along Heber Avenue in this location. The Staff found that there most likely was a door in that central bay that accessed commercial space on the interior of the garage. Planner Grahn believed the door was removed in 1976 as part of the Kimball Arts Center renovation.

Planner Grahn stated that the Appellant was also concerned about the Staff allowing the applicant to maintain the glass addition beneath the overhand. This area was originally the pull-up area into the fueling station. She noted that the original walls of the Kimball garage were taken out at some point and the glass addition was put in in 1976. The Staff found that the glass addition itself was not incompatible to the design of the gas station. Planner Grahn remarked that it was largely designed to be transparent, which reflected how open the fueling pump area would have been historically. It was also designed to be behind the wall of the Heber Avenue façade, which helps that overhang cast a shadow and allow it to disappear.

Planner Grahn stated that the Appellant objected to the removal of the steel windows. She pointed out that there are historic windows on this building. One is located on Park Avenue and the remaining are located on the rear addition on the north side of the building. Planner Grahn explained that the Guidelines permit the replacement of windows when the historic windows cannot be made safe and serviceable through repair. Replacement windows must always match exactly the historic windows in size, dimension, glazing pattern, depth, profile and material.

Based on discussions with the applicant and the information he provided, the Staff concluded that the windows were in poor condition and were likely beyond repair. The Staff also allowed the applicant to install one new window on the Park Avenue façade. That area, which was a pull-in to the fueling station, was filled in in 1976 as part of the Kimball Art Center renovations. The area on the other side of the wall is interior space. It is currently covered with corrugated metal and the applicant was proposing to add glass. The Staff felt this was appropriate because it lends itself to transparency beneath the original fueling pump station.

Planner Grahn stated that the Museum would have the opportunity to give a presentation this evening. Tony Tyler and Craig Elliott, representing the applicant, were also prepared to give a presentation.

Sandra Morrison, representing the Park City Historical Society and Museum, stated that the historic Kimball Garage was one of Park City's most prominent and cherished historic buildings. Rehabilitation and the adaptive reuse of this iconic structure needs to demonstrate the best practices of historic preservation, and meet the community's desire to preserve the built environment and to honor Park City's unique history. Ms. Morrison noted that the City Council adopted the Historic Sites Inventory in 2009 to address these concerns. Landmark sites were identified on the Inventory and those sites would be protected by the strictest regulations and not suffer from decisions that are arbitrary or based on personal taste. She pointed out that the Kimball Garage is a Landmark site.

Ms. Morrison stated that the Historic Society actively attempted to participate in the Historic District Design Review process for the Kimball Garage renovation project. They attended the public hearing on February 27th, and submitted written comments during the public hearing on June 7th. Ms. Morrison felt it was important to note that this application has never gone before the Historic Preservation Board.

Ms. Morrison remarked that the Historical Society was notified of the Staff's action approving the project, but they were never given details for the basis of approval. They were informed by Staff that they would have to submit a GRAMA request for that information. Ms. Morrison apologized for a handwritten appeal, and explained that it was hastily written because they were unsure of what had exactly been approved. Their detailed statement was included in the Staff report. Ms. Morrison noted that some of the information in the detailed statement was different from what Planner Grahn represented in her presentation.

Ms. Morrison stated that the approval process occurred behind the scenes, and she appreciated this opportunity to address their concerns. Ms. Morrison thought the biggest issue was that part of the approval ignored the Historic District Design Guidelines and the LMC. The concern is whether that might have started a slippery slope in terms of what could happen in the future.

Ms. Morrison referred to page 66 of the Staff report which contained pages of the Park City Design Guidelines for historic districts and historic sites. She believed there was a tendency in Park City to think that they were nothing more than guidelines and did not need to be followed exactly. Ms. Morrison remarked that it was an untrue perception because the guidelines are part of the LMC and they are mandatory. She read from LMC Section 15-11-11, "The Design Guidelines are incorporated into this Code by reference". Ms. Morrison read from the Design Guidelines, "Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provisions apply".

Ms. Morrison outlined their concerns. The first was the improper removal of half of the roof. She presented a photo from the historic sites inventory showing the two barrel roofs. She noted that page 30 of the Guidelines calls for maintaining

the original roof form. She pointed out that the barrel roofs were the original roof form on the Kimball Garage. Ms. Morrison believed the Staff had erred in allowing the demolition of half the roof. She referred to the Staff report and comments by Planner Grahn indicating that the barrel roof was not a character defining feature. Ms. Morrison noted that the Design Guidelines do not talk about "character defining features". It is not listed in the glossary and the term is not defined. She felt that discussing character defining features at this point was a red herring. Ms. Morrison referred to Planner Grahn's comment that the roof was not intended to be seen when it was built; and noted that the Code does not address that issue either. It only says to maintain the original roof form.

Ms. Morrison remarked that the barrel roofs are also features of the building. She referred to the Universal Guideline #3 on page 28 of the Design Guidelines, which states, "Historic exterior features of the building should be retained and preserved". Ms. Morrison pointed out that the roof was obviously a historic exterior feature, and demolishing one of the two barrel roofs was not retaining the historic feature. She stated that if they ignore the Code now and determine that the roof is not important and half of it could be demolished, she questioned how they could stop demolition of the other half in the future.

Ms. Morrison stated that the next concern was removal rather than restoration of the historic windows. She referred to page 32 of the Historic District Design Guidelines for windows, and read from Guideline B.5.2, "Replacement windows should be allowed only if the historic windows cannot be made safe and serviceable through repair. She presented a slide Silver Star where the windows were damaged and the developer replaced the panes and retained the historic windows.

Ms. Morrison noted that in the Findings of Fact, the Staff did not offer any explanation as to why the historic windows would be replaced. She also noticed that the Code does not identify who should determine that the historic windows are beyond repair. Ms. Morrison thought that an impartial party with expertise in that field should make that decision.

Ms. Morrison noted that the applicant has argued the word serviceable. She looked up the word in the Merriam Webster Dictionary and "serviceable" means "ready to use, or be able to be used". She did not believe they needed to argue that serviceable was something more complex. On the issue of single-pane, Ms. Morrison stated that a lot of single-pane windows have been preserved in Park City, one being the Museum building. She had Googled repairing historic windows and she had 8,000 hits. The National Trust talks about repairing historic windows being more economically and environmentally friendly. It noted that amount of windows that are destroyed every year and the amount of debris it generates. Ms. Morrison remarked that preserving historic windows is a greener approach than installing a new window; and historic preservation is part of the solution for reducing the carbon footprint, which is another important goal for

Park City. Ms. Morrison presented slides of other historic buildings where the historic windows were preserved.

Ms. Morrison stated that the next concern was the demolition of the historic windows openings to accommodate new doors. She presented a photo of the north façade of the Kimball Garage, and noted that the Staff had approved altering two of the historic window openings to accommodate doors. Ms. Morrison reads from page 31 of the Design Guidelines, B.2.1, "The primary and secondary façade components, such as the window door configures, should be maintained". She noted that Finding of Fact #25(g) states that the façade components such as the window/door configurations will be maintained. Ms. Morrison believed that was inaccurate because the applicant has proposed substituting two of the windows and that the openings will be enlarged to accommodate new doors. Ms. Morrison read from page 32 of the Design Guidelines, B.5.1, "Maintain historic window openings and window surrounds"; and B.5.2, "Replacement windows should exactly match the historic window in size, dimension, glazing, pattern, etc." Ms. Morrison pointed out that Finding of Fact 25(j), stating that the applicant will maintain the historic window and window surrounds was also inaccurate because the window surrounds would be cut to accommodate the two new doors. Ms. Morrison noted that the applicant had agreed that these were historic windows.

Ms. Morrison stated that the next concern was the replication of the non-historic front façade. She presented a photo of the glass lobby. She remarked that the glass entry extends into the two open bays and it is not historic. She showed a picture from 1949. Ms. Morrison stated that the Universal Design Guideline #6 on page 29 of the Design Guidelines states, "Features that do not contribute to the significance of the site or the building and exist prior to the adoption of these guidelines, such as incompatible windows, etc., may be maintained. However, if it is proposed that they be changed, so features must be brought into compliance with these guidelines". Ms. Morrison explained that the proposal is to have a new double door entering from the front façade off Heber Avenue. She thought the Findings of Fact erred once again because the non-historic addition is being changed. Per the guidelines, it should come into compliance.

Ms. Morrison commented on the replication of the non-historic Park Avenue façade. She referred to the image shown on page 44 of the Staff report, and language indicating that only one bay was open in 1944. However, a blown up version of the 1944 photo shows two open bays from Park Avenue. Another photo showed the Kimball Arts Center with the 1976 remodel. Ms. Morrison believed the bay was most likely filled in in 1976. She noted that the Guidelines state that features that do not contribute to the significance of the building and exist prior to the adoption may be maintained, but if it is proposed to be changed, those features should be brought into compliance with the guidelines. Ms. Morrison stated that Finding of Fact #24(g) was in error because it was allowing a substitution. She presented a slide of the façade, which said "remove and

replace and match existing with typical". Ms. Morrison remarked that if the applicant wanted to remove and replace, the Guidelines need to be applied, and the Guidelines say to bring it into compliance. She read from Universal Guideline #7 on page 29 of the Design Guidelines, "Owner are discouraged from introducing architectural elements or details that visually modify or alter the original building design when there is no evidence that such elements or details exist." Ms. Morrison stated that the documentary evidence is that there was no window and it was an open bay.

Ms. Morrison emphasized that the community relies heavily on the Land Management Code and the Design Guidelines to protect the historic sites for future generations; and every small concession or inconsistent approval is compounded over time. Ms. Morrison stated that remarkably the historic structures have survived from the mining era, and through their stewardship and precaution, they could survive for many more years to come.

Ms. Morrison requested that the Board of Adjustment rescind the approval for the Historic District Design Review, and to direct the Staff to draft new Findings of Fact that are consistent with the Design Guidelines, including no demolition of the historic double-barrel roof form; repair, not replacement of the historic windows; no demolition of the historic window openings to accommodate new doors; removal, not replacement, of the non-historic glass entry on Heber Avenue; removal, not replacement, of the non-historic corrugated iron Park Avenue; and the re-establishment of the historic open bays on Heber and Park Avenues.

Craig Elliott, representing the applicant, stated that he has been working on this project with the Staff and the owners for nearly two years. They have had great dialogue on the project. Mr. Elliott addressed a few comments before discussing the actual project. He noted that they did not go before the HPB because the project was initially filed before that requirement was in place. Mr. Elliott clarified that the applicant has followed the proper process and all of the rules and regulations, and they are working diligently with Staff to protect the historic nature of Park City.

Mr. Elliott stated that the Kimball Garage is an interesting building and the building itself is unique. The ownership of the building understands and respects that; however, it is different than any other structure in the Historic District because it is an industrial building. Its original use was a gas station, a service bay, and associated retail. Mr. Elliott explained that as they looked at the project they looked at how it engages with the Historic District today, and how it brings value and protects the building over the next generation. He emphasized that the new ownership was interested in being good stewards of this building.

Mr. Elliott thought it was important to understand how they addressed this project and how the Historic District Guidelines apply. When starting a project there has

to be an understanding of which approach to take with the Historic District Design Guidelines. He noted that four different approaches are available. Mr. Elliott stated that they chose to move forward with the rehabilitation project, which also encourages preservation. He summarized that the approach they took basically says that if the intent is to stabilize a building or structure, retain most or all of its historic fabric, and to keep it looking as it currently does now; preservation is the first treatment to consider and it emphasizes conservation, maintenance and repair. Mr. Elliott noted that the owners were looking to do all of those things to protect it. He pointed out that they also took a rehabilitation approach because the project is an adaptive reuse. If they were to use the more restrictive restoration and move it back into the use of a garage for car maintenance or automotive retail, they would probably look at a restoration of the building. However, that use is not their intention, nor is it the requirements of the Design Guidelines. Mr. Elliott reiterated that the owners chose to move forward with preservation and rehabilitation. Rehabilitation says that if a building is to be updated for its current or a new use, it will be rehabilitated. The second treatment also emphasizes retention and repair of historic materials, although replacement is allowed because it is assumed that the condition of existing materials is poor. Mr. Elliott noted that this was the framework within which they applied the Historic District Design Guidelines. He believed it was the appropriate approach based on the uses, the historic use, and the existing condition of the Historic District.

Mr. Elliott presented a slide showing the plaque on the building that was awarded in 2000. He noted that the new ownership is proud of the building and they want to maintain it because it adds value to the City and to the building owners.

Mr. Elliott commented on the roof analysis. One of the issues raised by the Appellant was the barrel vaults. He explained that they are referred to as barrel vaults but they are actually bow string trusses that have a burrito shaped roof because it falls away and down to the parapets, which were intended to raise up and hit the roofs. Mr. Elliott stated that there were no examples in the Design Guidelines about analyzing existing building roofs, but there are examples of how to look at additions and how it impacts the existing building. He explained how they looked at it from across the street on the sidewalk and took a view line to see what was visible, what it impacts and how to approach it. Mr. Elliott had taken photos from all the corners on neighboring properties. He reviewed slides to show what was or was not visible from various points.

Mr. Elliott noted that the Appellant had responded about historic preservation based on the Secretary of the Interior Standards on Historic Preservation. He stated that he has been working on historic preservation projects since early in his career. He commented on renovation and rehabilitation projects he had done in New York City in the 1980's and 1990's. All of those projects looked at replacing windows that were unserviceable. He understood that there were preservation briefs on how to approach that. Mr. Elliott stated that this project

falls under two different preservation briefs. They are guidelines that help to analyze and understand things are not specifically addressed in the Code. He noted that a preservation brief for roofing for historic buildings, which talks about the significance of the roof and historic roofing materials. He explained that the significance of the roof is its prominence and whether the form was there and designed to create a visual impact on the exterior appearance of the building. Based on his look at the building, he did not believe that was the case. From the streetscape on all sides it was not intended to be an important element. Mr. Elliott remarked that the second part of the preservation brief is based on materials. He stated that the materials on this roof has never been a material that would be expected to add character to a building. It is currently a built-up roof, and it may have had rolled out asphalt roofing before. However, it is not a material such as wood, clay, slate or other materials that have a decorative element that would add character. After applying the standards, they determined that that was not the intent of the design of the building.

Mr. Elliott stated that the second part of the preservation briefs talks about the reuse of historic gas stations. This particular building falls under the category of a multiple use station because it provided gasoline and additional services. Mr. Elliott noted that a section in the historic preservation brief talks about roofs on historic gas stations. It reads, "While some gas stations were defined in part by historicized roofs, other were characterized by the absence of a pitched roof. Flat roofs or very low sloped roofs concealed behind parapets were common on both articulated contemporary design, such as glass-sheathed Streamline, Moderne, and International Style gas stations, as well as basic utilitarian boxes". Mr. Elliott believed the Kimball garage falls underneath the Moderne and the basic utilitarian box as a building, which was characteristic of multiple use gas station buildings built in that era. Mr. Elliott remarked that the preservation brief talks about it not being an important character defining element. Their approach was to try and understand the expectations.

Mr. Elliott commented on the window analysis and what the existing historic windows entail and what they are made of. He presented a slide showing the windows currently in place, and the detail of the condition of the windows. In looking at the individual performance of the windows and the glazing, Mr. Elliott noted that the windows were industrial windows designed to keep out the wind and the rain, and to provide a lot of light and some ventilation. Mr. Elliott stated that the reality is that windows were upgraded over the years, but their serviceability is very minimal. Mr. Elliott presented examples of other buildings in Park City to show how these types of windows can be replaced. He noted that the owners were proposing a higher standard of care by using a steel window with a thermal break, which more closely matches the windows at the gas station than what occurred at the Library and the Marsac Building in terms of matching the original windows.

Mr. Elliott stated that in his report he had provided an analysis as to why the existing windows were not serviceable. He explained the attributes of using a proposed steel window with a thermal break. Mr. Elliott believed that installing these windows into the building would maintain its historic compatibility and protect the building because it will be a viable and usable structure.

Mr. Elliott had done a model to show what the deck would look like if it was added on top. He noted that the eye line was raised to 8-1/2 feet in order to see the barrel vaults. Another slide showed it from 13 feet off the ground so more of the barrel vault was visible. Mr. Elliott clarified that they had no interest in doing that, but they were asked to show what it would look like. He explained that what they were proposing would not be seen from the street.

Mr. Elliott presented a slide showing the existing windows on the corner. He noted that those windows were installed 40 years ago and most people understand the building from its historic use as the Kimball Arts Center. Mr. Elliott stated that those spaces have been used as an addition and in place for four decades. Nothing in the Historic District Design Guidelines require removing the additions. It talks about ways to approach it and what may be done. Mr. Elliott reiterated that the Guidelines focus more on wood frame small house structures versus industrial buildings.

Mr. Elliott stated that they tried to maintain the existing condition of the additions and use that space; and also upgrade the window system to be more compatible with the existing window systems. Mr. Elliott presented photos showing the glazing on the glass panels in the bay. They believe that bringing those windows up to current standards and matching those with the profiles of the historic windows, it becomes less noticeable and more background to the existing building without harming the historic structure. Another slide showed the door on Heber Avenue. Mr. Elliott anticipated a discussing regarding that door. He was unaware that the Appellant was also concerned about the windows on the back.

Mr. Elliott stated that the building was designed as a street front building; therefore, the two street fronts have finished brick. The two other sides were intended to be sidewalls to what he believed were other buildings that were expected to be built on the street front in those areas.

Mr. Elliott stated that in looking at the overall building, the historic significance of the building, and the two primary uses over time, he thought it was comfortable to leave the existing windows in place. It was not required to be removed, but it has been allowed and encouraged in certain instances. He believed their proposed was consistent with the Guidelines and consistent with representing the Historic District buildings. He pointed to other historic buildings that have seen significant changes and additions that affect both the roof, as well as other additions that are more contemporary, but they were still compatible. It is what keeps the City alive and keeps the activity going. Mr. Elliott thought the purpose of the Design

Guidelines was to protect the history of the buildings; and as they move forward in time and the uses adapt, create ways that protect the historic integrity.

Tony Tyler with Columbus Pacific, the building owners, stated that they were presented with a very unique opportunity on this very spectacular piece of property and spectacular building. Mr. Tyler stated that he was a history major in college and even though he is a developer, he is personally passionate about historic buildings and the Historic Main Street District. Mr. Tyler felt their proposal includes things that would permanently preserve some characteristics of the building that are critical to the reflection of the building as it was built and designed, but also looking to the future and how the building can be utilized.

Mr. Tyler stated that they have worked closely with Anya Grahn and Bruce Erickson. The process was extensive and very well thought out. He remarked that the overall goal was to rehabilitate an existing historic building with an addition that creates a link between upper and lower Main Street that has never existed in a functional way. If done right it can provide something that will become a new keystone for the City by preserving the existing building and adapting it to a new use. They would also be providing additional new space immediately adjacent to it.

Mr. Tyler stated that in terms of the barrel roof form, once a building is rehabbed more than 50%, it is required to be brought up to Seismic Code. He pointed out that the existing building currently does not meet Seismic Code. Mr. Tyler pointed out that even if they wanted to leave the barrel roof trusses as they were originally designed, it would not meet Code. He noted that in working with the City, they elected to move the barrels from the east vault to the west vault and double the trusses to retain as much of the historic character as possible and still meet Seismic Code. They had the opportunity to remove both barrels of the bow string truss, but they did not believe it was the right thing to do. Mr. Tyler emphasized the importance of retaining the historic character of the building.

Mr. Tyler thought the windows were a different issue. He wanted it clear that the only original windows were on the back of the building. The windows are not serviceable and do not meet energy code requirements. As a developer, they were trying to be as prudent as possible to provide for Sustainable Practices. They were proposing to put solar panels on the top of the roof, as well as other things to promote green building design and energy efficiency. Looking the historic windows in place would completely obliterate the possibility of the building being weather tight.

Mr. Tyler stated that Craig Elliott is an expert in all forms and facets of historic renovation, which is why they hired him. He was confident that Mr. Elliott's expertise in dealing with historic structures was very high. Mr. Tyler remarked that the goal is to create a new piece of history with the addition and to preserve a significant piece of the City's past.

Chair Gezelius opened the public hearing.

Jim Tedford, representing the group Preserve Historic Main Street, stated that the group has been involved with this project for nearly four years. He noted that the current rendition was a definite improvement over the 80' log tower that was proposed three or four years ago. However, Mr. Tedford believed some things were in direct conflict with the Historic District Design Guidelines. One is that Finding of Fact #24 states that "The proposal complies with the Universal Design Guidelines for Historic Sites. The Universal Design Guideline states, "The Historic exterior features of a building should be retained and preserved". Mr. Tedford noted that this was obviously an historic exterior feature which can be clearly seen in some of the photos that were shown. He understood that the visibility depends on the angle the photo was taken from. He walked by it this evening and the barrel vaults could definitely be seen. Mr. Tedford stated that according to the proposal, the eastern barrel vault, which is a historic exterior features, would not be retained and preserved. Mr. Tedford read from Finding #24(d), "The proposal complies with Universal Guideline #4, in that the distinctive materials, components, finishes, and example of craftsmanship will be retained and preserved". He assumed the barrel vaults would be considered a component and they were not being preserved. Mr. Tedford noted that the Findings state that the proposal complies with Historic District Design Guidelines b.1.1, roofs as conditioned. "The Planning Department has determined that the original roof form consisting of two barrel vaults running north to south are not character defining features of the historic structure, and thus the applicant will only be required to maintain the western barrel vault". Mr. Tedford remarked that the actual wording in the specific Guideline B.1.1 states that you must maintain the original roof form as well as any functional and decorative elements. Mr. Tedford stated that a lot of words get used in reference to the Lan Management Code and the Historic District Design Guidelines that tend to be gray or ambiguous, such as compatible or subordinate. However, in his opinion, this was absolute black and white. The barrel vaults on the roof maintain the original roof form. It was stated by the Planning Department that the decision to save only one of the barrel vaults was a compromise. Since there is no mention of a compromise in the Historic District Design Guidelines, he believed both barrel vaults must be treated the same. The Guidelines must be strictly adhered to, and therefore, both barrel vaults must be retained and preserved.

Mike Sweeney referred to the photo of the Coalition building. The photo shows that it was Heber Avenue and Park Avenue, but there was no Main Street that went down through that location. It was a railroad yard where the ore left and the coal came for the mining industry. Mr. Sweeney stated that the historic nature they were talking about preserving was basically on the Heber side of this building. There was nothing there, it was just a vacant lot. His family used to own the Coalition building. Mr. Sweeney believed the Staff had taken a great approach in looking at how do this and make it work. Making it work means they

will create an area where lower Main Street and upper Main Street meet and connect, and there will no longer be a lower Main or an Upper Main. It will just be Main Street, and that is a critical component part of making the street function as a district for commercialization in this particular area. Mr. Sweeney stated Sandra Morrison is a very bright person and he understands that she looks at things differently, but in this particular case, he thought it was important to look at the functionality of the building and how it will function in that location to make it better. He agreed that this was a much superior project than what they previously looked at for the Kimball Arts Center itself. Mr. Sweeney supported the Staff.

Ken Martz provided some history since he was Chair of the Historic Preservation Board when the Design Guidelines were developed. Mr. Martz recalled that the HPB spent most of the year developing those guidelines, and most of their time was spent on Main Street type properties, the different types of homes in the Park City area, and the Inventory. Mr. Martz noted that very little time was spent talking about industrial buildings such as the Kimball Garage and the Memorial Building. Mr. Martz referred to a letter in the Staff report from Kirk Huffaker talking about adaptable reuse. Mr. Elliott had also mentioned it. He remarked that the HPB had not talked at all about adaptable reuse. It was not developed in the Guidelines, but he believed there was more space for adaptable reuse, especially in the larger buildings that are more complex than a T-cottage or a Main Street building with one façade. Mr. Martz stated that he has owned historic property in Upper Park Avenue and there have been problems over the years with the Historic Sites Inventory. The biggest problem was that the Kimball Arts Center took a year and a half of time trying to develop something, and the potential of turning the property into a planned unit development which did not utilize the process of the Historic District Guidelines. A lot of time was lost in trying to format the use of that building and it left a bad taste for the process, particularly for the Preserve Historic Main Street group and the Historic Society. In his opinion, it was a process that should have never started because it was totally out of character to consider turning a Landmark structure into a planned unit development. The building has a new owner and Mr. Martz agreed that this proposal was a big improvement. Mr. Martz acknowledged that he was not a purist like Mr. Tedford and Sandra Morrison. He has been in Park City over 50 years and he remembers when it was a gas station. He has seen a lot of changes over the years, and while it is good to be purist, you still have to be flexible. Mr. Martz hoped the Museum, the owner, Mr. Elliott and the Planners could work together to make this the best project possible.

Chair Gezelius closed the public hearing.

Chair Gezelius noted that the Staff report outlined several actions that the Board could take. She requested that the Board members focus on the big picture and understand that there was an application before them that the Staff had carefully reviewed and supported in its current form. Chair Gezelius did not believe it was

necessary to go through each Finding; however, she wanted to discuss the major points of the appeal Ms. Morrison had presented, and then discuss the applicant's perspective. She prefaced their discussion with a comment by Mr. Martz, that if they get too caught up in the detail and do not look at the big picture, they will lose every historic building because they would never come a decision. She pointed out that Park City does not have earthquakes that knock building down, but they do have demolition by neglect. The intent is to prevent that with this application. The hope is to have this building be a viable functioning property in the heart of town. Chair Gezelius believed there was a way to do that and facilitate it without animosity or hard feelings.

Chair Gezelius called for Board comments regarding the roof.

Board Member Wintzer asked for clarification on the timeline for when some of the buildings Mr. Elliott had mentioned were renovated. The Egyptian and the High School were done prior to the 2009 Guidelines and she asked about City Hall. Chair Gezelius believed City Hall was renovated within the last ten years. Ms. Wintzer clarified that they did not have the Guidelines at that time.

Ken Martz noted that the building had gone through two renovations and the last one was when the windows were put in. Chair Gezelius agreed that the last renovation addressed utility considerations, seismic and fire safety. Heating and cooling with the old windows also had to be addressed in order for it to continue to be a functional office building. Ms. Wintzer pointed out that the High School was done before the 2009 Guidelines were in place, and that the old guidelines had much less detail.

Director Erickson reported that the restoration of the Park City Library was completed in 2013/2014. The last renovation of City Hall was done in 2009. Chair Gezelius remarked that the Guidelines have changed and they will be changed again. Ms. Wintzer asked if the Landmark status was affected due to the restoration and renovation of these buildings. Chair Gezelius replied that the Landmark status was maintained.

Sandra Morrison noted that the Landmark status was created after the original renovation of the High School and City Hall. Both buildings are Landmark structures.

Board Member Fuegi asked about the seismic issue with the barrel roof. He wanted to know if the roof could be reinforced and maintained in its original shape and still meet the Seismic Code.

Craig Elliott stated that they will reach the 50% threshold because the entire building was being renovated. For that reason, they have to bring the roof into compliance for snow loads, and they also have to bring the overall building into Seismic compliance. That will be done with concrete elements on the inside.

The steel ties currently visible on the outside of the parapet will be removed. Both are required in order to bring the building into compliance as they rehabilitate it. Mr. Elliott noted that they are able to use the bow string trusses from the eastern side and double them with the existing ones to achieve the increased loads for twice the capacity. It was originally designed for half the capacity of what is now required.

Board Member Wintzer asked if the doubling up would be to take the east barrel and put it on the west. Tony Tyler explained that inside the building there are individual bow string trusses at certain spacing. They would take the ones from the east bay and move them over to the west bay and put them side by side with the original ones on the west bay. In moving those, those two would create enough bearing capacity for gravity load and the required seismic.

Chair Gezelius understood that if they were required to maintain the current roof shape, it would require what Mr. Elliott had said and a new roof on the other side. Mr. Elliott replied that it would require both of the roofs on the interiors to have new structure inside to help support the existing bow string structure. Wood joists will be renovated or replaced because many are rotten and they do not meet the span distances. Those would have to be replaced in either case. Mr. Elliott explained that as they bring the building into compliance, everything has to meet the code.

Board Member Wintzer thought the double barrel shaped roof was distinctive. She agreed with Mr. Tedford because she had also walked and driven from various points and it could be seen from a number of places. Ms. Wintzer stated that as she read the Staff report, it seemed that the logic for removing the east barrel shape was simply because of the deck. If the deck was not needed that unique feature could stay. Ms. Wintzer agreed with Mr. Tedford that the Guidelines do not give wording to talk about compromises on that issue. She thought the double barrel configuration was important, and it is significant for what the building is about. Ms. Wintzer also agreed with Mr. Martz about coming to a meeting of the minds because they were chipping away at some much of the historic district. As a community they need to make the decision on whether to take a stance that puts the owners in compromising positions, or, as Chair Gezelius had said, risk losing the buildings by neglect.

Chair Gezelius understood that Board Member Wintzer felt strongly about keeping the roof shape. Ms. Wintzer replied that she personally felt it was important.

Chair Gezelius found the deck to be the least compatible to the historic use of the building. She understood the need to get in and out due to fire, and adjusting windows and doors for safety, and the earthquake codes. However, she could not see the necessity of modifying this historic building for a roof deck. Chair

Gezelius believed that maintaining the roof shape was part of maintaining the façade.

Ms. Morrison pointed out that Universal Guideline #9 states, “New additions, exterior alterations, or related new construction should not destroy historic materials, features, or relationships that characterize the site or building”.

Board Member Robinson could see a contradiction and he was struggling to consider both sides because of it. On one hand, if the roof is considered a character defining feature, it needs to stay. However, if it is not a character defining feature, then Guideline B.1.1 would apply, which says that the roof shape cannot be changed regardless of whether or not it is character defining. Mr. Robinson thought that would apply to a roof that was highly visible and not one that was intended to be non-existent; but they still have to follow the black and white Guidelines which says that the roof shape cannot be changed.

Ms. Morrison thought that would be a legal question since the Design Guidelines were part of the LMC. She read the language, “...incorporated into the Code by reference.” Assistant City Attorney McLean stated that the BOA needed to interpret that Guideline the same as they would the LMC in terms of whether maintaining the original roof applies to areas that are non-visible. Ms. McLean pointed out that a question for the Board to determine was whether or not it is non-visible.

Craig Elliott commented on a section in the Design Guidelines, Supplemental Rehabilitation Guidelines, MSHS6, and read, “Rooftop additions may be allowed. They should generally not exceed one story and should be set back from the primary façade so they are not visible from the primary public right-of-way”. Mr. Elliott pointed out that those were the things they looked at when they were determining what to do in the rehabilitation. He explained the process they had gone through to reach the project being proposed. They decided to consider a rooftop terrace as a common space because gathering spaces are being asked for throughout Old Town. After meeting with the Staff, they compromised on that element and kept the barrel roof on the corner of Heber and Park Avenue. Mr. Elliott stated that the ability to add to roofs is part of the Supplemental Rehabilitation Guidelines, and for the Main Street National Register Historic District.

Mr. Tyler noted that they went through the process of looking at whether or not they should build on top of the existing Kimball building. Even though it was more profitable, they decided not to do that for the same reasons they decided to maintain the barrel shape on the west side. The intent is to make the building look and feel similar to how it was originally constructed.

Board Member Franklin stated that based on their scope of decision-making this evening, she concurred with Sandra Morrison, the Appellant representing the

Historical Society Museum, regarding the double barrel roofs. It is a historic exterior feature of the building and it is worth keeping at it exists. Ms. Franklin appreciated Mr. Martz comment about the reuse of industrial historic buildings, and she believed the rooftop burrito was indicative of that industrial use of the Kimball garage as it was designed.

Board Member Fuegi asked if the terrace was visible at all from the Heber Avenue level. Mr. Elliott replied that generally it cannot be seen because it is pushed back, and there is a glass railing pushed back from the façade of the building. Mr. Fuegi asked what the applicant's intention was for the terrace. Mr. Elliott explained that the upper level of the addition on the corner of Main and Heber was designed to be an events facility on the second floor. When they first looked at the project they discussed whether to make it residential or another use; and they came back with the idea of supporting the Historic District with an event space on the upper level.

Mr. Tyler stated that from an economic perspective, the event space will not work without the terrace because it is not large enough to act as an event space that had practical use for everyone in the District. The only way to make it functional was to have additional outdoor space that could be utilized as part of the event space.

Board Member Fuegi was not bothered by the terrace as long as it could not be seen from Heber Avenue. However, he was concerned about the need for umbrellas to provide shade, or tents during the winter. At that point, it was questionable whether it would remain invisible on the Heber Avenue side. Mr. Elliott stated that people would be visible; and they had not discussed restrictions for use on the terrace. They were willing to have that discussion. Mr. Tyler agreed with Mr. Fuegi that some events may require umbrellas or tents. However, there would be a limited scope and no permanent impact. Mr. Fuegi did not favor tents or any similar feature for the majority of the year. Mr. Elliott clarified that there were no permanent features designed for that space.

Chair Gezelius asked for the square footage of the deck. Mr. Tyler estimated 2,000 square feet. He noted that it was pulled back from all of the ends to address the visibility issue. Chair Gezelius understood that it would only be accessed from the event space. Mr. Tyler replied that she was correct. Chair Gezelius assumed that Mr. Elliott had addressed snow and drainage issues.

Ms. Morrison address Mr. Fuegi's questions about the potential use of the deck. She noted that the Code on Main Street was recently changed to allow more permanent structures on new decks. She thought the Riverhorse was a great example of building a permanent structure on their deck every winter. She was unsure how this deck would be considered under the new Code, but tents would be acceptable.

Board Member Fuegi noted that restrictions could be put in place as part of an approval. In his opinion, neither the deck nor the roof were big issues. He went to look at the roof earlier that day and he could not see it from Heber Avenue. It could possibly be seen from higher up on Main Street, but he did not believe that would be a problem. His issue was where the majority of the public would see it, and it thought it was clear that it could not be seen from Heber Avenue, which is the most predominant view of the roof.

Chair Gezelius asked if there was agreement to keep at least one barrel? Board Member Wintzer was in agreement with Ms. Franklin that the double vaulted barrels are important for the historic. Chair Gezelius assumed that would eliminate the deck.

Board Member Franklin did not believe their purview was to decide on the deck or the design of the deck. She appreciated the deck and idea of having the deck for business practices. Her other job is to put on events all over the world. She contracts rooftop terraces everywhere and she like them. From a visual perspective, she thought the deck on top of the double barrel roof enhances the historic feature that she mentioned in her comments about looking at the industrial historical feature of this type of modern industrial buildings in Park City. She understood it raises the height, which is a separate issue, but she honors the rooftop terrace. Ms. Franklin clarified that she preferred the term “rooftop terrace” rather than “deck” because of the double barrel rooftop.

Assistant City Attorney McLean clarified that there were two items with the Appeal. One was for the double barrel roof and the other was for the deck. Item 1 of the appeal expressed concerns with the roof and Item 3 were concerns related to the deck. Ms. McLean pointed out that economic benefit is not part of the Board’s purview. Whether or not a decision affects the applicant economically should not be considered.

Director Erickson suggested that the Board discuss whether the two bay bow string arch truss roof system is part of the historic character of the building in keeping with the Design Guidelines. Following that, they should determine whether the rooftop deck complies with the Historic District Design Guidelines, and whether or not the Staff erred in their determination. The next items for discussion should be the doors on the south façade, the windows on the west façade, and the doors on the north façade.

On the issue of whether the bow string arch two bay roof system is part of the historic character of this building consistent with the Design Guidelines, he understood that Board Members Wintzer and Franklin believed it was. Chair Gezelius stated that she thought it was part of the historic character.

Board Member Robinson thought the bow string structured roofs were not intended to be an architectural feature of the building, and that was evidence by

the way they were designed to disappear behind the parapets. He was not opposed to removing one of them in order to accommodate the upper deck. He was also comfortable with the deck because it was pushed back far enough not to be visible from Heber Avenue. He has also walked the area and he agreed with Mr. Fuegi that the most important fact was what the public could see from the street level.

Board Member Fuegi agreed with Mr. Robinson that the reason for the parapet was to hide the roof structure. He did not see it as being character defining for the general view of the public.

Chair Gezelius ask Mr. Fuegi if he was in favor of saving one of the barrel roofs and allowing the deck. Mr. Fuegi replied that he was not bothered by the deck as long as it was not permanently tented and it was restricted with normal regulations.

Chair Gezelius stated that she could be convinced in terms of voting to keep one arch and allowing the rooftop deck.

Assistant City Attorney McLean asked if there was a Guideline that speaks to whether the roof should be visible or not visible. The language in the Guideline is specific that it should not be altered; however, she understood their conversation regarding visibility. Planner Grahn noted that Guideline B1.1 says, "maintain the original roof form as well as any functional or decorative elements". She explained that because the barrel vault is not visible, she did not think it was meant to be a character defining feature. However, it is a historic part of the building. That was one reason why the Staff found it was important to retain one of the barrels.

Planner Grahn stated that the next Guideline was about rooftop additions being allowed on Main Street buildings. She noted that the Guidelines are not specific as to whether the rooftop additions are limited to flat roof buildings only, or any building. The Staff had spent considerable time working through this issue. She explained that one of the reasons they allowed the rooftop terrace or deck addition was because it was so low it was not visible or adding another mass to that structure. It also allowed them to retain one of the barrel vaults. The Staff did not feel as bad about losing the second barrel because it was not visible.

Ms. Morrison noted that Planner Grahn's comments did not address Universal Guideline #9, which says new additions should not destroy historic materials. Planner Grahn asked when an addition does not destroy some historic material in order to be added on. Assistant City Attorney McLean asked if there was language that addressed visibility. Planner Grahn replied that Universal Guideline #4 talks about distinctive materials, components, finishes, and examples of craftsmanship should be retained and preserved. She did not believe it was meant to be a distinctive material and part of this building. In her

opinion, it is not a character defining feature and, therefore, it was not a distinctive feature of the building. The BOA needed to decide whether the Staff erred in that determination.

Ms. Morrison reiterated that B1.1 says to maintain the original roof form. It does not specify visible or not visible, character defining or not character defining. She stated that the Historical Society has taken the position that there are Guidelines and those Guidelines should be used to make it fair for everyone.

Chair Gezelius stated that it would never add up no matter who writes the guidelines or who interprets them. If the guidelines are so restrictive and so onerous, no one will do anything. Chair Gezelius remarked that they do not want to stop progress and they want to save historic buildings. The goal is to get the Kimball garage functional again and integrated back into the community as a useful building.

Mr. Tyler thought it was important to understand that one of the Universal Guidelines is that nothing can be done that facilitates removal from the historic district. In his letter, Kirk Huffaker states that "The Utah Heritage Foundation expresses its support for the proposal to move forward we believe that none of the alterations proposed would precipitate the site being removed from the National Register of Historic Places". Mr. Tyler believed that was validation that they had done the right thing.

Chair Gezelius summarized that Board Members Fuegi Robinson, and herself supported the Staff's position. Board Members Wintzer and Franklin did not.

Chair Gezelius asked for comments on the windows. She asked if they thought the Staff's position was too generous in allowing the applicant to replace the windows, whether it was too restrictive, or whether they supported the Staff's determination.

Board Member Fuegi thought Mr. Elliott had raised a good point regarding restoration versus rehabilitation. In his opinion, unless windows are tight and functioning properly they are worthless. He is dealing with a set of windows on Main Street that are held together with paint. It is an ongoing maintenance nightmare, it is costly and not efficient. Mr. Fuegi thought replacing the windows was necessary in order for the building to function properly. He had looked at these windows and they were not serviceable.

Chair Gezelius asked if the other Board Members concurred with Board Member Fuegi's comments that the Staff's determination regarding replacing the windows is acceptable from the standpoint of maintenance and preservation of the building.

Board Member Robinson thought the key word was “serviceable”. He had also looked at the windows and agreed that they were not serviceable and should be replaced.

Board Member Wintzer stated that in reading Mr. Huffaker’s letter, he said that without further information he could not definitely conclude and agree that wholesale replacement of the steel windows on the west and north facades was the best option. If those windows could be repaired, she questioned why they had not been repaired over the years. Chair Gezelius believed there was evidence of attempts to repair those windows in the form of caulking, etc. Ms. Wintzer agreed with Board Members Fuegi and Robinson that just by looking at the windows they should be replaced.

Chair Gezelius summarized that there was consensus among the Boards to support the Staff’s determination.

Chair Gezelius called for comment on the Staff’s finding that the replacement of windows in certain places is acceptable. She asked about the lower level windows being increased in size, and whether anything in the request related to egress for fire safety. Mr. Elliott stated that there is a condition where that is an issue and it would allow for access and exiting from the lower level. They looked at it as the side of the building that was not intended to be presented to the public. They felt like it was the right location to add those windows and create the exiting needed for the lower level. Chair Gezelius clarified that putting larger windows on the service side of the building would not affect the front façade or anything historical that was visible from the two streets. Mr. Elliott replied that this was correct.

Board Member Wintzer noted that Planner Grahn had written no side light on one of the drawings. Planner Grahn explained that they allowed the applicant to change the windows to doors because it was on the rear elevation where it was not noticeable and would not affect the façade. They also asked that instead of doing side lights that they use shorter side windows to maintain the line across where the original windows were located.

Chair Gezelius asked for comment or ideas about the old service station bay area on the west facade with the corrugated metal area that is proposed to have windows that resemble the rest of the building in the front. Chair Gezelius pointed out that it was currently a blank wall. She thought it would add a great deal of light, visibility and usability to that space.

Board Member Franklin understood that if they concurred with the Staff Report and the Staff Findings that they would also be agreeing with the HDDR, specifically the historic preservation plan. She noted that the proposal is for all windows, yet the physical condition reports indicates that some of the windows are in good condition, some are in poor condition and some are in fair condition.

Mr. Elliott replied that the windows identified as good condition means that the steel has not rusted through. It did not talk about thermal performance or other activity that goes with the building.

Planner Grahn clarified that there were historic windows on this building as well as replacement windows. The replacement windows along the Park Avenue façade are in good condition. Mr. Elliott indicated the addition underneath the bay that were put in 40 years ago, and noted that the windows that were installed on Heber Avenue were in good condition. He stated that they were trying to take that façade closer to its original historic representation versus the change that was made to it. Mr. Tyler noted that the windows replaced in the 1970's do not match what the historic fenestration patterns looked like. They were trying to recreate the historic imagery, but that requires replacing all of the windows.

Board Member Wintzer asked if this was more in line with what the Historical Society would agree with if the window replacement was in accordance with the Historic District Guidelines. Ms. Morrison noted that the Guidelines indicate that the windows could be replaced if they were determined to be not useful or serviceable. She asked if it was appropriate for the applicant to make that determination or whether they should bring in an impartial expert to make that determination. Ms. Morrison stated that the intent of the Code is to keep as much historic material as possible. They want to preserve these structures for future generations. If they start allowing subtle changes they will lose more and more of the historic with each renovation project over the years.

Ms. Wintzer stated that she asked the question for clarification because she thought the Historical Society was saying that absolutely none of the windows could be changed. She was pleased that Ms. Morrison had clarified that they were only asking for an independent person to help make that assessment.

Board Member Franklin concurred with Board Member Wintzer and Ms. Morrison. Her concern was the language in the Staff report stating that all of the window systems would be replaced. Chair Gezelius asked if Ms. Franklin would prefer changing the language to "can be replaced subject to professional review". Ms. Franklin answered yes. She agreed that the Silver Star did a beautiful job. However, she did not think the windows on City Hall had the same historical feature. Mr. Elliott pointed out that the windows on City Hall were aluminum. They were proposing a steel window that was much closer in profile. Mr. Tyler pointed out that if they left even one historic window that was in reasonably good condition, they would still have the thermal issue. The only way to address that is through replacement; otherwise they would never meet an energy code requirement.

Director Erickson noted that the last item was the Heber Avenue doors. The Staff had determined that the doors were consistent with the design guidelines. The Appellant had determined that those doors were not historic and should not

be installed. He clarified that it was the door on the south façade. Planner Grahn explained that one door was on the actual historic façade, and the other door was a relocation of a door on the 1970's addition.

Board Member Robinson referred to the 1949 photo on page 25 of the Staff report. Figure 1 was circa 1930, which showed a single door on the south façade. He asked if that was the door being discussed. Director Erickson answered yes. Chair Gezelius referred to it as door number one. She understood that it was removed and the applicant wanted to put it back. Ms. Morrison noted that the blow up of that photo she provided shows two open bays on Heber Avenue and two open bays on Park Avenue. Planner Grahn pointed out that they were discussing two separate doors. Chair Gezelius clarified that she was talking about the door on the right. Ms. Morrison stated that the Historical Society did not have an issue with that door.

The Board members did not have any issues and agreed with the Staff determination.

Chair Gezelius asked for comments on the gasoline bays.

Board Member Franklin referred to figure 8 on page 35 of the Staff report and figure 10 on page 37. She thought the depth of the bay enclosure looked different. Figure 8 appears to have a bit of an entryway that is open to the outside. Figure 10 looks like it comes to the sidewalk depth. Mr. Elliott stated that it was shown that way in the 3-D rendering. Figure 10 is a flat 2-dimensional representation which does not show the depth. He pointed out that what was shown in 3-D is how they proposed it on the floor plan.

The Board members were comfortable with the Staff's determination.

Planner Grahn summarized that they had discussed the barrel vault and the roof deck; the additional door opening on Heber Avenue; the retention of the 1976 addition beneath the overhang; the steel windows, as well as making the opening on Park Avenue transparent by going to a window instead of being corrugated metal; and the windows that would become doors in the back.

Planner Grahn asked if the Board wanted to amend the Finding of Fact #20 to state that the BOA finds that the windows are no longer serviceable due to their deteriorated state. She assumed from the discussion that they should add a Conditional of Approval stating that a professional will be asked to look at the windows.

Planner Grahn amended Finding of Fact #20 to say, "The proposal complies with specific Design Guideline B5.2, and that the replacement steel windows will be allowed because the historic windows cannot be made safe and serviceable through repairs. The BOA finds that the windows are no longer serviceable due

to their deteriorated state. Replacement windows will exactly match the historic windows in size, dimension, glazing pattern, depth, profile and material.”

Director Erickson pointed out that the Board of Adjustment was requesting a professional independent review of the historic windows to determine whether or not they are serviceable. The Finding of Fact would be subject to that review by an independent window professional as shown in the condition of approval.

Board Member Franklin preferred to change the language to “those windows which are no longer serviceable”. When they talked about this being a much superior plan under the shadow of previous plans, she did not believe that much superior did not mean “superior”. She wanted to clarify language that would allow this project to move forward, but in a state that preserves the accurate historic nature of this building. Chair Gezelius suggested language stating that “The BOA questions that certain historic windows are no longer serviceable or may be in a deteriorated state. The BOA will require that an independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement.”

Mr. Tyler asked who would choose the specialist. Chair Gezelius stated that the specialist would have to be acceptable to the Staff. Director Erickson explained The Staff would approve the determination of the independent professional, agree or disagree with the recommendations, and make the changes in the HDDR.

Mr. Tyler asked if the Staff makes the determination that the condition has been satisfied. Director Erickson answered yes.

Planner Grahn amended the Condition of Approval to say, “An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement to the satisfaction of the Planning Director”.

Assistant City Attorney McLean noted that the Board had talked about placing restrictions on the rooftop deck. Chair Gezelius thought it should be subject to the same review as all other decks in the Historic District. Planner Grahn stated that a private event facility is a conditional use in the HRC zone, and it was scheduled for review by the Planning Commission in November. The Staff could let the Planning Commission know that during the appeal process the BOA was concerned about umbrellas, balcony enclosures, tents and other elements being permanently installed on the deck.

Board Member Wintzer was concerned that it would not be strong enough. She felt they whittled down the Historic District this evening for a number of reasons. Ms. Wintzer thought it was a mockery to talk about umbrellas and tents.

Chair Gezelius suggested that the Board ask the applicant and the Staff to prepare a basic set of ground rule guidelines regarding the deck use to be approved by either the Planning Director or an appropriate body. She did not believe the BOA should micro-manage that element of the deck. Director Erickson stated that the basis of their finding for the deck being in compliance with the Guidelines is that the deck had been moved back and it was not visible from public spaces. Therefore, the direction to the Planning Commission would be that as part of the conditional use process, no uses could occur on that deck which would cause visibility from those locations.

Ms. Wintzer agreed with Director Erickson's suggestion, but she pointed to Ms. Morrison's comment about the addition on the Riverhorse because the whole façade of that building was destroyed. Director Erickson stated that the Planning Commission should consider the discussion of the BOA with respect to the visibility of that deck, but he did not believe they could go more rigorous than that. He reminded everyone that one basis for the Staff to conclude that the deck was appropriate was that it did not include additional space such as a second story above the historic building. More of the historic building form was retained by not creating a second story above the bolstering truss bay, east.

The Finding of Fact is that the BOA finds that the rooftop deck is consistent with the Historic District Guidelines; however, part of the reason is that it is not generally visible from the Heber Avenue, Park Avenue, and Main Street elevations. Mr. Tyler requested that they specify permanent structures because people will be visible, as well as other things. Director Erickson suggested that they take that up with the Planning Commission.

Chair Gezelius asked about guidelines. Director Erickson stated that the Board of Adjustment action would be delivered to the Planning Commission as part of the conditional use permit. Assistant City Attorney McLean suggested that they speak to the Finding and condition it generally. Going to the Planning Commission on the special event issue is a separate impact that is not related to the Historic Guidelines. If the Board has concerns with permanent or temporary elements, and how long those items could be visible from the street are present, this would be the time to add a condition of approval with those restrictions.

Board Member Wintzer pointed out that she had not approved the removal of the double barrel roof in the discussion. She asked how that would affect her voting. Chair Gezelius stated that Ms. Wintzer could vote against the entire motion if she felt strongly about it.

Board Member Franklin asked for a condition of approval stating that in the event that this building is rehabilitated at a later time that it would be restored back to its previous double barrel roof form. Chair Gezelius replied that the BOA could not do that because they cannot tie the hands of future Board members.

MOTION: Board Member Fuegi moved to uphold the Staff Determination for 638 Park Avenue, the Kimball Garage, subject to the Findings of Fact as amended, the Condition of Approval, and the outlined Standard Project Conditions. Board Member Robinson seconded the motion.

VOTE: The motion passed 4-1. Board Members Gezelius, Fuegi, Robinson and Franklin voted in favor of the motion. Board Member Wintzer voted against the motion.

Findings of Fact – Kimball Garage

1. The property is located at 638 Park Avenue.
2. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
3. According to the Historic Sites Form, the historic Kimball Garage was constructed in 1929. The building underwent an extensive renovation that significantly altered the interior and exterior of the structure for use as the Kimball Art Center in 1975-1976. The structure was renovated again in 1999.
4. In 1979, the site was designated as contributory as part of the Park City Main Street Historic District nomination for the National Register of Historic Places.
5. The property is in the Historic Recreation Commercial (HRC) District and Heber Avenue Subzone.
6. On January 20, 2015, LCC Properties Group submitted a Historic District Design Review (HDDR) application for the Landmark property located at 638 Park Avenue.
7. On June 20, 2016, staff approved the Historic District Design Review (HDDR) application for the site.
8. On June 30, 2016, the City received an appeal of a Historic District Design Review (HDDR) application approved by the Planning Department on June 20, 2016 at 638 Park Avenue.
9. This appeal was submitted by Sandra Morrison, representing the Park City Historical Society and Museum.
10. Pursuant to LMC § 15-1-18 (D) Standing to Appeal, the Park City Historical Society and Museum has standing to appeal the HDDR final action because they submitted written comment and testified on the proposal before the Planning Department.

11. The proposal complies with Universal Guideline #3 in that the historic exterior features of a building will be retained and preserved.

12. The proposal complies with Universal Guideline #4 in that distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. The owner will reproduce missing historic elements that were original to the building, but have been removed, such as the original entrance along Heber Avenue. Physical or photographic evidence will be used to substantiate the reproduction of missing features.

13. The proposal complies with Universal Guideline #5 in that deteriorated or damaged historic features and elements should be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element should match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The owner has demonstrated that the historic and early replacement steel frame windows are beyond repair and the owner will be replacing the remaining steel-frame windows along Park Avenue and the rear (north) elevation due to their poor condition.

14. The proposal complies with Universal Guideline #6 in that features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines, such as incompatible windows, aluminum soffits, or iron porch supports or railings, may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. The applicant will maintain a non-historic ca. 1976 glass addition beneath the overhang of the original fueling station. Staff finds that this addition was sensitively designed so as not to detract from the historic structure and is compatible with the historic building.

15. The proposal complies with Universal Guideline #10 in that the new additions and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

16. The proposal complies with Specific Design Guideline B.1.1 in that the owner will maintain the original roof form, the western barrel vault, as well as any functional and decorative elements.

17. The proposal complies with Specific Design Guideline B.2.1 in that the primary and secondary facade components, such as window/door configuration, wall planes, recesses, bays, and entryways should be maintained in their original location on the façade.

18. The proposal complies with Specific Design Guideline B.4.1 in that the owner will maintain historic door openings, doors, and door surrounds on the Heber and Park Avenue facades.

19. The proposal complies with Specific Design Guideline B.5.1 in that the owner will maintain historic window openings, windows, and window surrounds on the primary facades.

20. The proposal complies with Specific Design Guideline B.5.2 in that the replacement steel windows will be allowed because the historic windows cannot be made safe and serviceable through repair. The BOA questions that certain historic windows are no longer serviceable or may be in a deteriorated state. The BOA will require that an independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement. Replacement windows will exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material.

21. The proposal complies with Specific Design Guideline MSHS3 in that traditional orientation with the primary entrance on Heber Avenue will be maintained.

22. The proposal complies with Specific Design Guideline MSHS6 in that rooftop additions may be allowed. The proposed rooftop deck does not exceed one story and will be set back from the primary façade so that it is not visible from the primary public right-of-way.

23. The proposed renovation and new addition meet all setbacks and has increased setbacks from the minimum towards the north side yard area.

24. Staff does not find that the proposed plan will substantially diminish the character of the neighborhood nor will it cause the structure to lose its local designation as a Landmark structure or its eligibility for the National Register of Historic Places.

25. The proposal complies with Universal Design Guidelines #9 in that the c.1976 exterior alteration does not destroy historic materials, features, and spatial relationships that characterize the site or building. The divided-light glass entry addition beneath the overhang on the west side of the building is visually subordinate to the historic building when viewed from the primary public right-of-way. The addition does not obscure or contribute significantly to the loss of historic materials.

26. The proposal complies with Specific Design Guidelines B.1. Roofs. The BOA has determined that the original roof form, consisting of two (2) barrel vaults running north-to-south are not character-defining features of the historic structure, and, thus, the applicant will only be required to maintain the western barrel-vault.

27. The proposal complies with Specific Design Guidelines B.5. Windows. The applicant will maintain historic window openings and window surrounds on the Park Avenue and Heber Avenue facades; the remaining historic and non-historic steel window will be replaced with new windows that exactly match the historic in size, dimensions, glazing pattern, depth, profile, and material. No storms are proposed at this time.

28. The proposal complies with Specific Design Guidelines D.1. Protection for Historic Structures and Sites. The addition will be visually subordinate to the historic building when viewed from the primary public rights-of-way of Park and Heber Avenue. The addition will not obscure or contribute significantly to the loss of historic materials as the applicant proposes to retain the west barrel-vaulted roof form.

29. The proposal complies with Supplemental Rehabilitation Guidelines—Main Street National Register Historic District. The proposed project will not cause the building or district to be removed from the National Register of Historic Places. The alignment and setback along Main Street are character-defining features of the district and will be preserved. Traditional orientation with the primary entrances of the new addition on Main Street will be maintained. The rooftop deck addition will not exceed one story in height and will be set back from the primary façade so that it is not visible from the primary public right-of-way. The BOA finds that the rooftop deck is consistent with the Historic District Guidelines as it is not generally visible from the Park Avenue and Heber Avenue rights-of-way.

30. Pursuant to LMC 15-1-18(G), the Board of Adjustment shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The appellant fails to specifically indicate how staff erred.

Conclusion of Law – Kimball Garage

1. The proposal complies with the Park City Design Guidelines for Historic Districts and Historic Sites.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Recreation Commercial (HRC) District.

Order

1. The appeal is denied and Staff’s determination is upheld.

Condition of Approval – Kimball Garage

1. An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement in satisfaction of the Planning Director.

Chair Gezelius adjourned the meeting at 7:32 p.m.

Approved by _____

Ruth Gezelius, Chair
Board of Adjustment

Board of Adjustment Staff Report

Subject: Star Hotel at 227 Main Street
Author: Anya Grahn, Historic Preservation Planner
Hannah Turpen, Planner
Project Number: PL-16-03371
Date: January 17, 2017
Type of Item: Quasi-Judicial – Appeal of Historic Preservation Board’s
Determination of Significance (DOS)

Summary Recommendations

Staff recommends the Board of Adjustment (BOA) hold a public hearing and continue the public hearing of an appeal of the Historic Preservation Board’s (HPB) Determination of Significance (DOS) of the building at 227 Main Street to a date uncertain.

Description

Applicant: Westlake Land LLC (Represented by Todd Cusick)
Location: Historic Commercial Business (HCB)
Adjacent Land Uses: Historic single-family residences, parking lot, Main Street Commercial District
Reason for Review: Appeal of the Historic Preservation Board’s determination of significance of the historic site at 227 Main Street, the Star Hotel.

Summary of Proposal

The applicant has requested the BOA to continue the appeal of the DOS as they need additional time to review their development options for the site.